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CODIFIED ORDINANCES OF HIGHLAND PARK

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CHAPTER 1220

Planning Commission

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CROSS REFERENCES

Establishment of Planning Commission - see CHTR. Sec. 7-11

Freedom of Information Act - see M.C.L.A. Secs. 15.231 et seq.

Open Meeting Act - see M.C.L.A. Secs. 15.261 et seq.

Municipal Planning Commission - see M.C.L.A. Secs. 125.31 et seq.

Official Map Act - see M.C.L.A. Secs. 125.51 et seq.

Zoning Enabling Act - see M.C.L.A. Sec. 125.584

Municipal Parking System Fund - see TRAF. 486.04

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Urban renewal activities - see P. & Z. Ch. 1322

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Historic conservation - see P. & Z. Ch. 1326

1220.01 ESTABLISHMENT; AUTHORITY.

There shall be a Planning Commission which shall perform its duties and exercise its power as provided in Section 7-11 of the City Charter and in the following State statutes:

(a) Public Act 207 of 1921, the Zoning Enabling Act;

(b) Public Act 285 of 1931, the Municipal Planning Commission Act; and

(c) Public Act 222 of 1943, the Official Map Act.

(Ord. 1134. Passed 10-15-84.)

1220.02 MEMBERSHIP; COMPENSATION.

(a) Membership. The Planning Commission shall consist of nine members. The members shall be appointed by the Mayor with the approval of Council. As provided by the City Charter, one member of the Commission may be a nonresident of the City who has an interest in the planning of the City.

(1) As far as possible, the members of the Commission shall represent different professions and occupations.

(2) The term of appointment to the Commission shall be three years. The terms of three Commissioners expire each year, on the last day of June.

(3) After a public hearing, a member of the Commission may be removed by the Mayor for neglect of duty or malfeasance in office.

(4) Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the Mayor, with the approval of Council.

(b) Compensation. Members of the Commission may receive such compensation as may be determined by resolution of Council. (Ord. 1134. Passed 10-15-84.)

1220.03 OFFICE LOCATION.

The office of the Planning Commission shall be the office of the Director of Planning. All records of the Commission shall be kept in the office of the Commission.

(Ord. 1134. Passed 10-15-84.)

1220.04 OFFICERS.

The officers of the Planning Commission shall be the Chairman, the Vice Chairman and the Executive Secretary. The Commission may provide for other officers through its bylaws.

(a) Chairman. The Chairman shall preside at all meetings of the Commission. At these meetings the Chairman shall decide all points of order or procedure, unless otherwise directed by a majority of the Commission in session at that time. The Chairman shall appoint any special committees that may be established.

(b) Vice Chairman. The Vice Chairman shall perform the duties of the Chairman during the absence or incapacity of the Chairman.

(c) Executive Secretary. The Executive Secretary shall be the Director of Planning.

(1) The Executive Secretary shall keep the records of the Commission, shall act as the Secretary at the meetings of the Commission and record all votes, shall keep a record of the proceedings of the Commission in a journal of proceedings to be kept for such purpose and shall perform all duties incident to his or her office.

(2) In the absence of the Director, the deputy or another designated person shall act in his or her capacity as Executive Secretary.

(Ord. 1134. Passed 10-15-84.)

1220.05 BYLAWS: PUBLIC MEETINGS; MINUTES.

The Planning Commission may prepare a set of bylaws, which shall be adopted by a two-thirds vote of the Commission and which shall be submitted to Council to be received and filed. These bylaws shall specify the meeting times of the Commission, procedures to select officers, the order of business to be followed at Commission meetings, procedures and other matters related to the business of the Commission. Meetings of the Commission shall be open to the public and minutes of Commission meetings shall be a public record.

(Ord. 1134. Passed 10-15-84.)

1220.06 RESPONSIBILITIES.

The Planning Commission shall have all duties and powers granted by State law, the City Charter and City ordinances. More specifically, the Commission shall have the following duties:

(a) Master Plan. The Commission shall supervise the preparation and revision of the Master Plan. The general purpose of the Master Plan is to coordinate the harmonious development of the City (in accordance with present and future needs) in order to promote health, safety, convenience and general welfare, as well as efficiency and economy in the process of development.

(b) Capital Improvement Plan. In order to further the development of the City along the general lines specified by the Master Plan, the Commission shall supervise the preparation of a six-year comprehensive program of phased improvements, to be revised annually.

(c) Zoning Code. In order to coordinate the regulation of the use of land with the Master Plan, the Commission shall review all proposed changes to the Zoning Code and petitions for variances and/or conditional uses, and shall make recommendation to the appropriate public body concerning such proposed changes.

The Commission, at intervals of not less than three years, shall examine all provisions of the Zoning Code and shall submit a report to Council recommending changes, if any, deemed desirable in the interest of the public health, safety and welfare.

(d) Subdivision Regulations. As provided in the Subdivision Regulations, the Commission shall review all petitions to subdivide land, to vacate existing streets and alleys or to dedicate new public rights of way.

(e) Official Map. The Commission may, from time to time, certify to Council detailed and precise plats, each showing the exact location of the proposed future outside lines of one or more new, extended or widened streets, avenues, places or other public ways, or of one or more parks, playgrounds or other public grounds, or extensions thereof, shown on the adopted Master Plan. At the time of each such certification to Council, the Commission shall transmit an estimate of the time period for the land acquisition for public use indicated, as well as an estimate of the total costs of the contemplated public improvement.

(f) Site Plan and Facade Review. As provided in the Zoning Code, the Commission may review graphic plans and elevations in order to ensure that proposed construction will be suitable for the intended use, will be harmonious with the character of the adjacent district and will conserve the values of the buildings therein.

(g) Annual Report. The Commission shall, annually, upon the request of Council, make a written report of the work of the Commission during the preceding year. The report shall be certified by the Commission, entered into record by the City Clerk and published in such a manner as Council may direct. The Commission shall also make such other reports as Council may require.

(h) Planning Budget. The Commission shall transmit to Council its estimate of the amount of money required for its purposes for the ensuing fiscal year, in the manner specified by the City Charter.

(i) Appointment of Planning Director. As provided in the City Charter, the Commission shall, subject to confirmation by the Mayor, appoint the Director of Planning.

(Ord. 1134. Passed 10-15-84.)

1220.07 MEETINGS.

The Planning Commission shall conduct regularly scheduled meetings which shall be open to the public, as follows:

(a) Notice. Notice of meetings, including an agenda of matters to be considered, shall be mailed to all community organizations which have requested such notice in writing. Notice shall also be sent to any existing historical preservation societies, the Mayor, Council, the Building Official, the Planning Director and the Community Development Director and shall be posted at City Hall and at the office of the Commission.

(b) Opportunity to be Heard. Interested persons shall be given reasonable opportunity to be heard on any matter before the Commission before it reaches a decision.

(c) Participation by City Staff. The Building Official, the Planning Director and the Community Development Director may participate in meetings of the Commission on the same basis as members, except that these officers (or their designees) shall not have voting rights on any matter taken up by the Commission, including matters of procedure, and shall not be counted as members for any purpose.

(d) Record of Meetings. The Commission shall keep a record of its resolutions, proceedings and actions. Copies of these records shall be made available to the public.

(Ord. 1134. Passed 10-15-84.)

1220.08 STAFF AND ASSISTANCE.

(a) City Staff. Subject to budget constraints, adequate staff for the Planning Commission shall be provided by the Community Development Department or other such departments as the Mayor may designate.

(b) Non-City Staff. The Commission may also utilize the services of volunteer consultants and paid consultants, within the limits of available funding.

(c) Delegation of Authority. The Commission may delegate to its staff such responsibility and authority as it determines will be appropriate to carry out routine enforcement activities. Any such delegation of authority shall be recorded in the bylaws.

(Ord. 1134. Passed 10-15-84.)

1220.09 BOARD OF APPEALS REVIEW.

Any person aggrieved by a decision of the Planning Commission may apply to the Uniform Board of Appeals for an administrative review or for a variance, under the provisions of Chapter 1288. (Ord. 1134. Passed 10-15-84.)

1220.10 REPEAL OF PRIOR LEGISLATION; CONTINUATION IN OFFICE OF EXISTING MEMBERS.

Ordinance 775, as amended, entitled "An Ordinance to Establish the Highland Park Planning Commission" is hereby repealed.

The members of the Planning Commission, appointed pursuant to Ordinance 775, are hereby retained until their three-year terms of office expire.

(Ord. 1134. Passed 10-15-84.)

CHAPTER 1222

Zoning Board of Appeals

EDITOR'S NOTE: The Uniform Board of Appeals serves as the Zoning Board of Appeals. Provisions relating to the Uniform Board of Appeals are codified in Chapter 1440 of Part Fourteen - the Building and Housing Code. Provisions relating to Board review in the administration and enforcement of the Zoning Code are codified in Chapter 1288 of this Part Twelve - the Planning and Zoning Code.

There are no sections in Chapter 1222. This chapter has been established to provide a place for cross references only.

CROSS REFERENCES

Freedom of Information Act - see M.C.L.A. Secs. 15.231 et seq.

Open Meeting Act - see M.C.L.A. Secs. 15.261 et seq.

Zoning Board of Appeals - see M.C.L.A. Sec. 125.585

Variances; subdivision controls - see P. & Z. 1240.08

Reclassification; nonconformities - see P. & Z. 1266.03(d)

Industrial performance standards - see P. & Z. 1270.07, 1270.08

Board of Appeals review; zoning - see P. & Z. Ch. 1288

Uniform Board of Appeals - see B. & H. Ch. 1440

CHAPTER 1224

Citizens' District Council

EDITOR'S NOTE: Ordinance 1026, passed January 20, 1975, as amended by Ordinance 1049, passed January 6, 1976, provided for the establishment of a Citizens' District Council and Neighborhood Planning Councils, pursuant to Act 344 of the Public Acts of 1945, as amended, and Act 323 of the Public Acts of 1966, as amended, respectively.

There are no sections in Chapter 1224. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Freedom of Information Act - see M.C.L.A. Secs. 15.231 et seq.

Open Meeting Act - see M.C.L.A. Secs. 15.261 et seq.

Blighted area rehabilitation (P.A. 344 of 1945) - see M.C.L.A. Secs. 125.71 et seq.

Persons displaced by urban renewal (P.A. 323 of 1966) - see M.C.L.A. Secs. 125.961 et seq.

Department of Community Development - see ADM. Ch. 242

Acquisition and redevelopment areas - see P. & Z. Ch. 1322

Tax increment areas - see P. & Z. Ch. 1328

CHAPTER 1226

Economic Development Corporation

EDITOR'S NOTE: Resolution 437, passed June 2, 1980, authorized the establishment of an Economic Development Corporation in and for the City.

There are no sections in Chapter 1226. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Economic Development Corporation (P.A. 338 of 1974) - see M.C.L.A. Secs. 125.1531 et seq.

Plant rehabilitation and industrial development districts (P.A. 198 of 1974) - see M.C.L.A. Secs. 207.551 et seq.

CHAPTER 1230

Tax Increment Finance Authority

EDITOR'S NOTE: Resolution 234, passed June 18, 1984, authorized the establishment of a Tax Increment Finance Authority and also designated the boundaries of the Tax Increment Finance Authority District.

There are no sections in Chapter 1230. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Tax Increment Area Overlay Districts - see P. & Z. Ch. 1328

CHAPTER 1232

Traffic Committee

EDITOR'S NOTE: Provisions relating to the Traffic Committee are codified in Section 422.04 of Part Four - the Traffic and Parking Code.

There are no sections in Chapter 1232. This chapter has been established to provide a place for cross references only.

CROSS REFERENCES

Subdivision plat approval - see P. & Z. 1242.03(e)

Collective parking provisions - see P. & Z. 1268.06(c)

Conditional use review - see P. & Z. 1286.04(b)(3)

Variance review - see P. & Z. 1288.05(b)(3)

TITLE FOUR - Subdivision Regulations

Chap. 1240. General Provisions, Definitions and Penalty.

Chap. 1242. Procedures for Plat Approval.

Chap. 1244. Design and Improvement Standards.

Chap. 1246. Modification of Existing Plats.

CHAPTER 1240

General Provisions, Definitions and Penalty

1240.01 Short title.

1240.02 Application; intent.

1240.03 Purposes.

1240.04 Compliance required.

1240.05 Interpretation; conflicts of laws.

1240.06 Separability.

1240.07 Record of conflicts.

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1240.09 Rules of construction.

1240.10 Definitions.

1240.99 Penalty.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Planning Commission - see P. & Z. Ch. 1220

1240.01 SHORT TITLE.

This Title Four of Part Twelve of these Codified Ordinances shall be known and may be cited as the "Subdivision Control Ordinance of the City of Highland Park" or just the "Subdivision Regulations."

(Ord. 1094. Passed 9-2-80.)

1240.02 APPLICATION; INTENT.

These Subdivision Regulations shall:

- (a) Apply to all land in the City;
- (b) Regulate the subdivision of land and regulate and restrict the location, use and physical features of public improvements constructed in the City; and
- (c) Provide administrative procedures for the enforcement of these Subdivision Regulations and impose penalties for the violation of any of the provisions thereof.

(Ord. 1094. Passed 9-2-80.)

1240.03 PURPOSES.

The purposes of these Subdivision Regulations are:

- (a) To provide for orderly growth and the harmonious development of the community;
- (b) To secure adequate traffic circulation through a street system coordinated with relation to major thoroughfares, adjoining subdivisions and public facilities, to achieve individual property lots of maximum utility and livability;
- (c) To secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements;
- (d) To secure adequate provisions for recreational areas, school sites and other public facilities; and
- (e) To provide logical procedures for the achievement of these purposes.

(Ord. 1094. Passed 9-2-80.)

1240.04 COMPLIANCE REQUIRED.

No parcel of land shall be subdivided or split into smaller parcels of land in the City except as specifically, or by necessary implication, authorized by these Subdivision Regulations. The approvals required under these Subdivision Regulations shall be obtained prior to the installation of any subdivision or project improvement in the City, in public streets, public alleys, public rights of way or public easements, and/or under the ultimate jurisdiction of the City. All subdivision or project improvements in the City installed in public streets, public alleys, public rights of way or public easements, and/or under the ultimate jurisdiction of the City, shall comply with these Subdivision Regulations or any other related ordinance.

(Ord. 1094. Passed 9-2-80.)

1240.05 INTERPRETATION; CONFLICTS OF LAWS.

- (a) These Subdivision Regulations shall be held to be the minimum requirements adopted for the promotion and preservation of the public health, safety and general welfare of the City. These Subdivision Regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the City, or conflict with any statute of the State or the County, except that these Subdivision Regulations shall prevail in cases where they impose a greater restriction than is provided by existing statutes, laws or regulations.
- (b) These Subdivision Regulations are not intended to interfere with, abrogate or annul an ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with these

Subdivision Regulations, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with these Subdivision Regulations.

(c) These Subdivision Regulations are not intended to interfere with, abrogate or annul an easement, covenant or other agreement between parties.

(Ord. 1094. Passed 9-2-80.)

1240.06 SEPARABILITY.

If a section, paragraph, clause, phrase or part of these Subdivision Regulations is for any reason held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Subdivision Regulations. The application of such provisions to a person or circumstance shall not be affected thereby.

(Ord. 1094. Passed 9-2-80.)

1240.07 RECORD OF CONFLICTS.

The Executive Secretary of the Planning Commission shall keep a record of incidences of laws conflicting with these Subdivision Regulations and shall, from time to time, after consultation with the Law Department, suggest changes to either these Subdivision Regulations or other conflicting ordinances such that potential conflicts within these Codified Ordinances are eliminated.

(Ord. 1094. Passed 9-2-80.)

1240.08 VARIANCES; AUTHORITY OF ZONING BOARD OF APPEALS.

The Board of Zoning Appeals may authorize a variance from these Subdivision Regulations when, in its opinion, undue hardship may result from strict compliance therewith. In granting a variance, the Board shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required in this section, the Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and traffic conditions in the vicinity. No variance shall be granted unless the Board finds that:

(a) There are special circumstances or conditions affecting the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of his or her land.

(b) The variance is necessary for the preservation and enjoyment of substantial property right of the petitioner.

(c) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

(Ord. 1094. Passed 9-2-80.)

1240.09 RULES OF CONSTRUCTION.

- (a) The particular shall control the general.
- (b) The words "building" and "structure" include any part thereof.
- (c) The phrase "use for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- (d) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by "and," "or" or "either or," such words shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that all the connected items, conditions, provisions or events may apply singly or in combination.
 - (3) "Eitheror" indicates that the connected items, conditions, provisions or events apply singly but not in combination.
- (e) References to section numbers include the section referred to and any further subsections contained therein.

(Ord. 1094. Passed 9-2-80.)

1240.10 DEFINITIONS.

As used in these Subdivision Regulations, all terms as defined in the Subdivision Act (Act 288 of the Public Acts of 1967, as amended) shall control, unless indicated to the contrary in this section. In addition:

- (a) "Block" means property surrounded by, but not separated by, a street or unsubdivided acreage, or by any such street or unsubdivided acreage and any other barrier to the continuity of the development.
- (b) "Board of Appeals" means the Board of Zoning Appeals of the City.
- (c) "City Engineer" means the staff engineer or consulting engineer of the City, normally the Director of Public Works.
- (d) "Clerk" means the elected Clerk of the City.

(e) "Commission" means the Planning Commission of the City.

(f) "Easement" means a quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, a particular person or part of the public, for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the uses.

(g) "Engineer" means a professional who is registered in the State.

(h) "Improvements" means street pavements, curbs, gutters, sidewalks, water mains, sanitary and storm sewers, street trees and other additions to the natural state of the land which increase its value, utility or habitability.

(i) "Lot" means a measured portion of a tract of land, which is described and fixed in a recorded plat.

(j) "Lot split" means the division of a lot into more than one but less than five parcels.

(k) "Master Plan" means the Comprehensive Plan, whether officially adopted or adopted in principal, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts and all physical developments of the City and including any unit or part of such plan separately adopted and any amendment to such plan or part thereof adopted by the Planning Commission.

(l) "Master Thoroughfare Plan" means that part of the Master Plan which contains general design criteria for streets and thoroughfares and which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

(m) "Outlot" means a lot within a recorded plat set aside for purposes other than a building site or land dedicated to public use.

(n) "Parcel" means a continuous portion of land under one ownership.

(o) "Planner" means the staff planner or consulting planner of the City, normally the Director of the Planning Department.

(p) "Plat" means a map or chart of a subdivision of land. Types of plats mentioned in these Subdivision Regulations are as follows:

(1) "Preliminary plat (stage one)" means the map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in these Subdivision Regulations.

(2) "Preliminary plat (stage two)" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformity with the Subdivision Act.

(3) "Final plat" means a map of all or part of a subdivision providing substantial conformity to the preliminary plat of the subdivision prepared in conformity with the requirements of the Subdivision Act and these Subdivision Regulations and suitable for recording by the County Registrar of Deeds.

(q) "Street" means a street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal roadway; a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Registrar of Deeds. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns. Types of streets mentioned in these Subdivision Regulations are as follows:

(1) "Alley" means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

(2) "Boulevard street" means a street development to two two-lane, one-way pavements separated by a median.

(3) "Collector street" means a street intended to serve as a major means of access from minor streets to major thoroughfares and which has considerable continuity within the framework of the Major Thoroughfare Plan.

(4) "Cul-de-sac street" means a short minor street having one end permanently terminated by a vehicular turn-around.

(5) "Major thoroughfare" means an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated in the Master Thoroughfare Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

(6) "Marginal access street" means a minor street parallel and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

(7) "Minor street" means a street of limited continuity used primarily for access to abutting residential properties.

(8) "Turn-around" means a short boulevard street permanently terminated by a vehicular turn-around.

(r) "Subdivider" means a person proceeding under these Subdivision Regulations to effect a subdivision of land for himself or herself or for another. "Subdivider" includes the word "proprietor," as used in the Subdivision Act. When the City is the subdivider, as is the case with assessors' plats and urban renewal plats, the subdivider shall be exempted from locally specified fees and escrow deposits.

(s) "Subdivision" means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land (each of which is ten acres or less in area) or five or more parcels of land (each of which is ten acres or less in area) are created by successive division within ten years.

(t) "Subdivision Act" means Act 288 of the Public Acts of 1967, as amended, which mandates certain procedures and design criteria for the subdivision of land.

(u) "Subdivision Regulations" or "these Regulations" means Ordinance 1094, passed September 2, 1980, as amended, codified herein as Title Four of Part Twelve - the Planning and Zoning Code.

(v) "Urban renewal plats" means plats authorized by Council, as provided in Act 344 of the Public Acts of 1945, as amended, being M.C.L. 125.71 to 125.83, which shall conform to these Subdivision Regulations.

(w) "Walkway" means an area and improvements, either dedicated to the public or on private property, intended to provide for pedestrian access and movement.

(Ord. 1094. Passed 9-2-80.)

1240.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations shall be fined not more than five hundred dollars (\$500.00) and the cost of prosecution or, in default of the payment thereof, be imprisoned in the County Jail not more than ninety days, or both, at the discretion of the Court. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 1094. Passed 9-2-80.)

CHAPTER 1242

Procedures for Plat Approval

1242.01 Pre-application.

1242.02 Preliminary plat specifications.

1242.03 Preliminary plat approval, stage one.

1242.04 Preliminary plat approval, stage two.

1242.05 Final plat specifications.

1242.06 Final plat approval.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Planning Commission - see P. & Z. Ch. 1220

Modifications of existing plats - see P. & Z. Ch. 1246

1242.01 PRE-APPLICATION.

(a) Preliminary Investigation. Prior to the preparation of a preliminary plat, the subdivider should meet informally with the planner to investigate the procedures and standards of the City. It is the responsibility of the subdivider to:

(1) Familiarize himself or herself with the Zoning Code, these Subdivision Regulations, the Master Plan, the Master Thoroughfare Plan, design standards and other ordinances or controls relative to the subdivision and improvement of land, so as to make himself or herself aware of the requirements of the City;

(2) Review the existing zoning of the proposed subdivision to determine if it is zoned for the intended use;

(3) Review the development options of the Zoning Code to determine the feasibility of utilizing one of these approaches;

(4) Investigate the standards for sewage disposal, water supply and drainage of the City and other reviewing agencies which may include the State, the County and the Detroit Metropolitan Water Department;

(5) Investigate the adequacy of existing schools and public open spaces, including parks and playgrounds, to serve the proposed subdivision; and

(6) Review the Subdivision Act and the requirements of the State and County agencies which are required by such Act to review and approve the plat.

(b) Sketch Plan Review. The subdivider is encouraged to submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. The Executive Secretary of the Planning Commission shall return within fifteen days the submitted sketch plans to the subdivider and shall inform the subdivider where the plans do not comply with these Subdivision Regulations. No fee shall be charged for the pre-application review and no formal application shall be required.

(Ord. 1094. Passed 9-2-80.)

1242.02 PRELIMINARY PLAT SPECIFICATIONS.

(a) Plat Preparation and Contents. The preliminary plat shall be designed and drawn by a registered professional engineer or a registered land surveyor. It shall contain the following information:

(1) All items as required by the Subdivision Act and by the administrative rules of the State Departments of Treasury, State Highways, Conservation and Public Health as they relate to such Act;

(2) The location of the proposed subdivision by section, town and range, including a legal description;

(3) The date of preparation;

(4) A north arrow;

(5) The scale of the plat, which shall be a minimum of fifty feet to an inch; and

(6) The proposed name of the subdivision and its acreage.

The preliminary plat shall be drawn on sheets of paper eighteen inches by twenty-four inches. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map, on a separate sheet, of reduced scale.

(b) Existing Conditions. The preliminary plat shall include:

(1) A location map showing the relationship of the proposed subdivision to the surrounding area, including schools, shopping areas, parks and other community facilities. The location shall be drawn to a minimum scale of 200 feet to an inch and shall include all areas which lie within one-half mile of the subdivision boundaries in all directions.

(2) The location of significant natural features, such as natural watercourses, bodies of water, stands of trees and individual trees, apart from stands of trees, having a caliper of twelve inches or greater, two feet above existing grade, within the area to be platted;

(3) The boundary line of the proposed subdivision, and the section or corporation lines within or adjacent to the proposed subdivision;

(4) Adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision;

(5) The location, width and name of every existing or prior platted public or private street and public easement within or adjacent to the tract being proposed for subdivision;

(6) The location of existing sewers, water mains, storm drains and other underground facilities within and, if necessary, adjacent to the tract being proposed for subdivision;

(7) The location and size of all easements within and, if necessary, adjacent to the tract being proposed for subdivision;

(8) The topography drawn at two-foot contour intervals, such topography to be based on U.S.G.S. data; and

(9) The location of floor plains, severe variations in topography and other similar areas having difficult or potentially unbuildable physical conditions.

(c) Proposed Conditions. The preliminary plat shall include:

(1) A layout of streets, right-of-way widths and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways;

(2) A layout, and the numbers and dimensions, of lots, including building setback lines showing dimensions;

(3) An identification of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision, or land set aside for future street connections to adjacent tracts;

(4) An identification of all major easements, as determined to be necessary by the City Engineer. Minimum lot areas and dimensions shall be computed excluding such easements.

(5) An indication of how all parcels identified as "outlots" or "excepted" could be developed in accordance with the requirements of the existing zoning district while maintaining an acceptable relationship to the layout of the proposed preliminary plat; and

(6) An indication of the means by which significant natural features, such as stands of trees and individual trees having a caliper of twelve inches or greater, two feet above existing grade, are to be preserved in conjunction with the development of the proposed subdivision.

(Ord. 1094. Passed 9-2-80.)

1242.03 PRELIMINARY PLAT APPROVAL, STAGE ONE.

(a) Submission. At least ten days prior to a regular meeting of the Planning Commission, the subdivider shall submit to the office of the City Engineer:

(1) Ten copies of the preliminary plat, at least one of which shall be reproducible on a blueprint machine;

(2) A plat review fee of five dollars (\$5.00) per lot, to be paid at the time of application for tentative approval of the preliminary plat; and

(3) Plans indicating the improvements intended in proposed park or open space areas intended to be dedicated or set aside for the public use or for the use of property owners in the subdivision. This submittal shall be accompanied by proposed agreements, private restrictions and/or subdivision association bylaws showing the manner in which such areas and facilities are to be maintained.

(b) Departmental Review.

(1) The office of the City Engineer shall retain two copies of the plat for its records, submit one copy to the office of the City Clerk and forward the balance of the plats to the Planning Department.

(2) The planner shall check for completeness of the preliminary plat. Should any of the data required in Section 1242.02 be omitted, the planner shall notify the subdivider of the additional data required. Further action shall be delayed until the required data is received.

(3) The planner shall forward copies of the preliminary plat to all affected City departments for their review and recommendation. The planner shall contact the subdivider to explain any recommendation of a City department and seek his or her cooperation in amending the plat, if necessary.

(c) Planning Commission Review.

(1) When the plat has been revised (if necessary), the planner shall place the plat on the agenda of the next regular Planning Commission meeting and inform the subdivider and owners of the land immediately abutting the property to be platted of the submission of the plat and the time, place and date of the meeting of the Planning Commission at which the plat will be considered.

(2) The Planning Commission, upon completion of its review, and within forty-five days of the date of submission by the subdivider, shall make one of the following recommendations:

A. Tentative approval of the preliminary plat;

B. Disapproval of the preliminary plat, with the reasons for the disapproval to be recorded in the minutes of the meeting, a copy of the minutes to be sent to the subdivider; or

C. Provisional approval conditioned upon specified conditions which shall be recorded in the minutes of the meeting. If provisional approval is given to a subdivision plat, the subdivider shall submit amended plans, containing the specified revisions, within ten days of the date of such approval. If revised plans are timely submitted and the revisions meet the approval of the Executive Secretary of the Planning Commission as conforming to the conditions laid down by the Commission, the plat shall be submitted to Council with a recommendation for tentative approval. If plans are not received within ten days, the plat shall be submitted to Council with a recommendation for disapproval.

(3) The act of giving approval (either tentative or provisional) of the plat shall be considered to be an act amending the Thoroughfare Plan of the Master Plan to the extent that the Master Plan is made consistent with the preliminary plat.

(d) Council Review.

(1) After the receipt of the recommendations of the Planning Commission, the Director of Public Works and such other officials as deemed necessary by the Mayor, the City Clerk shall place the preliminary plat on the Council agenda.

(2) Within ninety days from the date of submission of the plat, Council shall:

A. Tentatively approve and note its approval on a copy of the plat to be returned to the subdivider; or

B. Reject the plat and instruct the Clerk to so advise the subdivider and explain the reasons for the rejection.

(3) Tentative approval shall confer on the subdivider, for a period of one year from the date of approval, approval of lot sizes, lot orientation and street layout, and permission to submit improvement plats for engineering design review, as set forth in subsection (f) hereof. Such approval may be extended if applied for, in writing, by the subdivider and granted by Council.

(e) Traffic Committee Review. After tentative approval of the plat, the Traffic Committee shall review the tentatively approved plat and send copies of its recommendations for signage and traffic regulations to the City Clerk. The Clerk shall place the recommendations of the Committee on the Council agenda when the plat has received final approval.

(f) Engineering Design Review.

(1) After tentative approval, but before submission of the preliminary plat for final approval, the subdivider shall submit his or her improvement plans for review and approval. The subdivider shall file, at the office of the City Engineer an application for engineering design review, plans for all improvements to be installed within the proposed subdivision and all plan review fees and inspection fees as established by resolution of Council.

(2) Such improvement plans shall be held for review by the City for not more than a total of sixty days. Such sixty days shall include only those days in which the improvement plans are in the possession of the City.

(3) The Engineering Division shall review all such plans submitted to determine their conformity to the City's engineering design standards and Chapter 1244.

(4) The improvement plans shall then be reviewed by the other appropriate City departments in a manner prescribed by the Mayor.

(5) After the improvement plans have received final approval, the Engineer shall issue a certificate of improvement design approval to the subdivider's engineer, with copies to the subdivider, the planner and the City Clerk.

(6) The subdivider's engineer shall submit to the Engineering Division cost estimates for all approved improvements.

(7) The Engineer shall prepare and submit a detailed summary of required escrow deposits in an amount sufficient to ensure construction of the required improvements. Copies of such summary shall be sent to the Mayor, the subdivider and the Clerk. In the case of urban renewal replats and assessors' plats, this requirement shall be waived.

(Ord. 1094. Passed 9-2-80.)

1242.04 PRELIMINARY PLAT APPROVAL, STAGE TWO.

(a) Submission. Upon completion of engineering design review, the subdivider may apply for final approval of the preliminary plat by submitting the following items to the office of the City Engineer:

(1) Ten copies of the plat, as approved by all authorities required by Sections 112 through 118 of the Subdivision Act. At least one copy shall be reproducible on a blueprint machine.

(2) Copies of agreements, covenants or other documents showing the manner in which areas of facilities intended to be dedicated or set aside for the public use or for the use of property owners in the subdivision are to be maintained. Such areas or facilities include, but are not limited to, parks, open space areas and storm water retention areas. Such documents shall include articles of incorporation and bylaws of the subdivision association or organization which is to be

responsible for the maintenance of such public areas or facilities for the use of property owners in the subdivision.

(b) Departmental Review.

(1) The office of the City Engineer shall retain two copies of the plat for its records, submit one copy to the office of the City Clerk and forward the balance of the plats to the Planning Department.

(2) The planner shall forward copies of the plat to such other officials as deemed necessary by the Mayor.

(3) Such officials shall review the plat as submitted, to determine compliance with the tentatively approved preliminary plat (stage one). If, in their opinion, the submitted plat conforms to the tentatively approved preliminary plat, they shall so indicate and return the plat to the planner. If the plat does not conform to the tentatively approved preliminary plat, the planner shall return the plat to the subdivider, stating the reasons for the rejection.

(c) Planning Commission Review.

(1) When the preliminary plat (stage two) has been reviewed by the City Engineer, the planner and such other officials as deemed necessary by the Mayor, the planner shall place it on the agenda of the next meeting of the Planning Commission.

(2) The planner shall submit to the Commission the recommendations and comments of the Director of Public Works, the planner and other officials who have reviewed the plat (stage two).

(3) Such recommendations and the plat (stage two) documents shall be reviewed by the Commission for compliance with the plat (stage one).

(4) Upon completion of such review, and within forty-five days of the date of submission by the subdivider, the Commission shall make one of the following recommendations:

A. Should the Commission find that the plat (stage two) is in close agreement with the plat (stage one), it shall approve the same, notify Council of this action in its official minutes and forward the same, together with all accompanying data, to Council for its review.

B. Should the Commission find that the plat (stage two) does not conform substantially to the previously approved plat (stage one) and that it is not acceptable, it shall record the reason in its official minutes, forward the same, together with all accompanying data, to Council and recommend that Council disapprove the plat (stage two) until the objections causing disapproval have been changed to meet with the approval of the Commission.

(d) Council Review.

(1) After the receipt of the recommendation of the Planning Commission, together with all accompanying data, the City Clerk shall place the preliminary plat (stage two) on the Council agenda.

(2) Within sixty days of the date of submission of the plat (stage two) to the City by the subdivider, Council shall make one of the following actions:

A. Grant final approval of the plat and note its approval on a copy of the plat to be returned to the subdivider; or

B. Reject the plat and instruct the Clerk to so advise the subdivider and explain the reasons for the rejection.

(3) Final approval of the plat shall confer upon the subdivider, for a period of two years from the date of Council approval, the conditional right that the general terms and conditions under which such final approval was granted will not be changed. The two-year period may be extended, if applied for in writing by the subdivider and granted by Council.

(e) Initiation of Physical Improvements. After receiving notice that the preliminary plat (stage two) has been approved by Council, the subdivider may proceed to install all physical improvements required under these Subdivision Regulations.

(f) Escrow Deposits.

(1) Prior to the construction or placement of any improvement, the subdivider shall deposit with the City Clerk an escrow deposit of cash, certified check or irrevocable bank letter of credit (whichever the subdivider selects) in an amount set by Council based on an estimate by the City Engineer, as set forth in Section 1242.03(f)(7), sufficient to guarantee:

A. The construction of all required improvements, including improvements within parks or open space areas, except those items listed in subsection (g) hereof; and

B. The placement or replacement, after construction of improvements, of all lot stakes and monuments.

(2) As development progresses, the City shall relate to the subdivider amounts of cash deposits equal to the ratio of work completed to the entire project.

(g) Cash Payments. The subdivider shall make cash payment to the City for the following:

(1) Required sidewalks;

(2) Required street trees;

(3) Street name and traffic signs;

(4) Street island improvements; and

(5) Sodding or seeding, as approved by the Superintendent of Parks and Boulevards, of major and secondary road rights of way and local street rights of way in the subdivision that do not abut lots in the subdivision or that abut parcels which are not to be used for building purposes (open space areas, retention basins, etc.).

(Ord. 1094. Passed 9-2-80.)

1242.05 FINAL PLAT SPECIFICATIONS.

The final plat shall conform to the approved final preliminary plat, shall constitute only that portion of the approved final preliminary plat which the subdivider proposes to record and develop at the time and shall conform in all respects to the requirements of the Subdivision Act.

(Ord. 1094. Passed 9-2-80.)

1242.06 FINAL PLAT APPROVAL.

(a) Submission. The subdivider shall file an application for final approval at the office of the City Engineer together with:

(1) All official copies of the plat, together with an additional ten paper prints of the final plat;

(2) The County Plat Board filing and recording fee as required by Section 241 of the Subdivision Act;

(3) An abstract of title, certified to the date of the proprietor's certificate, to establish recordable ownership interest and other information deemed necessary for the purpose of ascertaining whether or not the proper parties have signed the plat, or a policy of title insurance currently in force covering all the land included in the boundaries of the proposed subdivision. Council, in lieu of an abstract of title, may accept, on its own responsibility, an attorney's opinion as to the ownership and marketability of the title of the land.

(b) Departmental Review.

(1) The office of the City Engineer shall forward nine copies of the final plat to the planner.

(2) The Engineer and the planner shall review the final plat to determine its conformity with the approved preliminary plat. If the final plat does conform, they shall so indicate and forward the approved plat to the City Clerk. If the plat does not conform, the planner shall return the plat to the subdivider together with reasons for its rejection.

(3) When approved, the Clerk shall place the final plat on the agenda of the next Council meeting.

(c) Council Review.

(1) Within twenty days of the date of submission, Council shall:

A. Approve the plat if it conforms to these Subdivision Regulations and instruct the Clerk to certify on the plat Council approval and the date thereof and the approval of the Board of Health, when required, and the date thereof as shown on the approved preliminary plat; or

B. Reject the plat and instruct the Clerk to advise the subdivider, explain the reasons for the rejection, and return the plat to the subdivider.

(2) If the final plat is approved by Council, the Clerk shall transcribe a certificate of approval of Council on the plat and deliver all copies to the Clerk of the County Plat Board together with the filing and recording fee required by the Subdivision Act.

(3) Failure of Council to act on the final plat within thirty days after submission thereof shall be deemed an approval of the plat, and a certificate of final approval therefor shall be issued by Council on demand. However, the subdivider may waive this requirement and consent to an extension of time.

(Ord. 1094. Passed 9-2-80.)

CHAPTER 1244

Design and Improvement Standards

1244.01 Generally.

1244.02 Streets.

1244.03 Blocks.

1244.04 Lots.

1244.05 Utilities.

1244.06 Sidewalks.

1244.07 Other improvements.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Planning Commission - see P. & Z. Ch. 1220

1244.01 GENERALLY.

The standards set forth in this chapter are to be considered minimum acceptable standards. All those improvements for which standards are not specifically set forth in this chapter shall have such standards set forth by ordinance or by published rule.

(Ord. 1094. Passed 9-2-80.)

1244.02 STREETS.

Streets shall conform to at least the following minimum requirements and to other conditions set forth by Council:

(a) Location and Arrangement.

(1) A proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such streets shall be platted in the location and width indicated on such Plan.

(2) The street layout shall provide for the continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided, or shall conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.

(3) The street layout shall include minor streets so laid out that their use by through traffic is discouraged.

(4) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reserve frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(5) Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right of way, the Commission may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distance

shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half streets are prohibited, except where absolutely essential to the reasonable development of a subdivision in conformity with the other requirements of these Subdivision Regulations and where the Commission finds it will be practical to require the dedication of the other half of such a street when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.

(7) The maximum length for residential cul-de-sac streets shall generally be 500 feet. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet, subject to the approval of the Commission.

(8) Street names in a proposed subdivision shall be subject to the approval of the Commission and Council.

(b) Right-of-Way Width. Street right-of-way widths shall conform to at least the following standards:

	Right-of-Way Width
Major thoroughfares (primary and secondary)	In conformity with the Master Thoroughfare Plan
Collector streets	66'
Industrial service streets	60'
Minor streets (on-street parking on one side)	50'
Minor streets (on-street parking on two sides)	60'
Marginal access streets	32'
Turn-around (loop) streets	120'
Cul-de-sac turn-arounds:	
residential (without on-street parking)	50' radius
residential (with on-street parking)	60' radius
Industrial and other	75' radius

In those instances where the right-of-way width is determined by the amount of on-street parking, the Planning Commission shall determine what the required minimum right-of-way width is by taking such factors into consideration as the design criteria established in the Master Thoroughfare Plan, the size of the adjacent lots, the contemplated use of adjacent lots and the anticipated availability of off-street parking.

(c) Pavement Width. The width of the pavement shall be measured from outside-of-curb to outside-of-curb and shall conform to at least the following standards:

Street Type	Pavement Width
Major thoroughfares (primary and secondary)	In conformity with the Master Thoroughfare Plan
Collector streets	40'
Industrial service streets	40'
Minor streets (on-street parking on one side)	28'
Minor streets (on-street parking on two sides)	36'
Marginal access streets	24'
Turn-around (loop) streets	24' pavement; 48' radius
Cul-de-sac turn-arounds:	
residential (without on-street parking)	20' pavement; 38' radius
residential (with on-street parking)	24' pavement; 45' radius
industrial	30' pavement; 65' radius
Alleys	20'

(d) Grades, Curves and Sight Distances.

(1) Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by ordinance or by published rule of the City Engineer and in no case shall be less restrictive than the standards of the County Road Commission.

(2) Grading and centerline gradients shall be approved by the Engineer.

(3) For adequate drainage, the minimum street grade is 0.5 percent. The maximum street grade is five percent, except that the Planning Commission may make an exception to this standard on the recommendation of the Engineer.

(e) Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided.

(f) Intersections. Streets shall be laid out so as to intersect as nearly as possible to ninety degrees. Curved streets, intersecting with major thoroughfares and collector thoroughfares shall do so with a tangent section of centering fifty feet in length, measured from the right-of-way line of the major or collector thoroughfare.

(g) Curbs and Gutters.

(1) All streets shall be provided with curbs and gutters on both sides of the street. The curb shall be either a vertical six-inch curb (preferred on thoroughfares and collector streets) or a four-inch roll-type curb (preferred on minor streets).

(2) Curb corners shall be rounded with a radius of not less than ten feet. Intersections where the interior angle is less than sixty degrees shall have the curb corners rounded with at least a ten-foot radius, and when the interior angle is more than 135 degrees, it is recommended that the corner be rounded with a minimum radius of thirty feet. Property lines at such corners shall be rounded or otherwise set back sufficiently to permit such construction.

(3) At intersections, curb cuts shall be provided at sidewalks in order to provide handicapped access. The design of such curb cuts shall conform to standards adopted by the City Engineer. Where roll-type curbs are used, they shall be warped into vertical curbs (with sidewalk curb cuts) at intersections.

(4) Whenever a driveway opening is provided for a lot abutting the street, the driveway shall conform to standards adopted by the Engineer and be a minimum of ten feet in width at the sidewalk. The driveway shall have a three-foot radii at the curb line. Curb cuts are not required whenever roll-type curbs are used.

(h) Additional Width for Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right of way if needed to meet the minimum street width requirements set forth in subsection (b) hereof.

(Ord. 1094. Passed 9-2-80; Ord. 1097. Passed 7-20-81.)

1244.03 BLOCKS.

Blocks in subdivisions shall conform to the following standards:

(a) Size.

(1) The maximum length of a block is 1,300 feet except where, in the opinion of the Planning Commission, conditions may justify a greater distance.

(2) The width of a block shall be determined by the condition of the layout and shall be suited to the intended layout.

(b) Public Walkways.

(1) Public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.

(2) The width of a public walkway shall be at least twelve feet and shall be in the nature of an easement for this purpose.

(c) Utility Easements.

(1) Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a minimum of twelve feet wide, with a minimum of six feet being on a single parcel.

(2) Recommendations on the proposed layout of telephone and electric company assessments should be sought from all of the utility companies serving the area. The subdivider shall submit copies of the preliminary plat to all appropriate public utility agencies.

(3) Easements six feet in width, and three feet from each parcel, shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of utility company)."

(Ord. 1094. Passed 9-2-80.)

1244.04 LOTS.

Lots in subdivisions shall conform to the following standards:

(a) Size and Shape.

- (1) The lot size, width, depth and shape in a subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
- (2) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Code for the district in which the subdivision is proposed.
- (3) Building set-back lines shall conform to at least the minimum requirements of the Zoning Code.
- (4) Corner lots in residential subdivisions shall be platted at least ten feet wider than the minimum width permitted by the Zoning Code.
- (5) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three-to-one shall normally be considered a maximum.
- (6) Lots intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Code.

(b) Arrangement.

- (1) Every lot shall front or abut on a street.
- (2) Side lot lines shall be at right angles or radial to the street lines.
- (3) Lots shall have a front-to-front relationship across all streets where possible.
- (4) Residential lots abutting major or secondary thoroughfares shall be platted with reverse frontage lots or with side lines parallel to such thoroughfares. That portion of these lots abutting major or secondary thoroughfares shall include an approved planting screen contained in a nonaccess greenbelt easement having a minimum width of fifteen feet. Such nonaccess easements may be penetrated by driveways providing ingress and egress that are approved by the Planning Commission and the Traffic Committee.

(Ord. 1094. Passed 9-2-80.)

1244.05 UTILITIES.

All utility installations which traverse privately owned property shall be protected by easements granted by the subdivider, and shall conform to the following standards:

- (a) Sewage Disposal. A sanitary sewer system, including all appurtenances, is required in a subdivision which connects and outlets into the Municipal sanitary sewer system.
- (b) Water Supply. A water supply system, including appurtenances, is required in a subdivision which is connected to a Municipal water supply system.

(c) Storm Drainage System.

(1) An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, is required in every subdivision.

(2) Adequate provisions shall be made for proper drainage of storm water runoff from residential rear yards. Each yard shall be self-contained and shall be drained from rear to front except where the topography or other natural features require otherwise.

(d) Telephone and Electric.

(1) The subdivider shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground throughout a subdivided area. Conduits or cables shall be placed within private easements provided for such service companies by the subdivider, or within dedicated public rights of way.

(2) Overhead lines may be permitted upon the written recommendations of the City Engineer, the planner and the Planning Commission and the approval of the preliminary plat (stage two). Such permission is conditioned upon Council's making a determination that the proposed overhead lines will not constitute a detriment to the public health, safety and general welfare and the plat design and character of the subdivision.

(3) Service lines connecting a structure on a lot to utility cable within a dedicated easement or public right of way shall be built underground and shall conform to standard engineering practice. This requirement shall apply whether or not overhead lines are permitted as set forth in paragraph (d)(2) hereof.

(4) All such facilities placed in public rights of way or in dedicated easements shall be planned so as not to conflict with other underground utilities.

(5) All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(Ord. 1094. Passed 9-2-80.)

1244.06 SIDEWALKS.

Sidewalks shall be provided by the subdivider, as specified in subsections (a) through (d) hereof. However, in those instances where no good purpose would be served by the provision of sidewalks, Council may waive this requirement, by resolution.

(a) Thoroughfares. A six-foot wide concrete sidewalk located one foot from the property line shall be provided on the side of the roadway abutting the subdivision.

(b) Collector Streets. A five-foot wide concrete sidewalk located one foot from the property line shall be provided on the side of the roadway abutting the subdivision.

(c) Minor Streets.

(1) A five-foot wide concrete sidewalk located one foot from the property line shall be provided on each side of the roadway.

(2) On minor streets abutting lots that are zoned for single-family houses where the lots are at least forty-five feet wide, four-foot wide concrete sidewalks are permitted.

(3) In those instances where the subdivider can demonstrate that it would be inappropriate to construct sidewalks on a minor street prior to the construction of buildings on the lots adjacent to the minor street (since this construction activity might substantially destroy the sidewalks), Council may by resolution relieve the subdivider of the responsibility to construct sidewalks, provided that the purchasers of lots adjacent to the minor street are required to construct the sidewalks adjacent to their property within one year of the date they purchase such property.

(d) Public Walkways.

(1) A four-foot wide concrete sidewalk located in the center of the walkway easement shall be provided by the subdivider.

(2) Planting pockets shall be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission.

(3) Fences and/or other improvements may also be required if the Commission and/or Council determines they are necessary to protect the adjacent property owners.

(Ord. 1094. Passed 9-2-80.)

1244.07 OTHER IMPROVEMENTS.

(a) Street Trees. Existing trees near a street right of way shall be preserved by the subdivider. Otherwise, at least one street tree per lot shall be provided in the street right of way between the sidewalk and curb.

(b) Street Signs. Street name signs shall be placed at all street intersections and shall be of a permanent weather-resistant construction with street names visible from two directions in accordance with details and specifications prescribed by Council.

(c) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer.

(d) Protective Walls. Where a single-family residential lot adjoins, abuts or is contiguous to any property which is intended for multifamily use, or where a residential lot adjoins, abuts or is contiguous to any property which is either used or zoned for commercial, parking or industrial uses, the subdivider shall provide a continuous, unpierced wall of reinforced poured concrete, hardburned brick or masonry (but not cinderblock) a minimum of five feet high, approved for construction by the Engineering Division of the Department of Public Works and by the Planning Commission.

(e) Street Lighting. The subdivider shall install street lighting at all intersections. Materials, equipment and installation shall conform to the standards and specifications prescribed by the City Engineer.

(Ord. 1094. Passed 9-2-80.)

CHAPTER 1246

Modification of Existing Plats

1246.01 Compliance with State law.

1246.02 Parcel splitting.

1246.03 Opening public rights of way.

1246.04 Vacating public rights of way.

1246.05 Renaming streets.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

Planning Commission - see P. & Z. Ch. 1220

Procedures for plat approval - see P. & Z. Ch. 1242

1246.01 COMPLIANCE WITH STATE LAW.

The procedures set forth in this chapter for splitting parcels, opening and vacating streets and changing street names are in compliance with procedures mandated by State law.

(Ord. 1094. Passed 9-2-80.)

1246.02 PARCEL SPLITTING.

In compliance with Section 263 of the Subdivision Act, no parcel of land shall be further partitioned unless it is in compliance with the following:

(a) Restrictions.

(1) The City may permit the partitioning or dividing of lots, outlots or other parcels of land into not more than four parts, provided that each parcel split complies with all applicable City ordinances.

(2) No lot or acreage parcel in a residential zoning district shall be split unless the resultant parcels have frontage on a public street to the extent required by the Zoning Code, with the exception noted in paragraph (a)(3) hereof.

(3) A parcel in a residential district may be divided into two parcel fragments that do not conform to the minimum required lot sizes, provided that such parcel fragments are merged with adjacent parcels in order to create residential parcels that do conform to the minimum lot sizes required in the Zoning Code.

(b) Application. A person wishing to split a platted lot or acreage parcel shall submit to the City Assessor a written application for such split, a legal description of the parcel to be split, legal descriptions of each of the proposed parcel splits and five copies of a scaled drawing of the proposed split.

(c) Planner's Review. The City Assessor shall forward two copies of the proposed split to the planner, who shall review the proposed split for compliance with applicable City ordinances and with the Subdivision Act. The planner shall submit a written reply to the Assessor within five working days of the date the planner receives copies of the proposed parcel split.

(d) Assessor's Review. If the proposed split is in conformity with the conditions set forth in this section, the City Assessor shall authorize the requested split, provided that no lot or acreage parcel shall be split until all taxes have been paid. A receipt for payment of taxes must be submitted with the application for parcel splitting.

(Ord. 1094. Passed 9-2-80.)

1246.03 OPENING PUBLIC RIGHTS OF WAY.

In compliance with Act 222 of the Public Acts of 1943, as amended, and the Subdivision Act, the following procedures shall be used to open or widen public rights of way in existing plats:

(a) Recommendations of Planning Commission.

(1) The Planning Commission shall, from time to time, submit to Council detailed and precise plats showing the exact location of the proposed future outside lines of new, extended or widened streets or other public ways.

(2) At the time of each such submission to Council, the Commission shall transmit an estimate of the time period and costs for the land acquisition for the public use indicated.

(3) No street or other public way shall be constructed or authorized in the City until the location, character and extent thereof have been submitted to and reviewed by the Commission.

(b) Traffic Committee Review. Before a recommendation of the Planning Commission to open, extend or widen a public way, the planner shall submit a complete copy of the recommendation to the Traffic Committee for review. The Committee shall then forward a recommendation to Council.

(c) Adoption of Plats and Official Map.

(1) Council may adopt detailed and precise plats submitted to it by the Planning Commission, by resolution or ordinance.

(2) If Council desires, it may adopt an Official Map, pursuant to the Official Map Act, being Act 222 of the Public Acts of 1943, as amended, by an ordinance that prohibits the issuance of building permits for property located within the proposed right of way. In effect, such an ordinance rezones the land within the proposed right of way to "public use." The procedures that are used to adopt such an ordinance shall be the same as are followed when the Zoning Map is amended.

(3) If Council wishes, it may adopt the Official Map by resolution after a public hearing. If such Map is adopted by resolution, it is simply a declaration of intent and shall not constrain the issuance of building permits for property located in the proposed right of way.

(d) Right of Appeal.

(1) If Council has adopted an Official Map by ordinance, owners of property in the proposed right of way shall have the right to appeal the restriction on building permits.

(2) As provided by Section 4 of Act 222 of the Public Acts of 1943, as amended, the Board of Zoning Appeals shall review a petition from property owners affected by the adoption of such Map, it shall hold a public hearing to gather the facts and to balance the interest of the City in preserving the integrity of the Map with the interest of the property owners in the use and benefit

of their property and it shall grant the issuance of such permits as are required by considerations of justice and equity.

(e) Acquisition of Right of Way. When the City has acquired title land designated on the Official Map by reason of purchase, dedication, condemnation or adverse possession for public use, Council shall adopt a properly formulated resolution which specifies the legal description of the public right of way to be established, the name of the plat affected and the reasons for the change.

(f) Recording of Dedication Resolution. When Council has adopted a resolution to establish a public right of way, the City Clerk shall, within thirty days, record a certified copy with the County Registrar of Deeds and shall also send a copy to the State Treasurer. Until so recorded, the resolution shall have no force or effect.

(Ord. 1094. Passed 9-2-80.)

1246.04 VACATING PUBLIC RIGHTS OF WAY.

In compliance with Section 256 of the Subdivision Act, no part of a street, alley, public walkway, park, public square or other land dedicated to the public may be vacated, corrected or revised except by a resolution duly adopted by Council and duly recorded by the County Registrar of Deeds. Such a vacation shall be governed by the following guidelines:

(a) Petition; Application. A petition to vacate a public right of way may be initiated by Council, the Planning Commission or an interested property owner or his or her authorized agent. Such petition shall be delivered to the office of the City Engineer, together with:

(1) An application form with the petitioner's name and address, his or her interest in the petition and the name, address and interest of every person abutting the public right of way proposed to be vacated;

(2) A statement of the changed or changing conditions, if any, in the area which make the proposed vacation reasonably necessary; and

(3) A description and map locating the public right of way that is proposed to be vacated.

(b) Traffic Committee Review. The office of the City Engineer shall forward a complete copy of the petition to the Traffic Committee for review and the Committee shall forward a recommendation thereon to the Planning Commission.

(Ord. 1094. Passed 9-2-80.)

(c) Planning Commission Review.

(1) After the receipt of the recommendation of the Traffic Committee, the planner shall place the petition on the agenda for the next meeting of the Planning Commission.

(2) The Commission shall review the vacation petition to determine if it corresponds to the Master Thoroughfare Plan and Chapter 1244 and if it improves the health, welfare and safety of the residents of the City.

(Ord. 1097. Passed 7-20-81.)

(3) Upon completion of such review and within forty-five days of the date of submission of the petition, the Commission shall forward the petition, its recommendation and the recommendation of the Traffic Committee to Council.

(d) Council Review.

(1) After the receipt of the recommendation of the Planning Commission, together with all accompanying data, the City Clerk shall place the petition to vacate the public right of way on the Council agenda.

(2) Within thirty days of the submission of the petition to the Clerk, Council shall take one of the following actions:

A. Reject the petition as not being in the best interests of the residents of the City; or

B. Direct the Clerk to schedule a public hearing and to give at least fifteen days notice to all owners of land abutting the affected public right of way of the petition to vacate the same and of the time, place and date of the meeting of Council at which the vacation petition will be considered.

(3) After the public hearing at which the vacation petition is reviewed by Council, Council shall take one of the following actions:

A. Deny the petition; or

B. Accept the petition and adopt a properly formulated resolution which specifies the legal description of the public right of way to be vacated, the name of the plat affected and the reasons for the change.

(e) Recording. When Council has adopted a resolution to vacate a public right of way, the City Clerk, within thirty days, shall record a certified copy with the County Registrar of Deeds and shall also send a copy to the State Treasurer and to any other officer or official as required by State law.

(f) Retention of Easement; Vesting of Title.

(1) When Council determines that it is necessary for the health, welfare, comfort and safety of the residents of the City to discontinue an existing street, alley or other public land shown on a plat, it may reserve an easement therein for public utilities and/or other public purposes.

(2) When a public right of way is vacated, the land shall be attached to the lot or parcel included in the plat and bordering on the public right of way. If land included in the plat on opposite sides of such public right of way is owned by different proprietors, then the title of the public right of way shall vest in the proprietor owning property on each side thereof to the center of the right of way.

(Ord. 1094. Passed 9-2-80.)

1246.05 RENAMING STREETS.

(a) Petition. A petition to rename a public right of way may be initiated by Council or the Planning Commission. Such petition shall be filed at the office of the City Engineer, together with:

(1) A statement of why the street name ought to be changed; and

(2) A description and map locating the street that is proposed to be renamed.

(b) Traffic Committee Review. The office of the City Engineer shall forward a complete copy of the petition to the Traffic Committee for review, and the Committee shall forward a recommendation to the Planning Commission.

(Ord. 1094. Passed 9-2-80.)

(c) Planning Commission Review.

(1) After the receipt of the recommendation of the Traffic Committee, the planner shall place the petition on the agenda for the next meeting of the Planning Commission.

(2) The Commission shall review the renaming petition and the Commission shall forward the petition, its recommendation and the recommendation of the Traffic Committee to Council.

(Ord. 1097. Passed 7-20-81.)

(d) Council Review.

(1) After the receipt of the recommendation of the Planning Commission, together with all accompanying data, the City Clerk shall place the petition to rename a street on the Council agenda.

(2) Council shall have the authority to summarily deny the petition or to hold a public hearing to consider the merits of the petition.

(3) After the public hearing at which the renaming petition is reviewed by Council, Council shall take one of the following actions:

A. Deny the petition; or

B. Accept the petition and adopt a properly formulated resolution which specifies the legal description of the public right of way to be renamed, the name of the plat affected and the reasons for the change.

(e) Recording. When Council has adopted a resolution to rename a street, the City Clerk shall, within thirty days, record a certified copy with the County Registrar of Deeds and shall also send a copy to the State Treasurer. Until so recorded, the resolution shall have no force or effect.

(Ord. 1094. Passed 9-2-80.)

TITLE SIX - Zoning; General Provisions

Chap. 1260. Title, Purpose and Application.

Chap. 1262. Definitions.

Chap. 1264. Land Use Classification System.

Chap. 1266. Nonconformities.

Chap. 1268. Off-Street Parking and Loading.

Chap. 1270. Environmental Performance Standards.

Chap. 1272. Regulated Uses.

Chap. 1274. Sign Regulations.

Chap. 1276. Miscellaneous Provisions.

CHAPTER 1260

Title, Purpose and Application

1260.01 Short title.

1260.02 Scope.

1260.03 Purposes.

1260.04 Interpretation and application.

1260.05 Rules of construction.

1260.06 Separability.

CROSS REFERENCES

Purpose of zoning - see M.C.L.A. Sec. 125.581

Conflicting laws; governing law - see M.C.L.A. Sec. 125.586

1260.01 SHORT TITLE.

Titles Six, Eight, Ten and Twelve of Part Twelve of these Codified Ordinances shall be known and may be cited as the "Highland Park Zoning Code" or just the "Zoning Code."

(Ord. 1128. Passed 3-19-84.)

1260.02 SCOPE.

The provisions of this Zoning Code apply to all lands, structures and premises within the City. Such provisions regulate the use of land and regulate and restrict the location, use and physical features of structures erected in the City. Such provisions also provide administrative procedures for the enforcement of this Zoning Code and impose penalties for the violation of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1260.03 PURPOSES.

This Zoning Code is adopted by the City for the following purposes:

- (a) To promote and protect the public health, safety, morals and general welfare;
- (b) To classify all property in such a manner as to reflect its peculiar suitability for particular uses;
- (c) To regulate the location, construction, reconstruction, alteration and use of buildings and other structures and land;
- (d) To ensure adequate light, air, privacy and convenience of access to property;
- (e) To conserve property values;

- (f) To protect all areas of the City from harmful encroachment by incompatible uses;
- (g) To prevent overcrowding of land with buildings;
- (h) To avoid undue congestion of population;
- (i) To fix reasonable standards to which buildings and other structures and uses shall conform;
- (j) To lessen congestion in the public streets by providing for off-street parking of motor vehicles and off-street loading and unloading of commercial vehicles;
- (k) To facilitate the adequate provision of transportation, water, sewage disposal, education, recreation and other public requirements;
- (l) To provide for the elimination of nonconforming buildings and other structures and for the elimination of nonconforming uses of land;
- (m) To define the powers and duties of the administrative officers and bodies;
- (n) To provide penalties for violations of the provisions of this Zoning Code, as amended; and
- (o) To provide for a Board of Appeals and its powers and duties.

(Ord. 1128. Passed 3-19-84.)

1260.04 INTERPRETATION AND APPLICATION.

(a) Provisions Held to be Minimum Requirements. In interpreting and applying the provisions of this Zoning Code, such provisions shall be considered, unless otherwise stated, to be the minimum requirements necessary to promote and protect the public health, safety, morals, comfort, convenience, prosperity and other aspects of the general welfare, as set forth in this chapter and in the statements of intent for the respective districts and other regulations.

(b) Conflict of Laws. Whenever regulations or restrictions imposed by this Zoning Code are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the rules or regulations which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Zoning Code, no land shall be used and no structure shall be erected or maintained in violation of any State or Federal environmental protection law or regulation.

It is not intended by this Zoning Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties.

(c) No Vested Rights. It is hereby expressly declared that nothing in this Zoning Code shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

(d) Administrative Standards. Whenever, in the course of the administration and enforcement of this Zoning Code, it is necessary or desirable to make any administrative decision, then the decision shall be made so that the result will not be contrary to the spirit and purpose of this Zoning Code nor be injurious to the surrounding neighborhood.

(e) Permits Issued Prior to Effective Date. Any building or other structure for which a building permit has been issued prior to the effective date of this Zoning Code (or any amendment thereof), and construction of the whole or part of which has been started, or for which a contract has been entered into providing for construction, which is made nonconforming by the provisions of this Zoning Code (or any amendment thereof), may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and may, upon completion, be occupied under a certificate of occupancy by the use for which it was originally designated, subject thereafter to the provisions of Chapter 1266.

(Ord. 1128. Passed 3-19-84.)

1260.05 RULES OF CONSTRUCTION.

The following rules of construction of language apply to the text of this Zoning Code, in addition to those set forth in Section 202.04 of the Administration Code:

(a) Used For. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(b) Use. "Use," as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."

(c) And; Or; EitherOr. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "eitheror," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) "Eitheror" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(d) Sections and Subsections. References to sections include the section referred to and any further subsection contained therein.

(Ord. 1128. Passed 3-19-84.)

1260.06 SEPARABILITY.

It is hereby declared to be the legislative intent that the various provisions of this Zoning Code are separable, in accordance with the following:

(a) Provisions Held Invalid. If a court of competent jurisdiction finds any provision of this Zoning Code to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to that provision which is expressly stated in the decision to be invalid or ineffective, and all other provisions of this Zoning Code shall continue to be separately and fully effective.

(b) Application of Provisions Held Invalid. If a court of competent jurisdiction finds any provision of this Zoning Code, as applied to any zoning lot, building or other structure or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy and shall not affect any other person or situation.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1262

Definitions

1262.01 Meaning of words and phrases.

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1262.03 Accessory use.

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1262.05 Adult uses.

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1262.40 Principal.

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1262.59 Theater.

1262.60 Use.

1262.61 Walkway.

1262.62 Yard.

1262.63 Zoning Code.

1262.01 MEANING OF WORDS AND PHRASES.

The following words and phrases, when used in this Zoning Code, the Master Plan and various planning staff reports, shall have the meanings ascribed to them in this chapter.

(Ord. 1128. Passed 3-19-84.)

1262.02 ACCESSORY BUILDING.

"Accessory building" means a subordinate building or other structure, on the same zoning lot as, occupied by, or devoted exclusively to, an accessory use.

(Ord. 1128. Passed 3-19-84.)

1262.03 ACCESSORY USE.

"Accessory use" means a use, on the same zoning lot as, and naturally and normally incidental to, subordinate to, and devoted exclusively to, the main use of the premises.

(Ord. 1128. Passed 3-19-84.)

1262.04 ADDITION.

"Addition" means any construction or alteration which increases the bulk or extent of a building or other structure.

(Ord. 1128. Passed 3-19-84.)

1262.05 ADULT USES.

(a) "Adult book store" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

(b) "Adult model studio" means a business establishment where the principal activity is the provision of human models for photographers, artists or other clientele.

(c) "Adult mini motion picture theater" means an enclosed building, with a capacity for less than fifty persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

(d) "Adult motion picture theater" means an enclosed building, with a capacity for fifty or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

(e) "Specified anatomical areas" means:

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

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(f) "Specified sexual activities" means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; or

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

(Ord. 1128. Passed 3-19-84.)

1262.06 ALTERATION.

"Alteration" means any construction which changes a building or other structure.

(Ord. 1128. Passed 3-19-84.)

1262.07 BLOCK.

"Block" means a tract of land bounded by streets or by a combination of streets, public parks, unsubdivided acreage, railroad rights of way or City boundaries.

(Ord. 1128. Passed 3-19-84.)

1262.08 BOARD OF APPEALS.

"Board of Appeals" means the Uniform Board of Appeals, established in Chapter 1440 of the Building and Housing Code, which shall also serve as the Zoning Board of Appeals for the City.

(Ord. 1128. Passed 3-19-84.)

1262.09 BUILDING.

"Building" means any structure, either temporary or permanent, having a roof and enclosed walls on all sides and used or built for the shelter or enclosure of persons, animals or property of any kind. "Building" includes tents or vehicles situated on private property and used for purposes of a building.

(Ord. 1128. Passed 3-19-84.)

1262.10 BUILDING HEIGHT.

"Building height" means the vertical distance from the established grade at the center of the building to the highest point of the roof surface for flat roofs, to the deck line for mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

(Ord. 1128. Passed 3-19-84.)

1262.11 CABARETS.

(a) "Class A cabaret" means a place where food and alcoholic beverages are sold or given away on the premises, wherein the operator holds a yearly license from the State to sell such beverages by the glass and wherein the patrons are provided with entertainment or space for dancing.

(b) "Class B cabaret" or "club cabaret" means an association of persons over the age of eighteen years, organized as a nonprofit corporation, which has a listed membership with regular fees for joining or annual dues. Such corporation shall be licensed by the Michigan Liquor Control Commission as a club, with established bylaws, officers and directors, and shall be engaged in operating a cabaret.

(c) "Class C cabaret" or "limited cabaret" means a place wherein food and alcoholic beverages are served on the premises at a profit, but without live entertainment and/or dancing. Such places include "restaurants." as defined in Section 2, Act 8 of the Public Acts of the Extra Session of 1933, as amended.

(d) "Class D cabaret" means a place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

(Ord. 1128. Passed 3-19-84.)

1262.12 CHANGE OF OCCUPANCY.

"Change of occupancy" means a discontinuance of an existing use and the substitution and/or the addition thereto of a use of a different kind or class.

(Ord. 1128. Passed 3-19-84.)

1262.13 CHURCH.

See Religious Facility.

(Ord. 1128. Passed 3-19-84.)

1262.14 DRIVEWAY.

"Driveway" means only that portion of a zoning lot which has been so designed and improved as to afford a suitable means and a direct route for vehicular access to the rear yard or private parking garage.

(Ord. 1128. Passed 3-19-84.)

1262.15 DWELLINGS.

(a) Dwelling. "Dwelling" means any building, or part thereof, designed for or occupied, in whole or in part, as the home, residence or sleeping place of one or more persons.

(b) Dwelling, Multifamily. "Multifamily dwelling" means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

(1) "Garden apartment" means a residence in a multifamily building that has a height of two and one-half stories or less.

(2) "Elevator apartment" means a residence in a multifamily building that has a height of more than two and one-half stories. Such building must be provided with elevators under access requirements specified by the State.

(3) "Senior citizen apartment" means a residence in an elevator apartment building where the occupancy is restricted to people who are more than sixty years of age or who are handicapped.

(c) Dwelling, Single-Family Detached. "Detached single-family dwelling" means a detached residence designed for or occupied by one family only.

(d) Dwelling, Single-Family Attached or Townhouse. "Attached single-family dwelling" or "townhouse" means one of two or more attached single-family dwelling units extending from the basement to the roof and having no side yards, except end units which have one side yard.

(e) Dwelling, Two-Family. "Two-family dwelling" means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

(f) Dwelling Unit.

(1) Generally. "Dwelling unit" means a building or portion thereof designed for or occupied by a single family and complete with housekeeping and cooking facilities for such family.

(2) Efficiency unit. "Efficiency unit" means a dwelling unit containing not more than one room or enclosed floor space arranged for living, eating and sleeping purposes, not including bathrooms, water closets, compartments, laundry rooms, pantries, foyers, hallways and other accessory floor spaces.

(Ord. 1128. Passed 3-19-84.)

1262.16 EASEMENT.

"Easement" means a quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or some particular person or part of the public for specific uses and purposes, which shall be designated a public or private easement depending on the nature of the use.

(Ord. 1128. Passed 3-19-84.)

1262.17 EDUCATIONAL FACILITY.

"Educational facility" means an elementary school, middle school, senior high school or community college operated by the City School District or another public or private agency accredited by the State.

(Ord. 1128. Passed 3-19-84.)

1262.18 ERECTED.

"Erected" includes built, constructed, reconstructed, altered, moved upon or any physical operation on the premises required for a building or other structure. Excavations, fill, drainage, paving and the like shall be considered a part of erection.

(Ord. 1128. Passed 3-19-84.)

1262.19 ESSENTIAL SERVICES.

"Essential services" means the erection, construction, alteration or maintenance of public utilities or Municipal departments of underground or overhead gas, electricity, steam or water transmission, distribution, collection or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories, but not including buildings necessary for the furnishing of adequate service by such utilities or Municipal departments.

(Ord. 1128. Passed 3-19-84.)

1262.20 ESTABLISHED GRADE.

For the purpose of regulating and determining the height or bulk of a building or other structure, "established grade" means the elevation of the sidewalk grade as fixed by the City. In those cases where no sidewalk exists, or when the natural level of the ground is higher or lower than the grade established by the City Engineer, the average natural level of the ground shall be taken as the established grade.

(Ord. 1128. Passed 3-19-84.)

1262.21 FAMILY.

"Family" means:

(a) One person, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, legal adoption or guardianship, and occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of culinary facilities. The persons thus constituting a family may also include domestic servants employed solely on the premises. "Family" may also include not more than four foster children, provided that the home is licensed as a foster home by the State.

(b) Two persons, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, legal adoption or guardianship, and not more than two persons not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of culinary facilities.

(c) Four or fewer persons, not interrelated by bonds of consanguinity, marriage, legal adoption or guardianship, provided that such group lives together and occupies a dwelling as a single housekeeping unit with a common set of culinary facilities, and provided that all members of such group have full access to all portions of the dwelling. A dwelling occupied under the provisions of this subsection shall not be operated as a rooming house or a foster care facility.

(Ord. 1128. Passed 3-19-84.)

1262.22 FLOOR AREA.

(a) Floor Area, Usable. For calculating off-street parking requirements, "usable floor area" means the horizontal floor area which is intended to be used for services to the public customers, patrons, clients or patients. "Usable floor area" does not include spaces reserved for nonpublic purposes such as storage, wash rooms, enclosed vehicular parking, stairwells and elevator shafts, or utilities. In the absence of a detailed floor plan, the usable floor area shall be considered to be eighty percent of the gross floor area.

(b) Floor Area, Gross. "Gross floor area" means the sum of horizontal floor areas of all the floors within a building or other structure, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings or structures.

(c) Floor Area Ratio. "Floor area ratio" means the total floor area of all buildings or other structures on a lot, divided by the area of such lot.

(Ord. 1128. Passed 3-19-84.)

1262.23 FOSTER CARE FACILITIES.

(a) Foster Care Home. "Foster care home" means any establishment which is licensed by the State under the provisions of Act 218 of the Public Acts of 1979, as amended, and which provides supervision, assistance, protection or personal care, in addition to room and board, to five or six children or to six or fewer adults. A "foster care home" does not include a home for the aged, a nursing home, a mental hospital for mental patients or a pre-release adjustment center.

(b) Foster Group Facility. "Foster group facility" means any establishment which is licensed by the State under the provisions of Act 218 of the Public Acts of 1979, as amended, and which provides supervision, assistance, protection or personal care, in addition to room and board, to seven or more children or adults. "Foster group facility" does not include a home for the aged, a nursing home, a mental hospital for mental patients or a pre-release adjustment center.

(Ord. 1128. Passed 3-19-84.)

1262.24 GOVERNMENTAL SERVICE AGENCY.

"Governmental service agency" means a facility generally operated for an agency of the government, which provides assistance, benefits, licenses or advisory services to members of the public. These services may include counseling, legal aid, vocational rehabilitation, aid to the handicapped, welfare or other social services.

(Ord. 1128. Passed 3-19-84.)

1262.25 HALL, BANQUET.

"Banquet hall" means a rental facility for group dinners, parties, dances, etc.

(Ord. 1128. Passed 3-19-84.)

1262.26 HOME OCCUPATION.

(a) "Home occupation" means an occupation or profession which:

(1) Is clearly incidental to or secondary to the residential use of a dwelling or rooming unit;

(2) Is carried on within a dwelling or rooming unit by one or more occupants of such dwelling or rooming unit; and

(3) Occupies not more than twenty-five percent of the total floor area of such dwelling or rooming unit, but in no event more than 500 square feet of floor area.

(b) Permitted home occupations include:

(1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings;

(2) Art studios (e.g., artist, writer) in which are created only individual works of art;

(3) Offices for a recognized professional (architecture, engineering, law, medicine, dentistry or another activity in which specialized services to clients are performed by persons with a similar degree of training);

(4) Tutoring not more than four students simultaneously. Singing and musical instrument instruction are permitted only in detached single-family dwellings, and then only if the sound produced by these activities cannot be heard across the zoning lot line.

(5) Occupations similar to those set forth in paragraphs (b)(1) to (4) hereof.

(Ord. 1128. Passed 3-19-84.)

1262.27 HOTEL.

"Hotel" means a building, or part of a building, or a group of buildings, on a single zoning lot, containing rooming or dwelling units which are not independently accessible from the outside, and which may or may not be designed for or occupied by transients, and which contains more than ten rooming or dwelling units. "Hotel" includes any such building or building group designated as a motor lodge, motor inn or any other title intended to identify it as providing lodging for compensation, and with or without a general kitchen and public dining room for the use of the occupants.

(Ord. 1128. Passed 3-19-84.)

1262.28 JUNK YARD.

"Junk yard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron or other metals, paper, rubber, rags, lumber, tires or bottles. "Junk yard" includes an automobile wrecking yard, but excludes uses established entirely within enclosed buildings.

(Ord. 1128. Passed 3-19-84.)

1262.29 LOT.

(a) Lot of Record. "Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which is recorded in the office of the County Register of Deeds.

(b) Lot, Corner. "Corner lot" means a lot, of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme points of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot.

(c) Lot, Interior. "Interior lot" means any lot, other than a corner lot, with only one frontage on a street.

(d) Lot, Through. "Through lot" means any lot, other than a corner lot, with frontage on more than one street.

(e) Lot, Zoning. "Zoning lot" means 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 or unified ownership or control. Such lot shall have frontage on a street, or a permanent means of access to a street, other than an alley, and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record; or

(4) A parcel of land described by metes and bounds.

(f) Lot Lines. "Lot lines" means the boundary lines of a lot.

(1) "Front lot line" means the line dividing a lot from a street.

(2) "Rear lot line" means the line opposite the front lot line. In the case of a corner lot, the City Planner shall determine which lot line opposite a front lot line is the rear lot line.

(3) "Side lot line" means any lot line other than the front lot line or rear lot line.

(Ord. 1128. Passed 3-19-84.)

1262.30 MASSAGE.

(a) "Massage" means a method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, tapping, etc., with the hand or an instrument.

(b) "Massage parlor" means a business establishment that offers the service of administering massages to customers as a primary activity.

(Ord. 1128. Passed 3-19-84.)

1262.31 MASTER PLAN.

"Master Plan" means the comprehensive plan, whether officially adopted or adopted in principal, including graphic and written proposals indicating the general locations recommended for streets, parks, schools, public buildings, zoning districts and all physical developments of the City, and including any unit or part of such Plan separately adopted and any amendment to such Plan or part thereof adopted by the Planning Commission.

(Ord. 1128. Passed 3-19-84.)

1262.32 MASTER THOROUGHFARE PLAN.

"Master Thoroughfare Plan" means that part of the Master Plan which contains general design criteria for streets and thoroughfares and which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

(Ord. 1128. Passed 3-19-84.)

1262.33 MOTEL.

"Motel" means a building, or part of a building, or a group of buildings, on a single zoning lot, containing rooming or dwelling units which are independently accessible from the outside, and which may or may not be designed for or occupied by transients, and which contains more than ten rooming or dwelling units. "Motel" includes any such building or building group designated as a motor lodge, motor inn or any other title intended to identify it as providing lodging for compensation, and with or without a general kitchen and public dining room for the use of the occupants.

(Ord. 1128. Passed 3-19-84.)

1262.34 NONCONFORMITY.

"Nonconformity" means a premises in conflict with the provisions of this Zoning Code applicable to the district in which it is situated.

(a) "Nonconforming use" means the use of a structure or premises in conflict with the provisions of this Zoning Code applicable to the district in which it is situated.

(b) "Nonconforming structure" means a structure in conflict with the provisions of this Zoning Code applicable to the district in which it is situated.

(Ord. 1128. Passed 3-19-84.)

1262.35 OCCUPIED.

"Occupied" includes arranged, designed, built, altered, converted to, rented, leased or intended to be occupied.

(Ord. 1128. Passed 3-19-84.)

1262.36 OPEN SPACE.

"Open space" means any area on a zoning lot not covered by a principal or accessory building.

(Ord. 1128. Passed 3-19-84.)

1262.37 PARCEL.

"Parcel" means a continuous portion of land under one ownership.

(Ord. 1128. Passed 3-19-84.)

1262.38 PARKING.

"Parking" means the temporary standing or placement of motor vehicles currently used to transport people, goods or materials in the conduct of normal daily activities.

(a) Parking Space, Handicapper. "Handicapper parking space" means a parking space which is twelve feet wide by eighteen feet long with appropriate diagonal striping or a sign identifying it as a parking space restricted for use by handicappers, as defined in the Traffic and Parking Code and the Building Code.

(b) Parking Garage, Private. "Private parking garage" means a building not over one story or fifteen feet in height for the storage of fewer than six passenger cars or recreational equipment.

(c) Parking Garage, Community. "Community parking garage" means a building, or part thereof, used for the storage of more than five passenger cars or recreational equipment, for use of residents in the vicinity.

(d) Parking Structure. "Parking structure" means a structure, other than a community parking garage, for the storage of more than five passenger cars or recreational equipment.

(Ord. 1128. Passed 3-19-84.)

1262.39 PRE-RELEASE ADJUSTMENT CENTER.

"Pre-release adjustment center" means an establishment which provides shelter and supervisory and social services to convicts in a pre-release parole preparation program, as authorized by the State Corrections Commission under authority of Act 323 of the Public Acts of 1953, as amended, or the Federal Bureau of Prisons under authority of P.L. 91:492, as amended.

(Ord. 1128. Passed 3-19-84.)

1262.40 PRINCIPAL.

(a) "Principal building" means the building occupied or designed for the principal use.

(b) "Principal use" means the main use to which a premises is devoted.

(Ord. 1128. Passed 3-19-84.)

1262.41 PRIVATE PASSENGER VEHICLE.

"Private passenger vehicle" means a self-propelled vehicle designed primarily to transport people on ordinary roads and having a valid and current passenger license plate. "Private passenger vehicle" does not include buses, recreational equipment, trucks and similar vehicles. (Ord. 1128. Passed 3-19-84.)

1262.42 PUBLIC UTILITY.

"Public utility" means any person, corporation or Municipal department duly authorized to furnish to the public, under regulations of the City or the State, electricity, gas, steam, telephone, telegraph, transportation, water or similar services.

(Ord. 1128. Passed 3-19-84.)

1262.43 RECREATIONAL EQUIPMENT.

(a) Pick-Up Camper. "Pick-up camper" means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

(b) Motorized Home. "Motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

(c) Folding Tent Trailer. "Folding tent trailer" means a folding structure mounted on wheels and designed to be pulled or towed by a self-propelled vehicle and used for travel or vacation uses.

(d) Boat and Boat Trailer. "Boat" and "boat trailer" means any vehicle, with or without motive power, designed for carrying property or persons on water, plus the normal equipment necessary to transport the same on ordinary roads.

(e) Snowmobile and Snowmobile Trailer. "Snowmobile" and "snowmobile trailer" mean any motorized recreational vehicle for use on snow or ice, plus the normal equipment necessary to transport the same on ordinary roads.

(f) Trailer Coach. "Trailer coach" means any vehicle without motive power, designed for carrying property or persons, and so constructed as to permit occupancy as a dwelling or sleeping place by one or more persons, and licensable as a trailer coach under the statutes of the State.

(Ord. 1128. Passed 3-19-84.)

1262.44 RECREATIONAL FACILITY.

(a) "Large recreational facility" includes bowling alleys, skating rinks and other similar recreational facilities, not provided by the City. The buildings for such facilities are typically more than 10,000 square feet in area, and the total site, including the required off-street parking, is typically more than three-fourths of an acre.

(b) "Small recreational facility" includes arcades for coin-operated amusement devices (other than devices showing specified sexual activities or specified anatomical areas) pool halls and other similar recreational facilities, not provided by the City. The space occupied by such facilities is typically less than 10,000 square feet in area.

(Ord. 1128. Passed 3-19-84.)

1262.45 RELIGIOUS FACILITY.

"Religious facilities" include:

(a) Churches, chapels, temples, synagogues or other places of worship;

(b) Rectories, parsonages or parish houses; and

(c) Monasteries, convents, seminaries or religious retreats.

(Ord. 1128. Passed 3-19-84.)

1262.46 RESIDENTIAL ACCESSORY BUILDING.

"Residential accessory building" means a parking garage or storage shed that is located on the same zoning lot as the dwelling that it serves.

(Ord. 1128. Passed 3-19-84.)

1262.47 RESTAURANTS.

The Zoning Administrator shall assign all restaurant applications to one of the following restaurant categories. In instances where the appropriate category is unclear, or where the applicant and the Zoning Administrator disagree on the appropriate category, the matter shall be referred to the Uniform Board of Appeals for administrative review.

(a) Standard Restaurant. "Standard restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes one or both of the following characteristics:

(1) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which such items are consumed.

(2) There is a cafeteria-type operation where foods, frozen desserts or beverages generally are consumed within the restaurant building.

(b) Carry-Out Restaurant. "Carry-out restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes both of the following characteristics:

(1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

(2) The consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

(c) Fast-Food Restaurant. "Fast-food restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, for consumption within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

(1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposal containers.

(2) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

(d) Drive-In Restaurant. "Drive-in restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose design, method of operation or any portion of such business includes one or both of the following characteristics:

(1) Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle.

(2) The consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

(Ord. 1128. Passed 3-19-84.)

1262.48 ROOMING HOUSE.

"Rooming house" means any building, or part thereof, containing fewer than eleven rooming or dwelling units, where sleeping accommodations are provided for hire and where meals may or may not be furnished.

(Ord. 1128. Passed 3-19-84.)

1262.49 ROOMING UNIT.

"Rooming unit" means a room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for the purposes of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1262.50 SECONDHAND STORE.

"Secondhand store" means any building or other structure, premises or part thereof used solely or partially for the sale of secondhand clothing, furniture, books or household goods, or used solely or primarily for the sale of secondhand household appliances.

(Ord. 1128. Passed 3-19-84.)

1262.51 SCHOOL.

See Educational Facility.

(Ord. 1128. Passed 3-19-84.)

1262.52 SHOE SHINE PARLOR.

"Shoe shine parlor" means a building, or part thereof, used solely or primarily for shoe polishing or dyeing, or if incidental to some other use, where facilities are provided for serving more than two customers simultaneously.

(Ord. 1128. Passed 3-19-84.)

1262.53 SIGN.

"Sign" means a name, identification, description, display or illustration which is affixed or applied to or represented directly or indirectly upon a building or other structure or zoning lot, and which directs attention to an object, product, place, activity, person, institution, organization or business. "Sign" does not include any display of official court or public agency notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group.

(a) The "area of a sign" shall be computed as the area circumscribed by a parallelogram, triangle, circle or semicircle, or any combination of these figures, which includes all of the display area of the sign including the frame surrounding the display area.

(b) Major categories of signs are as follows:

(1) "Advertising sign" means a sign which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises on which the sign is located or to which it is affixed, or which is only incidentally sold or offered on the premises.

(2) "Business sign" means a sign, at least fifty percent of whose area is devoted to directing attention to the principal business or profession conducted, or to the principal type of commodity, service or entertainment sold or offered, on the premises on which the sign is located or to which it is affixed.

(3) "Directional sign" means a sign directing and guiding traffic or parking but bearing no advertising matter.

(4) "Identification sign" means a sign identifying the name of the individual, profession, occupation, organization, hotel or motel occupying the premises, or the name or street number of the building. "Identification sign" includes information signs of any governmental agency, religious group, fraternal or philanthropic organization, hospital or school and located on the premises and bearing only information related to activities conducted on the premises, persons involved or other identification information.

(5) "Real estate sign" means a sign advertising that the premises on which it is located are for sale, lease or rent.

(c) Structural types of signs are as follows:

(1) "Double-face sign" means a sign, both sides of which are visible and used as signs. A V-type sign shall be considered a double-face sign.

(2) "Flashing sign" means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when in use.

(3) "Illuminated sign" means any sign designed to give forth any artificial light, or designed to reflect light deriving from any source which is intended to cause such light or reflection.

(4) "Projecting sign" means a sign constructed or erected so as to be attached at one end to a building, pole or other structure and projecting out therefrom.

(5) "Roof, ground or wall signs" are signs which are affixed to or comprise a part of the roof, ground or wall, respectively.

(Ord. 1128. Passed 3-19-84.)

1262.54 STORY.

(a) "Full story" means that part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the vertical distance from the established grade at the center of the front of the building to the ceiling of a story partially below such grade exceeds five feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

(b) "Half story" means a story which is situated within a sloping roof, the area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area directly below it.

(Ord. 1128. Passed 3-19-84.)

1262.55 STREET.

"Street" means a thoroughfare which affords a principal means of access to abutting property; a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. "Street" includes the land of the front lot lines of abutting properties and may comprise the pavement, shoulders, gutters, sidewalks, parking areas and lawns. Specific types of streets are as follows:

(a) "Major thoroughfare" means an arterial street of great continuity which is intended to serve as a large volume traffic way for both the City and the region beyond, and which is designated on the Master Thoroughfare Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Unless otherwise indicated, "major thoroughfares" are limited to Six Mile Road, the Oakman/Manchester Connector and the Davison Service Drives in the east/west direction, and Hamilton, Woodward and Oakland in the north/south direction.

(b) "Collector street" means a street intended to serve as a major means of access from minor streets to major thoroughfares, which has considerable continuity within the framework of the Major Thoroughfare Plan, or which provides access to business or industrial uses for a substantial number of trucks and private passenger vehicles. Unless otherwise indicated, all Act 51 major streets that are not major thoroughfares are collector streets.

(c) "Minor street" means a street of limited continuity used primarily for access to abutting residential properties.

(d) "Cul-de-sac street" means a short street having one end permanently terminated by a vehicular turn-around.

(e) "Alley" means a thoroughfare or way, not more than thirty feet wide, which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.

(Ord. 1128. Passed 3-19-84.)

1262.56 STRUCTURE.

"Structure" means any production or piece of work artificially built up or composed of parts joined together in some definite manner. "Structure" also means any construction.

(Ord. 1128. Passed 3-19-84.)

1262.57 SUBSTANCE ABUSE SERVICE FACILITY.

"Substance abuse service facility" means any establishment used for the dispensing, on an out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. "Substance abuse service facility" does not include a generally recognized pharmacy or licensed hospital dispensing prescription medicines.

(Ord. 1128. Passed 3-19-84.)

1262.58 TAVERN.

See Class C Cabaret.

(Ord. 1128. Passed 3-19-84.)

1262.59 THEATER.

"Theater" means an enclosed building with a capacity of fifty or more persons used for presenting filmed or live presentations which are not characterized by an emphasis on matter depicting specified anatomical areas or specified sexual activities.

(Ord. 1128. Passed 3-19-84.)

1262.60 USE.

"Use" means the purpose for which land or a building thereon is designed, arranged or intended to be occupied, or for which it is occupied or maintained.

(Ord. 1128. Passed 3-19-84.)

1262.61 WALKWAY.

"Walkway" means an area and improvements, either dedicated to the public or on private property, which are intended to provide for pedestrian access and movement.

(Ord. 1128. Passed 3-19-84.)

1262.62 YARD.

"Yard" means a space open to the sky and unoccupied or unobstructed except by specifically permitted uses or encroachments. Specifically:

(a) "Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest part of the principal building or structure. No parking of vehicles is permitted in a required front yard.

(b) "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest part of the principal building or structure.

(c) "Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest part of the principal building or structure, except permitted encroachments.

(Ord. 1128. Passed 3-19-84.)

1262.63 ZONING CODE.

"Zoning Code" means Ordinance 1128, passed March 19, 1984, as amended, codified herein as Titles Six, Eight, Ten and Twelve of this Part Twelve - the Planning and Zoning Code.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1264

Land Use Classification System

1264.01 Intent.

1264.02 Classification system.

1264.03 Major Use Group A - assembly buildings.

1264.04 Major Use Group B - business buildings.

1264.05 Major Use Group F - factory and industrial buildings.

1264.06 Major Use Group H - high hazard buildings.

1264.07 Major Use Group I - institutional buildings.

1264.08 Major Use Group M - mercantile buildings.

1264.09 Major Use Group O - open space.

1264.10 Major Use Group R - residential buildings.

1264.11 Major Use Group S - storage buildings.

1264.12 Doubtful use classification.

1264.01 INTENT.

The intent of this chapter is to develop a comprehensive land use classification system that will standardize the classification schemes used by the Building Code, the Business Regulation Code and this Zoning Code, in order to eliminate inconsistencies and contradictions among these three major land use regulatory schemes.

(Ord. 1128. Passed 3-19-84.)

1264.02 CLASSIFICATION SYSTEM.

All buildings and other structures, and uses of buildings and other structures and/or land, shall be classified with respect to use in one or more of the uses listed in the following three-character classification code:

(a) Major Use Groups. The first letter of the code classifies a use into one of nine major use groups. Eight of these major use groups correspond to the categories used by the BOCA Basic Building Code, which is adopted as the City Building Code in Chapter 1420, and a ninth major category was added to cover uses of land that typically occur without buildings.

Major Use Group	Use
A	Assembly buildings
B	Business buildings
F	Factory and industrial buildings
H	High hazard buildings
I	Institutional buildings
M	Mercantile buildings
O	Open space
R	Residential buildings
S	Storage buildings

(b) Use Groups. Each of the major use groups is divided into a number of use groups using categories that are familiar to urban geographers. Descriptions of the functional characteristics of many of the use groups are provided in this chapter.

(c) Uses. Each of the use groups is further divided into a number of specific uses. Many of these specific uses are defined in Chapter 1262.

(Ord. 1128. Passed 3-19-84.)

1264.03 MAJOR USE GROUP A - ASSEMBLY BUILDINGS.

All buildings and other structures which are used as places of assembly are classified in Major Use Group A, as follows:

(a) (AA) Food and Drink. Within this group there are significant differences with regard to clientele, size of operation, participation in chains and peak hours of demand. The particular type of establishment in a commercial area and the frequency of its recurrence can often give a good indication of the character of the commercial area and its surrounding neighborhood.

Groups of stores offering food and drink are characterized by two different kinds of locational patterns. The traffic oriented units are located along major roads and foot travel oriented units are

found in association with the presence of primary and secondary shopping goods (use groups MA and MB) or near places of employment.

Use group AA is divided into the following specific uses:

- (1) AA1 Standard restaurants;
- (2) AA2 Taverns (class C cabarets);
- (3) AA3 Fast-food restaurants; and
- (4) AA4 Drive-in restaurants.

(b) (AB) Schools and Churches. This use group is divided into the following specific uses:

- (1) AB1 Religious facilities; and
- (2) AB2 Educational facilities.

(c) (AC) Recreational Facilities. This use group is divided into the following specific uses:

- (1) AC1 Class A cabarets;
- (2) AC2 Class B cabarets (private clubs);
- (3) AC3 Banquet halls (halls for rent);
- (4) AC4 Theaters (nonadult);
- (5) AC5 Nonprofit social clubs;
- (6) AC6 Large recreational facilities; and
- (7) AC7 Small recreational facilities.

(d) (AD) Adult Entertainment Facilities. These businesses, which offer entertainment of an explicitly sexual nature, are offensive to many people in the community. Nevertheless, the existence of these facilities is protected by the United States Constitution (freedom of speech). They attract the kinds of people who frequent those places and drive away those who do not. This contributes to the decline of a neighborhood. A concentration of such businesses also causes the neighborhood to appear to be declining and this causes lack of neighborhood pride, resulting in a further decline. Nor is it possible to set aside certain areas where these business uses are to be concentrated, as is done with industrial uses, since these businesses, like other commercial uses, must have some proximity to residential areas and access to a suitable market. (*American Mini Theater V. Gribbs* (373 F Supp. 363,365 (1974)))

This use group is divided into the following specific uses:

- (1) AD1 Class D cabarets;
- (2) AD2 Adult motion picture theaters (full size and mini);
- (3) AD3 Adult model studios; and
- (4) AD4 Massage parlors.

(Ord. 1128. Passed 3-19-84.)

1264.04 MAJOR USE GROUP B - BUSINESS BUILDINGS.

All buildings and other structures which are used for the transaction of business, for the rendering of professional services or for other services that involve stocks of goods, wares or merchandise in limited quantities for uses incidental to office uses or sample purposes, etc., are classified in Major Use Group B as follows:

(a) (BA) Independent Shopper-Oriented Services. This group consists of a wide variety of personal and commercial services and of professional and semiprofessional offices.

This group of services is generative, meaning that shopping trips originate for the specific purpose of obtaining the service which these stores offer. Hence, the stores operate independently from one another. There is very little comparative shopping in this group because the personal customer relationship tends to perpetuate patronage. Usually a commercial area can support only one store of each type. The agency type of store (real estate and insurance) is more numerous, however, and it tends to locate in proximity to other stores of the same type.

The independent shopper-oriented services differ from nonshopper-oriented services and goods (use groups BD and SA) in two respects. First, they involve direct shopper participation, with an appointment frequently involved. Second, they are not located in discontinuous distributions along principal traffic arteries like groups BD and SA. The independent shopper-oriented services are usually found either in the weak spots of larger commercial areas or in converted residences on the edges of smaller commercial areas.

This use group is divided into the following specific uses:

- (1) BA1 Business schools, health studios, etc.;
- (2) BA2 Nonprofessional offices and services;
- (3) BA3 Professional offices and services;
- (4) BA4 Medical offices and services;

(5) BA5 Financial offices and services; and

(6) BA6 Government service agencies.

(b) (BB) Mutually-Oriented Convenience Services. These ubiquitous stores, designed to serve the needs of the surrounding neighborhood, are located in close proximity to one another and occur in association with neighborhood convenience stores (use group MC). Other characteristics associated with this group are independent ownership, relatively small store size and frequent recurrence of store types.

Two locational patterns can be identified: the small isolated neighborhood shopping area and the type which occurs in conjunction with the larger shopping areas. The traditional neighborhood type may exist either as an independent entity or as a cluster in the midst of discontinuous distributions of nonshopper-oriented services and goods (use groups BC and SA). When this group of stores is located in conjunction with larger commercial areas, they are found either on the periphery of the largest areas or on the cores of intermediate sized areas.

This use group is divided into the following specific uses:

(1) BB1 Personal maintenance stores (barber shops and beauty shops); and

(2) BB2 Clothing maintenance stores (tailors, cleaners, shoe repair shops).

(c) (BC) Motor Vehicle Traffic-Oriented Businesses. This group caters to automotive needs. The large buildings are characterized by a lack of fixturing and frequent association with lots for storage or display space. The proximity of these businesses to one another and their conspicuousness in the landscape has given rise to the term automobile row. No other association of stores is designated by a comparable popular term.

It should be noted that gas stations belong to this category rather than to convenience services where they have been traditionally classified. The functional and locational association of gas stations to other members of this group determined their inclusion here. The similarity of boat and recreational vehicle sales facilities suggested their relationship to this group even though they are obviously not traffic oriented.

This use group is divided into the following specific uses:

(1) BC1 Gasoline service stations;

(2) BC2 Motor vehicle repair shops and motor repair shops;

(3) BC3 New and used motor vehicle sales lots;

(4) BC4 Motor vehicle related sales facilities;

(5) BC5 Boat sales, recreational vehicle sales and related facilities; and

(6) BC6 Car washes.

(d) (BD) Nonshopper-Oriented Services. Members of this group of uses, like nonshopper oriented goods (use group SA), are found in discontinuous distributions along major highways. The following businesses operate quite independently of one another:

(1) BD1 Printing and related services;

(2) BD2 Funeral homes; and

(3) BD3 Animal (pet) care facilities.

(Ord. 1128. Passed 3-19-84.)

1264.05 MAJOR USE GROUP F - FACTORY AND INDUSTRIAL BUILDINGS.

All buildings and other structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials, are classified in Major Use Group F. Such buildings or structures include, among others, factories, assembling plants, industrial laboratories and all other industrial and manufacturing uses, except those of Major Use Group H involving highly combustible, flammable or explosive products and materials.

(a) (FA) Light Industrial. This use group is divided into the following specific uses:

(1) FA1 Light industrial facilities; and

(2) FA2 Auto parts/wrecking/junk yards.

(b) (FB) Heavy Industrial. This use group contains only FB1 heavy industrial facilities.

(Ord. 1128. Passed 3-19-84.)

1264.06 MAJOR USE GROUP H - HIGH HAZARD BUILDINGS.

All buildings and other structures, or parts thereof, which are used for the storage, manufacture or processing of highly combustible or explosive products or materials which are likely to burn with extreme rapidity, or which may produce poisonous fumes or explosions, or for storage or manufacturing which involves highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flames or fumes or poisonous, irritant or corrosive gases, or for the storage or processing of materials producing explosive mixtures of dust or resulting in the division of matter into fine particles subject to spontaneous ignition, are classified in Major Use Group II as (HA) high hazard buildings. Use group HA is divided into the following specific uses:

- (a) HA1 High hazard storage; and
- (b) HA2 High hazard manufacturing.

(Ord. 1128. Passed 3-19-84.)

1264.07 MAJOR USE GROUP I - INSTITUTIONAL BUILDINGS.

All buildings and other structures, or parts thereof, in which people suffering from physical limitations because of health or age are harbored for medical or other care or treatment, or in which people are detained for penal or correctional purposes, or in which the liberty of the inmates is restricted, or in which other related uses are carried out, are classified in Major Use Group I, as follows:

(a) (IA) Institutions of Detention and Correction. This use group is divided into the following specific uses:

- (1) IA1 Jails;
- (2) IA2 Asylums;
- (3) IA3 Pre-release adjustment centers; and
- (4) IA4 Substance abuse service facilities.

(b) (IB) Institutions of Health Care. This use group is divided into the following specific uses:

- (1) IB1 Hospitals;
- (2) IB2 Homes for the aged and infirm;
- (3) IB3 Foster care facilities (housing seven or more persons);
- (4) IB4 Foster care facilities (housing six or fewer persons); and
- (5) IB5 Day nurseries.

(Ord. 1128. Passed 3-19-84.)

1264.08 MAJOR USE GROUP M - MERCANTILE BUILDINGS.

All buildings and other structures, or parts thereof, which are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including, among others, retail stores, shops, salesrooms and markets, are classified in Major Use Group M as set forth in subsections (a) to (d) hereof. Highly combustible goods, such as pyroxylin products, shall be limited to small quantities that do not constitute a high hazard.

(a) (MA) Primary Shopping Goods. This group of stores customarily forms the hardcore of the largest commercial areas and is usually encircled by secondary shopping goods. The participation of chains is of the greatest significance in the primary shopping goods group of uses. The investment in these stores is extremely high because of their prime locations, large size and costly fixturing requirements. Long leases and zoning restrictions tend to reinforce the retail strength of these stores.

This use group is divided into the following specific uses:

- (1) MA1 Department stores;
- (2) MA2 Shoe stores;
- (3) MA3 Clothing stores;
- (4) MA4 Toys/hardware/variety stores;
- (5) MA5 General merchandise stores;
- (6) MA6 Supermarkets (5,000 square feet or more);
- (7) MA7 Furniture stores; and
- (8) MA8 Appliance stores.

(b) (MB) Secondary Shopping Goods. These stores offer specialized goods such as a single type of apparel, general merchandise or hobby or household articles. In large commercial areas they occur adjacent to clusters or isolated members of the primary shopping goods group. In areas of intermediate size, however, they are found in cores. In this situation they exhibit a greater tendency to cluster since there are relatively fewer stores belonging to other groups which are competing for the same location.

Secondary shopping goods stores are relatively small and predominantly independently owned. Their quality and stability is, to a large extent, dependent upon the success and composition of the primary shopping goods in the area. The potentialities for conversion of any one store in this group to any other is very good because they all tend to have good locations and roughly equivalent store size and fixturing investment.

This use group is divided into the following specific uses:

- (1) MB1 Apparel and accessory stores;
- (2) MB2 Household and related article stores;
- (3) MB3 Sporting goods/hobby/book stores; and

(4) MB4 art object stores.

(c) (MC) Neighborhood Convenience Goods. This group of stores shares several important characteristics with mutually-oriented convenience services (use group BB). The locational types, frequency of customer cash transactions and short distance of shopping trips are common to both. The neighborhood convenience goods, however, has a greater reliance upon impulse shopping. The purchase of these goods requires neither the expenditure of time necessitated by some of the convenience services nor forethought on the part of the customer which the laundry and cleaning services do. Frequently, a trip originating for the purchase of a single perishable item in this group results in visits to several stores offering similar goods and services.

In this land use classification system a distinction is made between groceries and supermarkets because of the difference in their retail strength. Food stores of less than 5,000 square feet are recorded as groceries; food stores of more than 5,000 square feet are recorded as supermarkets.

This use group is divided into the following specific uses:

(1) MC1 Groceries (5,000 square feet or less; no liquor license);

(2) MC2 Party stores (5,000 square feet or less; liquor license);

(3) MC3 Specialty foods stores;

(4) MC4 Nonfood stores (drug stores, magazines, etc.); and

(5) MC5 Carry-out food stores (carry-out only).

(d) (MD) Restricted Goods. This group of stores is most frequently found in areas characterized by low income, nonfamily population and unemployment. Taverns, cafes and rooming houses are frequently, but not inevitably, associated with this group. The presence of the following types of stores tends to discourage quality merchants and women shoppers:

(1) MD1 Adult book stores, etc.;

(2) MD2 Secondhand stores;

(3) MD3 Pawnshops; and

(4) MD4 Blood donation centers.

(Ord. 1128. Passed 3-19-84.)

1264.09 MAJOR USE GROUP O - OPEN SPACE.

Open air uses of land that do not require buildings are classified in Major Use Group O, as follows:

(a) (OA) Parks and Recreational Space. This use group is divided into the following specific uses:

(1) OA1 City parks and playfields; and

(2) OA2 Golf courses.

(b) (OB) Off-Street Parking Lots. This use group is divided into the following specific uses:

(1) OB1 Parking lot for residential uses;

(2) OB2 Parking lot for business uses;

(3) OB3 Parking lot for industrial uses; and

(4) OB4 Parking lot for institutional uses.

(c) (OC) Cemeteries. This use group contains only OC1 cemeteries.

(Ord. 1128. Passed 3-19-84.)

1264.10 MAJOR USE GROUP R - RESIDENTIAL BUILDINGS.

All buildings and other structures, or parts thereof, in which families or households live, or in which sleeping accommodations are provided for individuals with or without dining facilities, excluding those that are classified as institutional buildings, are classified in Major Use Group R, as follows:

(a) (RA) Low Density Residential. This use group is divided into the following specific uses:

(1) RA1 Single-family detached dwellings;

(2) RA2 Two-family dwellings; and

(3) RA3 Residential accessory buildings.

(b) (RB) Medium Density Residential. This use group is divided into the following specific uses:

(1) RB1 Single-family attached dwellings; and

(2) RB2 Garden apartments.

(c) (RC) High Density Residential. This use group is divided into the following specific uses:

(1) RC1 Elevator apartments; and

(2) RC2 Senior citizen housing.

(d) (RD) Transient Residential. This use group is divided into the following specific uses:

(1) RD1 Hotels;

(2) RD2 Motels; and

(3) RD3 Rooming houses.

(Ord. 1128. Passed 3-19-84.)

1264.11 MAJOR USE GROUP S - STORAGE BUILDINGS.

All buildings and other structures, or parts thereof, which are used primarily for the storage of goods, wares or merchandise (except those of Major Use Group H that involve highly combustible or explosive products or materials), including, among others, warehouses, storehouses and freight depots, are classified in Major Use Group S, as follows:

(a) (SA) Nonshopper-Oriented Goods. This group can be attributed primarily to the existence of comparatively low rent locations with nonrestrictive zoning regulations. These businesses are typified by a discontinuous distribution since they operate quite independently of one another.

Most of the construction trades and the general repair-workshop concerns in this group are small, inconspicuous, independently owned and devoted primarily to storage. The bulk of the transactions are conducted by telephone. The individual consumer makes infrequent and usually indirect transactions with these residence-oriented service outlets. This relationship between merchant and customer suggests that these businesses do not have a neighborhood orientation. The conspicuous advertising on trucks associated with these businesses tends to support this conclusion.

This use group is divided into the following specific uses:

(1) SA1 Construction trades, maintenance and related uses;

(2) SA2 Specialized supplies, services and equipment;

(3) SA3 Workshop oriented goods and services;

(4) SA4 Rental equipment; and

(5) SA5 Heating/ventilation/cooling services.

(b) (SB) Low Hazard Storage. Buildings used for the storage of noncombustible materials and low hazard wares that do not ordinarily burn rapidly are classified in this use group.

The sale of bulk goods and the rendering of services involving storage (movers and auctioneers) are larger scale operations than use group SA. Store fronts associated with these subgroupings are comparatively more attractive, but they still do not represent costly investments. Although direct customer participation is involved in the sale of bulk goods, the infrequency of shopping trips is similar to the other members of this group. The independent operation and storage aspects are common attributes of these uses.

This use group is divided into the following specific uses:

- (1) SB1 Low hazard storage and low hazard bulk goods; and
- (2) SB2 Storage and transit services.

(c) (SC) Moderate Hazard Storage. Buildings used for the storage of moderate hazard contents which are likely to burn with moderate rapidity, but which do not produce either poisonous gases, fumes or explosives are classified in this use group as SC1 moderate hazard storage and moderate hazard bulk goods.

(d) (SD) Public Utility Facilities. Corporations or Municipal departments duly authorized to furnish to the public, under regulations of the City or the State, electricity, gas, steam, telephone, transportation, water or similar services, are classified in this use group.

This use group is divided into the following specific uses:

- (1) SD1 Public utility facilities (no external storage area); and
- (2) SD2 Public utility facilities (with external storage area).

(Ord. 1128. Passed 3-19-84.)

1264.12 DOUBTFUL USE CLASSIFICATION.

When a building or other structure is proposed for a use not specifically provided for in the classification code set forth in this chapter, or the classification of which is doubtful, such building or structure shall be included in the use group which it most nearly resembles with respect to neighborhood impacts and fire hazard, and it shall be so classified by the City Planner.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1266

Nonconformities

1266.01 Intent.

1266.02 Degrees of nonconformity.

1266.03 Record of nonconformities.

1266.04 Limitations on nonconformities.

1266.05 Acquisition of nonconformities.

1266.06 Unlawful existing buildings.

CROSS REFERENCES

Nonconformities - see M.C.L.A. Sec. 125.583a

1266.01 INTENT.

Within the districts established by this Zoning Code, or any amendment thereto, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Zoning Code was adopted or amended, but which are prohibited, regulated or restricted under the provisions of this Zoning Code. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival.

Nonconformities are declared to be incompatible with permitted uses in the districts involved. The eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Zoning Code is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses and structures that would violate the provisions of this Zoning Code. It is the intent of this Zoning Code that the elimination of nonconforming uses or structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

(Ord. 1128. Passed 3-19-84.)

1266.02 DEGREES OF NONCONFORMITY.

Restrictions shall be placed on nonconformities in proportion to the harmful influence that the nonconformity exerts upon surrounding properties. More specifically, the following degrees of nonconformity are recognized:

(a) First Degree Nonconformity. Dangerous buildings which have been condemned under the provisions of the Building Code shall be considered to be first degree nonconformities. Such buildings represent a serious hazard to the health and welfare of the residents of the City. It is public policy to eliminate such structures as quickly as possible.

(b) Second Degree Nonconformity. A second degree nonconformity is a nonresidential use, lawfully existing at the time of the enactment of this Zoning Code, or any amendment thereto, that does not conform to the provisions of this Zoning Code and that is:

(1) Located in a building that, because of its design, bulk, arrangement or other features, cannot be readily remodeled or adopted to serve a use that does conform to the provisions of this Zoning Code for the district in which such building is located;

(2) Located in a residentially zoned area and is a member of one of the following use groups, as defined in Chapter 1264:

A. Use group AA food and drink;

B. Use group AC recreational facilities;

C. Use group BC motor vehicle traffic-oriented business; or

D. Use group RD transient residential - hotels and motels;

(3) Located in a building that can be adopted to serve a use that does conform to the provisions of this Zoning Code where the existing use is a member of use group I restricted uses, as defined in Section 1272.02(a); or

(4) Located in the open and involves no structure with a replacement cost exceeding five thousand dollars (\$5,000).

Second degree nonconformities are in serious conflict with the Zoning Code and generally are a serious detriment to the use and enjoyment of adjacent property. It is public policy to encourage the elimination of such uses as quickly as possible.

(c) Third Degree Nonconformity. A third degree nonconformity is a use, lawfully existing at the time of the enactment of this Zoning Code, or any amendment thereto, that does not conform to the provisions of this Zoning Code and that is located in a building that can be readily remodeled or adopted to serve a use that does conform to the provisions of this Zoning Code for the district in which such building is located.

Third degree nonconformities are in conflict with the Zoning Code, but generally are not a serious detriment to the use and enjoyment of adjacent property. It is public policy to encourage the elimination of such uses with the passage of time.

(d) Fourth Degree Nonconformity. A fourth degree nonconformity is a use lawfully existing at the time of the enactment of this Zoning Code, or any amendment thereto, and that is:

(1) A commercial or industrial use that conforms to the provisions of this Zoning Code and is located in a building that does not conform to regulations pertaining to setbacks, building bulk, building height or off-street parking; or

(2) A residential use located in a building that, because of its design, bulk, arrangement or other features, cannot be readily remodeled or adopted to serve a use that does conform to the provisions of this Zoning Code for the district in which such building is located.

Fourth degree nonconformities are in conflict with the details of the Zoning Code, but are not a detriment to the use and enjoyment of adjacent property. It is public policy to permit such structures and uses to continue, but to require any modification of the use or structure to bring compliance with, or to at least not increase the noncompliance with, the design requirements of this Zoning Code.

(e) Fifth Degree Nonconformity. A fifth degree nonconformity is a use permitted in a Residential or Public and Quasi-Public District that conforms to the provisions of this Zoning Code and is located in a building that does not conform to regulations pertaining to setbacks, building bulk, building height or off-street parking.

Fifth degree nonconformities are in essential compliance with this Zoning Code, but are at variance with the more specific design requirements imposed by this Zoning Code. It is public policy to permit such structures and uses to continue, but to require any modification to the structure to bring compliance with, or to at least not increase the noncompliance with, the design requirements of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1266.03 RECORD OF NONCONFORMITIES.

The Zoning Administrator shall maintain a complete record of all cases of first, second and third degree nonconformities, as follows:

(a) Information Required. The record of nonconformities shall contain the name and address of the owner, as recorded by the City Assessor's office, together with the legal description of the premises, the assessed value of the premises, the degree of nonconformity and the basis of the classification.

(b) Owners of Nonconformities to be Informed. After such a record is prepared, and similarly after each subsequent annual review of such record, the owners of second and third degree nonconformities shall be informed by the Zoning Administrator by mail of the recordation of the premises as being a zoning nonconformity and the provisions applicable to such a nonconformity.

(c) Record to be Filed With City Clerk and County. After such owners are informed as provided in subsection (b) hereof, copies of the record approved by Council shall be filed in the office of the City Clerk and the County Register of Deeds. Such record shall constitute prima-facie

evidence of the number, character and extent of such nonconformities at the time this Zoning Code becomes effective. The record of nonconformities shall be reviewed annually by Council.

(d) Reclassification Under Appeal. Upon petition to the Board of Appeals for an administrative review, a property which has been classified as a second degree nonconformity may be reclassified as a third degree nonconformity, provided that all of the following are true:

(1) The reconstruction and/or continuation of the nonconformity would not be contrary to the public health, safety and welfare and to the spirit of this Zoning Code.

(2) The use and/or structure does not, and is not likely to, significantly depress the value of nearby properties.

(3) The use and/or structure was lawful at the time of its inception.

(4) No useful purpose would be served by the application of strict constraints which encourage the elimination of such use.

(Ord. 1128. Passed 3-19-84.)

1266.04 LIMITATIONS ON NONCONFORMITIES.

Any legal nonconforming building or use existing at the time of enactment or amendment of this Zoning Code may be continued if maintained in good condition. Any change in the status of a nonconformity must comply with the following restrictions:

(a) No Resumption After Discontinuance. Any nonconforming use of land or a building which has become vacant or remains unoccupied due to abandonment or discontinuance of the nonconformity shall conform to the provisions of this Zoning Code, as follows:

(1) For a first degree nonconformity, no reconstruction and/or repair for the resumption of use of a condemned building is permitted without the approval of Council, upon the written recommendation of the Building Official and the City Planner.

(2) For a second degree nonconformity, no resumption is permitted if the nonconformity has been discontinued for at least nine months.

(3) For a third degree nonconformity, no resumption is permitted if the nonconformity has been discontinued for at least eighteen months.

(4) For a fourth degree nonconformity, no resumption is permitted if the nonconformity has been discontinued for at least thirty-six months.

(5) For a fifth degree nonconformity, no limitation is imposed on the resumption of the nonconformity after it has been discontinued.

(b) Reconstruction. Any nonconforming use of a structure which has been destroyed or damaged by fire, explosion or act of God may be reconstructed to the same nonconformity as existed before such damage if such reconstruction commences within nine months of the date of such destruction, subject to the following provisions:

(1) If such damage to the structure is greater than 100 percent of its equalized assessed valuation before such damage occurred, then such nonconformity shall not be reconstructed and the site shall thereafter conform to the provisions of this Zoning Code.

(2) If such damage to the structure is greater than fifty percent and less than 100 percent of its equalized assessed valuation, then such structure may be reconstructed, subject to a determination by the Planning Commission that:

A. The reconstruction and continuation of the nonconformity would not be contrary to the public health, safety or welfare or to the spirit of this Zoning Code.

B. The use and/or structure does not, and is not likely to, significantly depress the value of nearby properties.

C. The use and/or structure was lawful at the time of its inception.

D. No useful purpose would be served by the application of strict constraints which encourage the elimination of such uses.

(3) If such damage to the structure is less than fifty percent of its equalized assessed value, then such structure may be reconstructed.

(c) Extensions. A nonresidential nonconformity shall not be permitted to increase, enlarge or expand the area, space or volume it occupied on the effective date of this Zoning Code, or any amendment thereto, which causes such premises to become a nonconformity. A residential nonconformity may be extended or extended or enlarged, provided that such extension does not violate any set-back or height limit imposed by this Zoning Code.

(d) Alterations. No nonconformity shall be enlarged or structurally altered, except to make it comply with requirements of health and safety laws or ordinances, and then only if the cost of such work does not exceed fifty percent of the equalized assessed valuation of such building or other structure at the time such work is done.

(e) Substitution of Uses. A nonconforming use may be changed to another nonconforming use of the same or greater restriction, provided that no structural change is made to the building. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use of lesser restriction.

However, a use which is a member of one of the following use groups, as defined in Chapter 1264, shall not be permitted to locate in a nonconforming building or other structure in any Residential District:

- (1) Use group AA food and drink;
- (2) Use group AC recreational facilities; or
- (3) Use group BC motor vehicle traffic-oriented businesses.

(f) Change of Tenancy or Ownership. There may be a change in tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

(Ord. 1128. Passed 3-19-84.)

1266.05 ACQUISITION OF NONCONFORMITIES.

(a) Initial Action by Planning Commission. The Planning Commission may, from time to time, recommend to Council the removal of any first or second degree nonconformity. The Commission shall submit its reasons, estimates of costs and expenses to acquire an interest in the property and to remove the nonconformity and estimates of the probable value of the nonconformity to be acquired. The Commission shall recommend the estimated cost of acquisition and removal of the nonconformity which may be assessed to a benefited district.

(b) Public Hearings by Council. Whenever Council has under advisement the acquisition by purchase, condemnation, donation or otherwise, as provided by law, of any such nonconforming building, structure or use, a preliminary public hearing shall be held before Council, subject to the following provisions:

(1) Not less than fifteen days notice of the time, place and purpose of such public hearing shall first be published in the official paper of the City, and the City Clerk shall send written notice of the time, place and purpose of such public hearing, by mail, to the respective owners of such properties proposed to be acquired. Such notice shall be sent to the owner's address as given in the last assessment roll.

(2) If the cost and expense, or any portion thereof, is to be assessed to a special assessment district, the City Assessor and the Planning Commission shall furnish Council with a tentative special assessment district, a tentative plan of assessment, the names of the respective owners of the properties located in such district and the addresses of the owners as given in the last assessment roll. The City Clerk shall send by mail such notice of hearing to the owners of properties located in the tentative special assessment district.

(c) Adoption of Special Assessment Plan. Whenever Council, after such public hearing, declares by resolution that proceedings be instituted for the acquisition of any nonconforming building, structure or use in accordance with the laws of the State, the City Charter and ordinances of the

City, the City Clerk shall send, by registered mail, a certified copy of such resolution to the respective owners of the nonconformities to be acquired, and to the owners of the properties in any special district, at the addresses given in the last assessment roll.

(d) Removal of Nonconformity. Upon the passing of the nonconformity to the City, Council shall cause the discontinuance or removal of the nonconforming use or the removal, demolition or remodeling of the nonconforming building or other structure. Council may thereafter elect to retain all or a part of the interest in the property so acquired for Municipal purposes, but not for public housing. If acquisition, costs and expenses are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of the property so retained for public use.

Council shall thereafter order such portion of the interest in the property or property not retained for Municipal purposes to be sold or otherwise disposed of, but only for a conforming use, and not for public housing. Council shall confirm the cost and expense of such project and report any assessable cost to the City Assessor, who shall then prepare an assessment roll in the manner provided for in the City Charter and the ordinances of the City. Such an assessment may, at the discretion of Council, be paid in one or more, but not more than ten, annual installments.

(Ord. 1128. Passed 3-19-84.)

1266.06 UNLAWFUL EXISTING BUILDINGS.

No building or other structure or use of land which was not lawfully existing at the time of the effective date of this Zoning Code shall become or be made lawful solely by reason of the adoption of this Zoning Code, unless it meets all requirements of this Zoning Code, and to the extent that, and in any matter that, such unlawful building, structure or use of land is in conflict with the requirements of this Zoning Code, such building, structure or use of land remains unlawful hereunder.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1268

Off-Street Parking and Loading

1268.01 Intent.

1268.02 Parking lot standards.

1268.03 Drive-thru and loading space requirements.

1268.04 Off-street parking for new construction.

1268.05 Off-street parking for existing buildings.

1268.06 Collective provisions.

1268.07 Payments in lieu of required parking.

1268.08 Minor parking variances.

CROSS REFERENCES

Handicapped parking requirements - see M.C.L.A. Sec. 257.942a

On-street parking restrictions - see TRAF. Ch. 480

Parking meters - see TRAF. Ch. 482

Parking System Fund - see TRAF. Ch. 486

1268.01 INTENT.

Every use of land must provide vehicle parking and loading spaces sufficient for the needs normally generated by that use. Any structure erected and occupied prior to the adoption of these requirements shall comply with the provisions outlined in this chapter for existing structures.

It is further intended that this Zoning Code shall provide an orderly framework to permit and encourage separate property owners to work together to solve their common parking problems.

(Ord. 1128. Passed 3-19-84.)

1268.02 PARKING LOT STANDARDS.

Whenever a parking lot is constructed, such parking lot shall be laid out, constructed and maintained in accordance with the following standards:

(a) Area of Parking Space. For the purpose of this chapter, a parking space shall be considered to be an area nine feet wide by eighteen feet long which is used for the temporary storage of a motor vehicle. Required handicapped parking spaces shall be twelve feet wide by eighteen feet long. If the developer can document that a substantial portion (i.e. more than twenty-five percent) of the cars that will be parked on the property will be subcompacts, the Planning Commission may reduce the parking space area for these subcompact cars, provided that these smaller spaces are clearly marked "compact car only."

(b) Access to Parking Spaces. In cases where a parking space is to be used by the general public, it must be directly adjacent to an ingress and egress lane. In cases where the parking space is to be used by employees of a firm, attendees at a sports event, members of a church, or other similar uses where all the people who use the parking lot are anticipated to arrive at almost the

same time and leave at almost the same time, credit may be given for spaces located in the ingress and egress lanes. The Planning Commission may determine that such spaces may be counted as a part of the required parking, upon a written request by the owner.

(c) Layout. Plans for the layout of parking lots shall show the equivalent of a total dimension across two tiers of parking spaces and one aisle (maneuvering lane) of at least the following for the various patterns:

(1) Ninety degree pattern. Sixty feet for two tiers of spaces and one aisle, with the minimum aisle being twenty-four feet in width. This minimum aisle width shall permit two-way traffic movement.

(2) Sixty degree pattern. Fifty-five feet for two tiers of spaces and one aisle, with the minimum aisle being fifteen feet in width. This minimum aisle width shall permit one-way traffic movement.

(3) Forty-five degree pattern. Fifty feet for two tiers of spaces and one aisle, with the minimum aisle being twelve feet in width. This minimum aisle width shall permit one-way traffic movement.

(4) Forty-five degree herringbone pattern. Forty-three feet for two tiers of spaces and one aisle, with the minimum aisle being twelve feet in width. This minimum aisle width shall permit two-way traffic movement. (This reduced width is available only when the parking aisle is adjacent to other rows of parking also in a forty-five degree pattern.)

(d) Ingress and Egress. Adequate ingress and egress to the parking lot shall be by means of clearly limited and defined driveways. In designing parking lots, access shall be kept as far from public right-of-way intersections as is feasible. All driveways within the public right of way shall be provided with pavement having a Portland cement binder so as to provide a permanent, durable and dustless surface.

(e) Surface. All parking lots shall meet the requirements imposed by the Building Code pertaining to parking lot surface and drainage. More specifically, the following standards shall be adhered to:

(1) Parking commercial vehicles. Unless otherwise specified or required in this Zoning Code, or by separate ordinance, all off-street areas used for the parking or storage of commercial vehicles shall have a minimum surface consisting of six inches of slag, crushed stone or cinders.

(2) Parking automobiles. Unless otherwise specified or required in this Zoning Code, or by separate ordinance, all off-street areas used for the parking or storage of passenger vehicles shall have a minimum surface consisting of four inches of slag, crushed stone or cinders.

(3) Dust free parking areas. Parking areas that are not surfaced with an asphaltic concrete or other comparable all-weather material shall be kept dust free by application, at least annually, more frequently if necessary, of a nontracking, dust palliative oil.

(4) Standards are minimum. All uses are encouraged to provide a more permanent type of surface in place of the minimum surfaces described in paragraphs (e)(1) to (3) hereof.

(f) Lighting. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed on the parking area only.

(g) Location of Parking Spaces. The off-street parking facilities required for any use shall be located on the same lot or within 500 feet of the use requiring such off-street parking, such distance to be measured along lines of public access between the nearest point of the parking facility and the normal point of entry to the use served by the parking facility.

(h) Reservation of Parking Spaces. For required parking areas or loading spaces, a plot plan shall be submitted showing the areas set aside for parking and loading, together with a statement signed by the legal owner of the property indicating that such land is irrevocably set aside and maintained for the parking of automobiles or for loading spaces for the purpose required, unless an equivalent number of such spaces is provided elsewhere in compliance with this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1268.03 DRIVE-THRU AND LOADING SPACE REQUIREMENTS.

(a) Drive-Thru Service Requirements. Facilities that provide drive-thru in-the-car service, or where customers wait in a line in their car, shall provide an off-street queuing space of sufficient length to prevent cars in the queue from causing congestion on the public right of way. The following table specifies requirements applicable to new drive-thru facilities:

Activity	Queuing Requirements
Drive-in bank, fast food pick-up, etc.	4.5 car spaces/drive-up window
Car wash (not self-serve)	9.0 car spaces/wash stall
Car wash (self-serve)	2.0 car spaces/wash stall

(b) Loading Spaces. On the same premises with every building or other structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for delivery vehicles to stand, load or unload in order to avoid interference with the public use of dedicated streets.

(1) Number of required loading spaces. The ratio of loading spaces to usable floor space shall be as follows:

Gross Floor Area (sq. ft.)	Loading Spaces Required
Less than 1,000	0
1,000 to 25,000	1
25,001 to 75,000	2
75,001 to 150,000	3
150,001 to 300,000	4
Over 300,000	5

(2) Loading space design standards.

A. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with the traffic movement, and shall be subject to the approval of the City Traffic Engineer.

B. All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches thick and surfaced with at least two inches of asphaltic concrete or other comparable, all-weather, dustless material of similar thickness and durability.

C. No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading area.

(3) Size of commercial loading spaces. Loading spaces in Business Districts shall measure at least ten feet by twenty-five feet.

(4) Size of industrial loading spaces. Loading spaces in Industrial Districts shall measure at least ten feet by fifty feet, with an overhead clearance of at least fourteen feet.

(Ord. 1128. Passed 3-19-84.)

1268.04 OFF-STREET PARKING FOR NEW CONSTRUCTION.

For new construction, off-street handicapped parking spaces shall be provided to comply with the standards specified in the Building Code.

For new construction, the total number of off-street parking spaces for motor vehicles shall be provided to comply with the following standards.

When units or measurements determining the number of parking spaces result in the requirement of a fractional space, any fraction less than one-half shall be disregarded and fractions over one-half shall require one parking space.

Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified in Section 1268.06.

In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned, and to which such use is similar, shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately in accordance with the following requirements:

(a) Major Use Group A - Assembly Buildings.

Use	Spaces Required
(AA) Food and drink	3 spaces for first 1,000 square feet usable floor area and 1 space for each 100 square feet in excess of 1,000 square feet
(AB) Schools and Churches	
AB1 Religious facility	Lesser of 1 space per 6 seats, or 1 space per 150 square feet gross floor area
AB2 Educational facility	Greater of 3 spaces per 2 classrooms, or 1 space per 6 seats in main auditorium
(AC) Recreational facilities	1 space per 100 square feet usable floor area
(AD) Adult entertainment	1 space per 100 square feet usable floor area

(b) Major Use Group B - Business Buildings.

Use	Spaces Required
(BA) Independent shopper-oriented services	1 space per 300 square feet usable floor area
(BB) Mutually-oriented convenience services	2 spaces per establishment
(BC) Motor vehicle traffic-oriented business	1 space per 900 square feet of display area and 2 spaces per service stall
(BD) Nonshopper-oriented services	
BD1 Printing and related	1 space per 900 square feet gross floor area
BD2 Funeral homes	1 space per 100 square feet usable floor area
BD3 Animal (pet) care	1 space per 600 square feet gross floor area

(c) Major Use Group F - Factory and Industrial Buildings.

Use	Spaces Required
(FA) Light industrial	Greater of 1 space per 3 employees, or 1 space per 1,200 square feet gross floor area
(FB) Heavy industrial	Greater of 1 space per 3 employees, or 1 space per 1,500 square feet gross floor area

(d) Major Use Group H - High Hazard Buildings.

Use	Spaces Required
(HA) High hazard buildings	
HA1 High hazard storage	1 space per 3,000 square feet gross floor area

HA2 High hazard manufacturing

Greater of 1 space per 3 employees, or 1 space per 1,500 square feet gross floor area

(e) Major Use Group I - Institutional Buildings.

Use	Spaces Required
(IA) Institutions of detention or correction	1 space per 600 square feet usable floor area
(IB) Institutions of health care	
IB1 Hospitals	1 space per 2 beds
IB2 Homes for the aged	1 space per 4 beds
IB3 Foster care facilities (7 or more persons)	1 space per 3 beds
IB4 Foster care facilities (6 or fewer persons)	2 spaces
IB5 Day care	1 space per 600 square feet usable floor area

(f) Major Use Group M - Mercantile Buildings.

Use	Spaces Required
(MA) Primary shopping goods	
MA1 Department stores	3 spaces for 2,000 square feet usable floor area and 1 space for each 300 square feet in excess of 2,000 square feet
MA2 Shoes	
MA3 Clothing stores	

MA4 Toys/hardware/variety	
MA5 General merchandise	
MA6 Supermarkets	
MA7 Furniture	1 space per 900 square feet usable floor area
MA8 Appliances	
(MB) Secondary shopping goods	3 spaces for 2,000 square feet usable floor area and 1 space for each 300 square feet in excess of 2,000 square feet
(MC) Neighborhood convenience goods	3 spaces for 2,000 square feet of usable floor area and 1 space for each 300 square feet in excess of 2,000 square feet
(MD) Restricted goods	3 spaces for 2,000 square feet of usable floor area and 1 space for each 300 square feet in excess of 2,000 square feet

(g) Major Use Group O - Open Space.

Use	Spaces Required
(OA) Parks and recreation	No specific requirement
(OB) Off-street parking lots	No specific requirement
(OC) Cemeteries	No specific requirement

(h) Major Use Group R - Residential Buildings.

Use	Spaces Required
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(RA) Low density residential	2 spaces per dwelling unit
(RB) Medium density residential	1.5 spaces per dwelling unit
(RC) High density residential	
RC1 Elevator apartments	1.2 spaces per dwelling unit
RC2 Senior citizens	0.6 space per dwelling unit
(RD) Transient residential	
RD1 Hotels	0.9 space per rooming unit
RD2 Motels	0.9 space per rooming unit
RD3 Rooming houses	0.6 space per rooming unit

(i) Major Use Group S - Storage Buildings.

Use	Spaces Required
(SA) Nonshopper-oriented goods	1 space per 900 square feet gross floor area
(SB) Low hazard storage	1 space per 3,000 square feet gross floor area
(SC) Moderate hazard storage	1 space per 3,000 square feet gross floor area
(SD) Public utility facilities	1 space per 3,000 square feet gross floor area

(Ord. 1128. Passed 3-19-84.)

1268.05 OFF-STREET PARKING FOR EXISTING BUILDINGS.

Existing off-street parking facilities provided on the effective date of this Zoning Code and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not hereafter be reduced below the requirements of Section 1268.04 for a similar new building or use, or if already less than such requirements shall not be further reduced below such requirements.

Parking requirements for existing buildings are less than the requirements for new construction. The following formulas shall be used to compute the required parking for structures which have been developed prior to the adoption of this Zoning Code.

For purposes of computing the formulas, the following symbols shall be used:

R = Required number of parking spaces

P_e = Number of spaces required for previous use of structure (see requirements for new construction)

P_n = Number of spaces required for proposed use of structure (see requirements for new construction)

E = Number of spaces provided for the previous use

V_e = Market value of the existing structure, which shall be the most recent acquisition cost of the property, or twice the assessed value of the land, including improvements.

Unless the petitioner can demonstrate that the property is underassessed, the value recorded by the City Assessor shall be the value used in these calculations.

V_n = Estimated value of construction work, excluding the cost of moveable equipment, as indicated on the building permit or otherwise estimated.

(a) Substantial Change. A substantial change is a situation where a building is rehabilitated, renovated, added to or modified wherein the cost of the work equals or exceeds seventy percent of the market value of the existing structure (V_e), but is less than 200 percent, excluding moveable equipment. If the value of the improvement exceeds 200 percent of the existing value of the structure, the building shall be treated as new construction.

When a building is to undergo a substantial change, the number of required parking spaces shall be less than the requirements for new construction, but the requirements shall not be reduced to less than the amount of parking that was available at the time the improvement was made. The amount of required parking shall be proportional to the value of the improvement, as defined by the following formula:

$$R = P_n (V_n / 2V_e), \text{ provided that } R \geq E$$

(b) Expansion of Existing Use. When a building is to be expanded in area, the required number of spaces shall be the number currently provided, plus the number of spaces required for the proposed increase in area or capacity, as defined by the following formula:

$$R = E + P_n, \text{ where } P_n \text{ is the number of parking spaces required only for the addition.}$$

(c) Change in Use.

(1) New use less intense. When the use of a structure is changed from one use to another, and the new use requires fewer parking spaces than the prior use, the number of required parking spaces shall be the number of existing parking spaces (E), or the number of parking spaces that would be required for the new use if it were new construction (P_n), whichever is less, as defined by the following formula:

$$R = E$$

(2) New use more intense. When the use of a structure is changed from one use to another, and the new use requires more parking spaces than the prior use, the number of parking spaces shall equal the number of previously provided parking spaces (E), plus the difference between the new use requirement and the prior use requirement, provided that the spaces required shall not exceed the requirements for new construction, as defined by the following formula:

$$R = E + (P_n - P_e) \text{ and } R \geq P_e$$

(d) No Change in Use. When there is a change in ownership or a change in use with identical parking requirements, and the amount of the improvement is less than seventy percent of the assessed value, then no additional parking spaces shall be required, as defined by the following formula:

$$R = E$$

(Ord. 1128. Passed 3-19-84.)

1268.06 COLLECTIVE PROVISIONS.

When the owners of two or more buildings or uses collectively provide off-street parking, the number of parking spaces may be less than the sum of the requirements for the several individual uses computed separately, subject to the following provisions:

(a) Allocation of Existing Public Parking. Where off-street parking in permanent public ownership exists in quantity and location greater than necessary to fulfill the requirements of this Zoning Code for the existing public buildings or uses, then the excess parking spaces may be prorated to other uses within 500 feet, in order to satisfy a portion of their off-street parking requirements. The Planning Commission shall determine such proration calculation. To the extent that the parking requirements are thereby met, the Commission may reduce the number of off-street parking spaces required to be provided prior to the issuance of a certificate of occupancy for any new building, new use or changed use.

(b) Parking for Uses with Different Principal Operating Hours. Not more than ninety percent of the off-street parking facilities required by this Zoning Code for theaters, churches, bowling alleys, dance halls and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for other kinds of buildings or uses, as defined below, not normally open, used or operated during the principal operating hours of such theaters, churches, bowling alleys, dance halls or establishments. Not more than fifty percent of the off-street parking facilities required by this Zoning Code for buildings or uses other than theaters, churches, bowling alleys, dance halls and establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for such theaters, churches, bowling alleys, dance halls and establishments and other uses not normally open, used or operated during the principal operating hours of the given buildings or uses.

The collective parking provisions set forth in this subsection are subject to the following conditions:

(1) Written agreement to share parking. The sharing of such spaces requires that there is a written agreement executed by the parties concerned for the joint use of the off-street parking facilities, a copy of which shall be filed with the application for a building permit or certificate of occupancy. Such agreement must receive administrative review by the Board of Appeals before a building permit or certificate of occupancy can be issued for a facility that obtains its required parking spaces through the sharing of parking spaces.

(2) Certificate of occupancy contingent. The certificate of occupancy for a facility that obtains its required parking spaces through the sharing of parking spaces shall be made contingent upon its continued access to the shared parking. If, for any reason, the agreement to share the parking spaces is revoked, the certificate of occupancy for the facility that obtains its required parking spaces through such sharing of parking spaces shall also be revoked.

(c) Planned Shared Parking. The Planning Commission, in consultation with the Traffic Committee, may make studies of the various areas in the City within which there is a need for the establishment of off-street parking facilities to be provided by the City and to be financed wholly or in part by a special assessment district, or by any other means which Council may determine. Where such a need is found, the Commission shall report its recommendation for the acquisition and development of such off-street parking facilities to Council. This report shall include recommendations on the size and location of the area such parking facilities are intended to service.

Whenever Council establishes such off-street parking facilities, all or a portion of the off-street parking spaces required by this Zoning Code for a building or a use may be waived when the building or use involved is located within the boundaries of the special assessment district or another district which Council may establish. The Planning Commission, with the assistance of the Traffic Committee, shall determine to what extent and for which uses the required parking may be waived, and the Commission shall report its findings to Council, which may adopt the proper resolution waiving such parking requirements.

(Ord. 1128. Passed 3-19-84.)

1268.07 PAYMENTS IN LIEU OF REQUIRED PARKING.

Any owner or developer of property adjacent to Woodward Avenue or Hamilton Avenue who is required to provide off-street parking spaces may, subject to the approval of Council, elect to meet such requirements by contributing the sum of three thousand five hundred dollars (\$3,500) to the Municipal Parking System Sinking Fund, as established in Section 486.04(a), in lieu of each required off-street parking space, as follows:

(a) Annual Payments. If the total amount of cash contributions in lieu of required off-street parking spaces exceeds fifty thousand dollars (\$50,000), the contributions may be paid in annual installments, with interest thereon, upon such terms and conditions as may be approved by the Mayor and Council. An agreement between the City and the owner or developer setting forth such terms and conditions, in a form approved by the City Attorney, shall be executed and deposited with the City Clerk. Such agreement shall be recorded and all moneys due thereunder shall be a lien upon the subject property.

(b) Limitations on Use of Fund. Moneys paid into the Municipal Parking Lot Construction Fund shall only be used for purchasing land and developing parking facilities.

(Ord. 1128. Passed 3-19-84.)

1268.08 MINOR PARKING VARIANCES.

In cases where the required number of parking spaces is within ten percent or within three spaces of the number provided (whichever is greater), and the provision of the additional spaces would constitute a hardship on the applicant, the applicant may appeal to the Planning Commission for a minor parking variance. This request must be made by the applicant to the Commission, in writing.

The applicant or his or her representative must appear before the Commission and present his or her case, as follows:

(a) In the appeal the applicant must prove the following three points to the Commission:

- (1) The ten percent or three space reduction is not detrimental to the neighborhood
- (2) The ten percent or three space reduction is not in violation of the intent of any provision of this Zoning Code.
- (3) The provision of this ten percent or three parking spaces would constitute an unreasonable hardship.

(b) If the applicant proves to the satisfaction of the majority of the Commissioners that all three points enumerated in subsection (a) hereof are true, he or she shall be granted a minor parking variance. This minor parking variance shall be in force only as long as the structure or property in question does not change use, expand or substantially change.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1270

Environmental Performance Standards

1270.01 Intent.

1270.02 Air contaminants.

1270.03 Noise and vibration.

1270.04 Glare and radioactive materials.

1270.05 Sewage waste.

1270.06 Explosive and fire hazardous materials.

1270.07 Enforcement.

1270.08 Procedure to determine if standards are violated.

CROSS REFERENCES

Fire Prevention Code - see M.C.L.A. Secs. 29.01 et seq.; F.P. Ch. 1610

Air Pollution Act - see M.C.L.A. Secs. 336.11 et seq.

Sewage waste regulations - see Ordinance 129-H of Detroit, MI

1270.01 INTENT.

The environmental performance standards contained in this chapter shall be the minimum standards to be obtained by all uses within the City, with a special emphasis placed on industrial uses, in order to maintain the public health, safety and welfare. Nothing in these standards shall prohibit the County, State or Federal Government from imposing its own standards upon businesses which must comply with these standards.

(Ord. 1128. Passed 3-19-84.)

1270.02 AIR CONTAMINANTS.

No person shall discharge or cause to be discharged, from any source whatsoever, air contaminants in such quantities which are or may tend to be injurious to human, animal or plant life, or which may interfere with the comfortable enjoyment of life or property, or which may interfere with the conduct of business.

(a) Odor. The emission of odors which are generally agreed to be obnoxious is prohibited in areas where people are employed or are residing. More specifically, odor may be measured in accordance with ASTM d 1391 Standard Method for Measurement of Odor in Atmosphere (Dilution Method) or its equivalent.

Odor regulations for specific districts are as follows:

(1) In the B4 Heavy Business, TI Transitional: Residential to Industrial, and I1 General Industry District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line of the facility emitting the odor.

(2) In the I2 Special Industry District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the I2 District boundary line.

(b) Dust and Particulates. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other openings, or from any process, operation or activity, shall be in accordance with Act 348 of the Public Acts of 1965, as amended, and the Administrative Rules of the State of Michigan for Air Pollution Control, as administered by the County Department of Health or its successor.

(c) Smoke. No person shall discharge, or cause to be discharged, from any source whatsoever, a visible air contaminant which violates the requirements of Act 348 of the Public Acts of 1965, as amended, and the Administrative Rules of the State of Michigan for Air Pollution Control, as administered by the County Department of Health or its successor.

(d) Air-Borne Toxic Matter. The emission of air-borne toxic matter shall be in accordance with Act 348 of the Public Acts of 1965, as amended, and the Administrative Rules of the State of Michigan for Air Pollution Control, as administered by the County Department of Health or its successor. Air-borne toxic matter not specifically controlled by such regulations shall be limited to the currently listed threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

(Ord. 1128. Passed 3-19-84.)

1270.03 NOISE AND VIBRATION.

No person shall emit or cause to be emitted, from any source whatsoever, noise or vibration in such quantities which are or may tend to be injurious to human, plant or animal life, or which may interfere with the comfortable enjoyment of life or property, or which may interfere with the conduct of business.

(a) Noise. The maximum noise emitted from a source shall be in accordance with the decibel level specified in the table set forth in paragraph (a)(1) hereof. Such noise shall be measured at any point on adjacent public or private property with a sound level meter having an A-weighted network constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.).

(1) Maximum Permitted Sound Levels, db(A) Re: 0.0002 Microbar.

<spc;2>	Noise Source:
R1, R2, R3 R4 or PQ B4, TI or I1	I2

R1, R2, R3, R4 or PQ	55db	55db	55db
B4, TI or I1	55db	60db	70db
I2	55db	75db	80db

(2) The following sources of noise are exempt from the specifications of the table set forth in paragraph (a)(1) hereof:

A. Transportation vehicles;

B. Construction activity between the hours of 7:00 a.m. and 7:00 p.m.; and

C. Occasionally used safety signals, warning devices and emergency pressure relief valves.

(3) Between the hours of 7:00 p.m. and 7:00 a.m. of the next day, the permissible sound level shall be five decibels less than the values indicated in paragraph (a)(1) hereof.

(4) Impact noises are intermittent sounds such as from a punch press or drop forge hammer. Impact noises shall be measured using the fast response sound level and may be ten decibels more than the values indicated in paragraph (a)(1) hereof.

(b) Vibration. The maximum vibration emitted from an industrial source shall be in accordance with the particle velocity specified in the table set forth in paragraph (b)(2) hereof. Such vibration shall be measured at any point on adjacent public or private property with an instrument that has a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. Particle velocity shall be the vector sum of the three individual components recorded. Specifically:

(1) Vibration shall be measured in terms of particle velocity, which may be measured directly with suitable instrumentation or may be computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 f d$$

Where: P.V. = particle velocity (inches per second)

f = vibration frequency (cycles per second)

d = single amplitude displacement of the vibration (inches)

Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of 100 per minute, then the values in the following table may be multiplied by two.

(2) Maximum Ground Transmitted Vibration (particle velocity in inches/second)

	R1, R2, R3, R4 or PQ	B4, TI or I1	I2
R1, R2, R3, R4 or PQ	0.02	0.02	0.02
B4, TI or I1	0.02	0.05	0.10
I2	0.02	0.10	0.20

(Ord. 1128. Passed 3-19-84.)

1270.04 GLARE AND RADIOACTIVE MATERIALS.

No person shall discharge or cause to be discharged, from any source whatsoever, glare or radioactivity which is or may tend to be injurious to human, animal or plant life, or which may interfere with the comfortable enjoyment of life or property, or which may interfere with the conduct of business.

(a) Glare. Glare from any process such as arc welding, acetylene torch cutting, etc., which emits harmful ultraviolet rays, shall be performed in such a manner as to not be seen from any point beyond the property line.

(b) Radioactivity. Radioactive materials and wastes and electromagnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established as safe by the proper Federal agency.

(Ord. 1128. Passed 3-19-84.)

1270.05 SEWAGE WASTE.

No person shall discharge or cause to be discharged into sewers sewage waste that will cause a chemical reaction (either directly or indirectly) with materials of construction to impair the strength or durability of sewer structures; cause a mechanical action that will destroy or damage the sewer structures; cause a restriction of the normal inspection or maintenance of the sewer structures; place an unusual demand on the sewage treatment equipment or process; cause a limitation of the effectiveness of the sewage treatment process; cause a danger to public health and safety; or cause obnoxious conditions inimical to the public interest. More specifically, since the sewers of the City of Highland Park are directly connected to the sewers of the City of Detroit, sewage discharged into Highland Park sewers shall comply with Ordinance 129-H of the City of Detroit, titled An Ordinance to Regulate the Discharge of Industrial or Commercial Waste Into Wastewater Treatment System of the City of Detroit, as amended.

(Ord. 1128. Passed 3-19-84.)

1270.06 EXPLOSIVE AND FIRE HAZARDOUS MATERIALS.

Business and industrial uses which require the storage or utilization of explosive or fire hazardous materials shall be permitted if they comply with the regulations of the Fire Prevention Act (Act 207 of the Public Acts of 1941, as amended), and the requirements of the Fire Prevention Code of the City (Chapter 1610 of these Codified Ordinances).

Whenever the Zoning Administrator becomes aware of a business or industrial use which requires the storage or utilization of explosive or fire hazardous materials, no permit, approval or authorization shall be given without the review and written approval of the Fire Official.

(Ord. 1128. Passed 3-19-84.)

1270.07 ENFORCEMENT.

The performance standards set forth in this chapter shall apply to all uses within the City. In the absence of evidence to the contrary, it shall be assumed that residential, business and institutional uses comply with the requirements of this chapter. The following methods shall be used to ensure compliance with these standards for industrial uses.

(a) New Industrial Facilities. All applications for industrial uses must be accompanied with a written assurance by the property owner that the proposed use will comply with these standards. The Zoning Administrator shall accept an application for a specific industrial use within fourteen days of submission of the application, or the Zoning Administrator shall refer the application to the Uniform Board of Appeals for an administrative review.

In cases where the Zoning Administrator has doubts that the proposed industrial use will comply with these standards, he or she shall submit the following materials to the Board of Appeals:

- (1) The application for the proposed industrial uses, accompanied by the written assurance by the property owner; and
- (2) Written comments from the Zoning Administrator and others who have serious doubts that the proposed industrial use will comply with these standards, stating the reasons therefor.

If the Board of Appeals is confident that the proposed industrial use will comply with these standards, it shall so determine. The Board may specify conditions and requirements to ensure compliance. If the Board has doubts that the proposed industrial use will comply with the requirements of these performance standards, then approval for the proposed industrial use shall not be given unless the application is accompanied by a certification, by a professional engineer registered in the State, that the proposed use will meet these performance standards.

(b) Existing Violations at Existing Facilities. Existing industrial facilities that do not comply with these performance standards shall be brought into compliance within a reasonable period of time. This time period shall be established by the Board of Appeals after a public hearing. An industrial facility which does not comply with the industrial performance standards shall not be allowed to expand or modify its facilities unless the proposed modifications will increase compliance with these performance standards.

(c) New Violations at Existing Facilities. An industrial facility which previously complied with the industrial performance standards shall not be permitted to introduce new production techniques or to modify existing production techniques if the change causes a violation of these performance standards. All such new violations of the performance standards shall be abated.

(Ord. 1128. Passed 3-19-84.)

1270.08 PROCEDURE TO DETERMINE IF STANDARDS ARE VIOLATED.

It is recognized that some of the performance standards set forth in this chapter may be easily administered by the City using personnel and equipment normally available, and some of these standards are of a highly technical nature and require outside expertise. Therefore, two methods have been established to administer these performance standards:

(a) Method One. Where a determination of compliance or noncompliance with these performance standards can be made by the Zoning Administrator, the Building Official or another duly designated City employee, using equipment available to the City or obtainable without extraordinary expense, a determination of whether or not a

violation exists shall be made by City staff, and the Zoning Administrator shall take whatever action is necessary to enforce this Zoning Code.

(b) Method Two. Where a determination of compliance or noncompliance with these performance standards entails the use of highly skilled personnel and expensive instrumentation not ordinarily available to the City, and when, in the considered judgment of the Mayor or the Board of Appeals, a violation exists, then the Zoning Administrator shall take whatever action is necessary to enforce this Zoning Code.

However, if persons responsible for the alleged violation respond to the notice of violation within the set time limit, and if they request a technical review by an outside expert to determine whether or not a violation of these performance standards does indeed exist, then the Zoning Administrator shall call in properly qualified experts to make the determinations. If expert findings indicate a violation of these performance standards, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under this Zoning Code. If no violation is found, costs of the determination shall be paid by the City. (Ord. 1128. Passed 3-19-84.)

CHAPTER 1272

Regulated Uses

1272.01 Intent.

1272.02 Identification of regulated uses.

1272.03 Prevention of concentrations.

1272.04 Map of regulated uses.

1272.05 Planning Commission review.

1272.06 Board of Appeals review.

1272.07 Effect of denial.

1272.08 Revocation.

1272.09 Reconstruction of damaged regulated uses.

1272.10 Zoning not panacea.

CROSS REFERENCES

Liquor licenses; 500 ft. rule - see M.C.L.A. Sec. 436.17a

1272.01 INTENT.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of such uses are concentrated. It is the intent of this chapter to prevent a concentration of such uses in order to minimize potentially harmful impacts on adjacent neighborhoods.

"Without stable neighborhoods, both residential and commercial, large sections of a modern city quickly can deteriorate into an urban jungle with tragic consequences to social, environmental, and economic values. While I agree with the respondents that no aspect of the police power enjoys immunity from searching constitutional scrutiny, it also is undeniable that zoning, when used to preserve the character of specific areas of a city, is perhaps the 'most essential function performed by local government, for it is one of the primary means by which we protect that sometimes difficult to define concept of quality of life.'" [96 US Supreme Court 2440/pg2457]

(Ord. 1128. Passed 3-19-84.)

1272.02 IDENTIFICATION OF REGULATED USES.

Uses subject to the controls of this chapter are divided into the following two use groups, according to the degree of impact that they may have on the adjacent neighborhood:

(a) Use Group I Restricted Uses.

(1) (AD) Adult entertainment facilities.

AD1 Class D cabarets

AD2 Adult motion picture theaters

AD3 Adult model studios

AD4 Massage parlors

(2) (MD) Restricted goods.

MD1 Adult bookstores

MD4 Blood donation centers

(3) (RD) Transient residential.

RD1 Hotels

RD2 Motels

(b) Use Group II Restricted Uses.

(1) (AA) Food and drink.

AA2 Taverns (Class C cabarets)

(2) (AC) Recreational facilities.

AC1 Class A cabarets

AC2 Class B cabarets

AC3 Banquest halls (halls for rent)

AC7 Small recreational facilities

(3) (MC) Neighborhood convenience goods.

MC2 Party stores (sale of liquor)

(4) (MD) Restricted goods.

MD2 Secondhand stores

MD3 Pawnshops

(5) (RD) Transient residential.

RD3 Rooming houses

(Ord. 1128. Passed 3-19-84.)

1272.03 PREVENTION OF CONCENTRATIONS.

The primary control of these regulated uses is to prevent undue concentrations of these uses in any one area, in order to minimize the adverse effects of these uses, as follows:

(a) 1,500 Foot Rule. Any use that is a member of use group I (restricted uses) shall be at least 1,500 feet from any other member of use group I.

(b) 500 Foot Rule. Any use that is a member of use group II (restricted uses) shall be at least 500 feet from any other use that is a member of use group I or use group II.

(Ord. 1128. Passed 3-19-84.)

1272.04 MAP OF REGULATED USES.

The City Planner shall compile a list of all known regulated uses, as defined in Section 1272.02, and a map showing the location of these uses. Distances between pairs of restricted uses shall be determined by scaling the straight line distance between the closest portion of each zoning lot that is occupied by a restricted use. Such map and list shall be updated each time that a new restricted use is established. The map and list shall be submitted to the Planning Commission and Council on a semiannual basis.

(Ord. 1128. Passed 3-19-84.)

1272.05 PLANNING COMMISSION REVIEW.

The Planning Commission, or a committee of the Commission, shall review all applications to establish any of the regulated uses set forth in this chapter within thirty days of the date of the submission of the application to the City.

(a) Conditions for Approval. If there does not already exist one or more of such regulated uses within the distances specified in Section 1272.03 from the boundaries of the site of the proposed regulated use, and if the proposed regulated use complies with all other requirements of this Zoning Code, approval by the Planning Commission is mandatory. A copy of the resolution of approval shall be forwarded to Council.

(b) Conditions for Denial. If there already exists one or more such regulated uses within the distances specified in Section 1272.03 from the boundaries of the site of the proposed regulated use, or if the regulated use fails to comply with any other requirement of this Zoning Code, denial by the Planning Commission is mandatory. A copy of the resolution of denial shall be forwarded to Council, noting the reasons for the denial. The Commission shall also forward to the Uniform Board of Appeals a recommendation concerning whether or not the Board ought to grant the applicant approval to establish a conditional use, as specified in Chapter 1288.

(c) Action by City Planner. If the Planning Commission fails to act on an application within thirty days of its submission, the City Planner shall make the appropriate determination, and he or she shall file a copy of this determination and the reasons for the failure of the Commission to act with both the Commission and Council.

(Ord. 1128. Passed 3-19-84.)

1272.06 BOARD OF APPEALS REVIEW.

If a use listed in Section 1272.02 is prohibited by the locational provisions of Section 1272.03, the petitioner may apply to the Uniform Board of Appeals, subject to the procedural requirements specified in Chapter 1288.

(a) Determination of Board. The Board of Appeals may waive the locational provisions of Section 1272.02 if and only if, after a public hearing, the Board is able to make the following determinations:

(1) The proposed use complies with the criteria specified in Section 1288.02(b).

(2) The proposed use will not enlarge or encourage the development of a skid row area.

(b) Conditions and Guarantees. Prior to the granting of a permit for any regulated use, the Board may impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(Ord. 1128. Passed 3-19-84.)

1272.07 EFFECT OF DENIAL.

No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of such order of denial, except on the grounds of new evidence or proof of changed conditions.

(Ord. 1128. Passed 3-19-84.)

1272.08 REVOCATION.

In any case where a business license for a regulated use has not been obtained within six months after the granting of zoning approval, the zoning approval shall become null and void. (Ord. 1128. Passed 3-19-84.)

1272.09 RECONSTRUCTION OF DAMAGED REGULATED USES.

Nothing in this Zoning Code shall prevent the reconstruction, repair or rebuilding and continued use of any building or other structure, the use of which makes it subject to the controls of this chapter, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed sixty percent of the assessed valuation of the building or structure at the time such damage occurred. Where the reconstruction, repair or rebuilding exceeds such expense, the re-establishment of the use shall be subject to all of the provisions of

this chapter, and, further, the reestablished use shall comply with the off-street parking requirements of Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1272.10 ZONING NOT PANACEA.

Zoning must permit uses which have been acknowledged by the courts to be noncriminal and protected by the Constitution. This protection is not granted to uses which are clearly criminal in nature, such as houses of gambling or prostitution. This Zoning Code is not a panacea, nor should it in any way be viewed as a substitute for vigorous enforcement of penal laws against criminality wherever found.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1274

Sign Regulations

1274.01 Intent.

1274.02 General regulations.

1274.03 Signs in Residential Districts.

1274.04 Signs in B1, B2 and PQ Districts.

1274.05 Signs in B3, B4, I1, I2 and TI Districts.

CROSS REFERENCES

Projecting signs - see B. & H. 1420.13(BOCA 3102.10.2)

Maintenance of signs - see B. & H. 1426.09(BOCA PM-309.0)

1274.01 INTENT.

The purpose of this chapter is to regulate outdoor advertising and signs of all types in all zoning districts. The regulation of outdoor advertising and signs is intended to enhance the physical appearance of the City, to make the City a more enjoyable and pleasing community and to create a more attractive economic and business climate. It is intended by the provisions of this chapter to reduce sign or advertising distractions, to eliminate hazards caused by signs overhanging or projecting over the public rights of way and to avoid the confusion of conflicting adjacent signs.

Sign controls have been written for each district and placed in this one chapter of the Zoning Code for ease of use and administration. All signs have been divided into six major categories according to content, viz., advertising, business, directional, identification, institutional bulletin and real estate. These are then further divided according to structure type, viz., double-face, flashing, illuminated, roof, ground and wall.

(Ord. 1128. Passed 3-19-84.)

1274.02 GENERAL REGULATIONS.

The following regulations apply to the indicated types of signs:

(a) General Height Limits. These height limitations shall apply except where more restrictive regulations are applicable. The height of a sign shall be computed as the distance between the highest part of the sign and the grade of the nearest sidewalk.

(1) Ground or free-standing signs shall not exceed thirty-five feet in height, except where the district regulations permit a greater height. Ground or free-standing signs may be permitted up to the height regulations specified in the district, but in no instance shall such signs be more than seventy feet in height.

(2) Business or identification signs are permitted to a height not in excess of the height limitation for a roof, wall, ground or projecting sign as applicable for the district.

(3) Roof signs shall not exceed the maximum building height permitted in the district in which such signs are located.

(4) Projecting signs attached to a building wall shall not exceed the maximum building height permitted in the district in which such signs are located.

(5) The Uniform Board of Appeals, on petition for a variance, may waive the height limitation in specific cases upon making all of the following findings:

A. The sign, if constructed within the permitted height limitation, would have a sight obstruction or another impairment that would seriously detract from the visibility of such sign.

B. The increase in height at the proposed location reviewed in conjunction with the design and appearance of such sign indicates that such increase will not have a detrimental effect on the privacy, light or air of neighboring properties.

C. The increase in height will not substantially affect the use or development of adjacent or surrounding property by impairing or detracting from the aesthetic value of such property.

(b) Directional Signs.

(1) Area and number. One directional sign at each point of ingress and egress is permitted. No sign shall exceed six square feet in area.

(2) Height. No sign shall extend more than five feet above the level of the nearest sidewalk.

(c) Institutional Bulletin.

(1) Area and number. One such sign, not exceeding thirty-two square feet in area, is permitted. On a corner lot the maximum size sign is permitted on each street frontage.

(2) Height. No sign shall extend more than fifteen feet above the level of the nearest sidewalk.

(d) Real Estate Signs.

(1) Area and number. In Residential Districts, one such sign, not exceeding six square feet in area nor located closer than eight feet to any other zoning lot, is permitted. On a corner lot, the maximum size sign is permitted on each street frontage.

(2) Height. No real estate sign in a Residential District shall extend more than fifteen feet above the level of the nearest sidewalk.

(e) Roof Signs. Roof signs are prohibited in all Residential Districts and in all B1, B2 and PQ Districts.

(f) Double-Face Signs. Where a sign is permitted by any provision of this Zoning Code, it shall be construed to permit a double-face sign. Each face of a double-face sign may equal the maximum size for the particular type of sign permitted.

(g) Signs on Awnings. Signs on awnings are exempt from the limitations imposed by this Zoning Code on the projection of signs from the face of the wall of a building or other structure, provided that any sign located on an awning is affixed flat to the surface thereof, is nonilluminated and indicates only the name and address of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of such awning.

(h) Signs on Marquees and Canopies. Where limitations are imposed by this Zoning Code on the projection of signs from the face of the wall of a building or other structure, such limitations shall not apply to signs on marquees or canopies, provided that any sign located on a marquee or canopy is affixed flat to the surface thereof or suspended within and below the outer marquee or canopy limits.

(Ord. 1128. Passed 3-19-84.)

1274.03 SIGNS IN RESIDENTIAL DISTRICTS.

Unless otherwise specified, only the following signs, subject to the following conditions, are permitted in R1, R2, R3 and R4 Districts.

(a) Permitted Signs.

(1) Identification signs;

(2) Directional signs in accordance with Section 1274.02(b);

(3) Institutional bulletins in accordance with Section 1274.02(c); and

(4) Real estate signs in accordance with Section 1274.02(d), except that no rooms for rent signs are permitted in an R1 or R2 District.

(b) Area.

(1) The gross area for any identification sign for a residential building, other than a sign identifying a permitted home occupation, shall not exceed, in square feet, the number of dwelling units within the building, or thirty-two square feet, whichever is less. On a corner lot, the maximum size sign is permitted on each street frontage. Identification signs pertaining to a permitted home occupation shall not exceed 144 square inches.

(2) The gross area of any identification sign for a nonresidential building shall not exceed thirty-two square feet in area. On a corner lot, the maximum size sign is permitted on each street frontage.

(c) Height.

(1) Ground signs, accessory to residential uses, shall not extend more than five feet above the level of the nearest sidewalk.

(2) Ground signs, accessory to nonresidential uses, shall not extend more than nine feet above the level of the nearest sidewalk.

(3) No wall sign shall extend higher than fifteen feet above the level of the nearest sidewalk.

(d) Projection. No sign shall project beyond the property line into a public way, except that directional signs may project not more than twelve inches into a public way. Permitted identification signs and institutional bulletins projecting into any required yard are permitted if such a sign is sixteen feet or less in area and six feet or less in height. Signs exceeding these dimensions may be permitted up to the maximum dimensions permitted in these Residential Districts, subject to the administrative review of the Uniform Board of Appeals.

(e) Illumination. Signs may be either nonilluminated or illuminated, but in no instance are flashing or blinking signs permitted. Illuminated signs shall be arranged to reflect light away from residential dwelling units.

(Ord. 1128. Passed 3-19-84.)

1274.04 SIGNS IN B1, B2 AND PQ DISTRICTS.

Unless otherwise specified, only the following signs, subject to the following conditions, are permitted in B1, B2 and PQ Districts.

(a) Permitted Signs.

(1) Business signs in accordance with Section 1274.02(a) and (e);

(2) Identification signs in accordance with Section 1274.02(a) and (e);

(3) Directional signs in accordance with Section 1274.02(b);

(4) Institutional bulletins in accordance with Section 1274.02(c) and (e); and

(5) Real estate signs in accordance with Section 1274.02(e).

(b) Area. The maximum size of all signs on a lot shall not exceed fifteen percent of the total area of the front facade(s), including the area of all fenestration.

(c) Height. (See Section 1274.02(a).)

(d) Projection. No sign shall project more than twelve inches into a public way. Permitted business and identification signs and institutional bulletins projecting into any required yard are permitted if such a sign is sixteen square feet or less in area and six feet or less in height. Signs exceeding these dimensions may be permitted in these districts subject to the approval of the Uniform Board of Appeals.

(e) Illumination. Signs may be either nonilluminated or illuminated, but in no instance are flashing or blinking signs permitted. Illuminated signs shall be so arranged to reflect light away from residential dwelling units.

(Ord. 1128. Passed 3-19-84.)

1274.05 SIGNS IN B3, B4, I1, I2 AND TI DISTRICTS.

Unless otherwise specified, only the following signs, subject to the following conditions, are permitted in B3, B4, I1, I2 and TI Districts.

(a) Permitted Signs.

- (1) Business signs in accordance with Section 1274.02(a);
- (2) Identification signs in accordance with Section 1274.02(a);
- (3) Directional signs in accordance with Section 1274.02(b);
- (4) Institutional bulletins in accordance with Section 1274.02(a);
- (5) Real estate signs in accordance with Section 1274.02(e); and
- (6) Advertising signs in accordance with Section 1274.02(a).

(b) Area. The maximum size of all signs on a lot shall not exceed thirty percent of the total area of the front facade(s), including the area of all fenestration.

(c) Height. (See Section 1274.02(a).)

(d) Projection. No sign shall project more than twelve inches into a public way.

(e) Illumination.

(1) Nonflashing signs, either nonilluminated or illuminated, are permitted. Illuminated signs shall be arranged to reflect light away from residential dwelling units.

(2) Flashing signs are permitted, after a Planning Commission review, if and only if they satisfy the following conditions:

A. The sign is more than 150 feet from any residential dwelling unit if such sign is visible from a bedroom of such a dwelling unit.

B. The sign does not serve any first, second or third degree nonconforming use, as defined in Section 1266.02.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1276

Miscellaneous Provisions

1276.01 Intent.

1276.02 Public utilities.

1276.03 Trailer coaches.

1276.04 Temporary uses permitted.

1276.05 Voting places.

1276.06 Abandoned, vacated or converted gasoline service stations and certain restaurants.

1276.07 Child care facilities.

1276.08 Division of zoning lot.

CROSS REFERENCES

Parcel splitting - see P. & Z. 1246.02

1276.01 INTENT.

The provisions of this chapter apply to uses which are permitted in several zoning districts and for which it is more appropriate to provide regulations which are specific to these uses rather than to the zoning district.

(Ord. 1128. Passed 3-19-84.)

1276.02 PUBLIC UTILITIES.

The following uses, being essential to the operation of any zoning district, are permitted in any district:

- (a) Overhead telephone and electrical transmission or distribution systems;
- (b) Underground gas, electrical, steam or water transmission or distribution systems; and
- (c) Collection, communication, supply or disposal systems, including poles, towers, wires, cables, conduits, vaults, pipeline-laterals, mains, drains, sewers, fire alarm boxes, police call boxes, traffic signals, hydrants or any other similar distribution equipment or accessories of a public or Municipal utility, but not including structures other than such as are primarily shelters of the above essential service equipment.

The Planning Commission may permit the erection and use of a public utility building, or an addition to an existing public utility building, in any district, provided that a finding is made that such building or other structure or use is reasonably necessary for the public convenience and service, and that such building or structure is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(Ord. 1128. Passed 3-19-84.)

1276.03 TRAILER COACHES.

The following regulations shall apply to trailer coaches:

- (a) A trailer coach shall not be permitted as a permanent structure or as an accessory building.
- (b) No person shall store or occupy a trailer coach for living purposes except:

(1) In a licensed trailer court; or

(2) For not more than one year on property for which a building permit for the construction of a permanent dwelling has been issued, which construction is actively carried forward to completion within such one-year period.

(c) A trailer coach may be used as a temporary office or shelter incidental to construction or development of the property on which the trailer is located only during the time construction or development is actively pursued.

(Ord. 1128. Passed 3-19-84.)

1276.04 TEMPORARY USES PERMITTED.

A temporary building or other structure or area for one or more of the following described uses is permitted in any district. Any permit issued for such use shall be valid for not more than six months and shall be extended not more than three consecutive times. The applicant for such temporary permit shall comply with all conditions imposed by the Zoning Official. These conditions may include fencing, surfacing, setbacks, etc., as deemed necessary to ensure no undue interference with the use and enjoyment of neighboring property. Such use shall be located within a reasonable distance, as determined by the enforcing official, of the primary development or improvement.

(a) A temporary office for the sale or rental of real property if in connection with or incidental and necessary to a real estate development;

(b) The temporary storage of construction materials, equipment or vehicles if in connection with or incidental and necessary to a real estate development or to public or private property development or improvement of any type; or

(c) A temporary foreman's and employee's office and/or toilet facility incidental to and as regulated by subsections (a) and (b) hereof.

(Ord. 1128. Passed 3-19-84.)

1276.05 VOTING PLACES.

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

(Ord. 1128. Passed 3-19-84.)

1276.06 ABANDONED, VACATED OR CONVERTED GASOLINE SERVICE STATIONS AND CERTAIN RESTAURANTS.

(a) Required Actions if Closed for More Than Thirty Days. During the period when a gasoline service station or a drive-in, fast-food or carry-out restaurant is vacated, closed or otherwise not opened for business for more than thirty consecutive days, the owner or lessee shall comply with the following regulations:

(1) Parking prohibited. Vehicular parking and storage shall be prohibited at all times anywhere on the premises, and notice shall be given that all parked or stored vehicles are subject to ticketing and removal by the City at the vehicle owner's expense. In addition, the owner or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of such owner or lessee. The City shall have the right of entry to the subject property for the purpose of accomplishing such ticketing and removal.

(2) Property to be maintained. The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.

(3) Owner to retain records of maintenance. The owner shall maintain a record of the name and address of the person or firm who cleaned the premises and removed the debris. Such record shall be made available to the inspectors of the Division of Public Service and each entry shall be kept at least one year.

(b) Property Closed to Traffic. Within sixty days of such closing, all curb cuts across the driveway entrances and all other points of ingress to and egress from the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the Division of Inspection and Code Enforcement.

(c) Abandonment. A gasoline service station or a drive-in, fast-food or carry-out restaurant that is vacated, closed or not opened for business for 120 consecutive days shall be prima-facie deemed abandoned and may be demolished, as follows:

(1) Order to demolish. An owner of an abandoned gasoline service station is subject to notice from the Division of Inspection and Code Enforcement directing the razing, demolition and removal of all buildings and other structures, pumps and signs situated upon the premises, together with abandonment or removal of all underground storage tanks in accordance with the National Fire Protection Association Code No. 30, Appendix C (1977).

An owner of an abandoned drive-in, fast-food or carry-out restaurant that is free-standing is subject to notice from the Division directing the razing, demolition and removal of all buildings and other structures and signs situated upon the premises.

(2) Time to demolish. Such razing and removal shall be accomplished within thirty days from the date of such notice. The owner shall complete such demolition, leaving the premises free from rubbish and debris, and shall properly backfill all excavation areas.

(3) Request for time extension. The owner may, in lieu of complying with the demolition order, petition the Planning Commission within thirty days, showing cause why such property should not be considered abandoned, and a sixty-day extension of the demolition order may be granted by the Commission, so that the property may be re-opened or converted to an alternate business use. Not more than two sixty-day extensions shall be granted. The Commission, in making its findings, shall take into consideration, but not necessarily be limited to, the following criteria:

A. Prospects for alternate or future use;

B. Pending litigation or condemnation affecting the subject property;

C. Pending or contemplated road changes;

D. Character and trends of development in the neighborhood; and

E. Pending sale or lease transactions concerning the subject property.

(d) Demolition Deferred. If, within 120 consecutive days, the property has been sold or leased for alternate business purposes and an affidavit to this effect has been filed with the Planning Commission, then demolition shall be deferred for an additional sixty-day period beginning with the date of the sale.

(e) Review of Alternate Use. Approval by the Commission shall be received prior to any gasoline service station or drive-in, fast-food or carry-out restaurant being converted to any other use. The Commission shall take into consideration all aspects of the proposed development, including, but not necessarily limited to, the type of use, the site plan, the exterior design and the appearance of the development, and shall process the proposal within sixty days from the date of submission to the Division of City Planning, in accordance with Chapter 1284.

(Ord. 1128. Passed 3-19-84.)

1276.07 CHILD CARE FACILITIES.

Facilities with children in attendance for five or more continuous hours a day shall provide and maintain an outdoor play area suitable for play activity and containing a minimum of 200 square feet per child if the facility is used by less than ten children, or a minimum of 2,000 square feet if the facility is used by more than ten children. Surface treatment of such play area shall comply with the guidelines of the appropriate public agencies, including, but not limited to, the City, County and State Health Departments and the Michigan Department of Social Services, Division of Child Care Center Licensing. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.

(Ord. 1128. Passed 3-19-84.)

1276.08 DIVISION OF ZONING LOT.

Where a lot or zoning lot is hereafter divided, the division shall be effected in such a manner as not to violate the requirements of this Zoning Code regarding yards, lot width, lot area, floor area, percentage of lot coverage or off-street parking or loading spaces applicable to such zoning lot or any zoning lot created.

(Ord. 1128. Passed 3-19-84.)

TITLE EIGHT - Zoning; Administration

Chap. 1280. Zoning Enforcement and Penalties.

Chap. 1282. Permits and Certificates.

Chap. 1284. Planning Commission Review.

Chap. 1286. Conditional Use Review.

Chap. 1288. Board of Appeals Review.

Chap. 1290. Amendments.

CHAPTER 1280

Zoning Enforcement and Penalties

1280.01 Enforcement officials.

1280.02 Administrative liability.

1280.03 Duties of Zoning Administrator.

1280.04 Discovery and notification of violations.

1280.05 Response to notice of violation.

1280.06 Prosecution of violation.

1280.07 Building Code violations not estopped.

1280.08 Specific violations.

1280.09 Nuisances; abatement.

1280.99 Penalty.

CROSS REFERENCES

Freedom of Information Act - see M.C.L.A. Secs. 15.231 et seq.

Violations; abatement - see M.C.L.A. Sec. 125.587

Zoning; review by courts - see M.C.L.A. Secs. 125.590, 125.591

Coordination with Building Code - see B. & H. 1420.05

1280.01 ENFORCEMENT OFFICIALS.

(a) Building Official. The City Engineer, or his or her designee, shall enforce the provisions of this Zoning Code as herein provided. During the absence or incapacity of the City Engineer, the Inspections Coordinator shall exercise the powers and duties of the City Engineer in enforcing the provisions of this Zoning Code. This official shall be referred to as the Building Official or the Zoning Administrator.

(b) City Planner. The City Planner, or his or her designee, may also enforce the provisions of the Zoning Code as herein provided. He or she may be referred to as the City Planner or the Zoning Administrator when enforcing the provisions of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1280.02 ADMINISTRATIVE LIABILITY.

Except as may otherwise be provided by State statute or the Charter, any officer, agent or employee of the Municipality charged with the enforcement of this Zoning Code shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Zoning Code. Any suit brought against any officer, agent or employee of the Municipality, as a result of any act required or permitted in the discharge of his or her duties under this Zoning Code, shall be defended by the legal representative of the Municipality until the final determination of the proceedings therein.

(Ord. 1128. Passed 3-19-84.)

1280.03 DUTIES OF ZONING ADMINISTRATOR.

In addition to the duties and responsibilities of preparing and processing materials for the Planning Commission, the Uniform Board of Appeals and Council, the Zoning Administrator shall have the following powers and duties in the administration and enforcement of this Zoning Code:

(a) Rules, Regulations and Interpretations. The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Zoning Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are, in his or her opinion, necessary to administer and enforce this Zoning Code. Such rules, regulations and interpretations that will be of general application in future cases shall be made a part of the permanent public records of the Planning Department. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Zoning Code.

(b) Code Maintenance. The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Zoning Code for the purpose of recommending necessary changes to the Planning Commission. The City Planner shall maintain an accurate and up-to-date copy of the Zoning Map and the Zoning Code and provide the City Clerk with copies of the same, which may be purchased by the public upon payment of a fee in an amount fixed by resolution of Council.

(c) Cooperation With Other Departments. The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including, but not limited to, the Department of Public Works, the Police Department and the Fire Department) such information as will ensure the proper administration of this Zoning Code and of the rules, regulations, interpretations and other determinations of the Planning Department relative thereto. Such departments, officers and employees shall cooperate with the Zoning Administrator in the performance of his or her duties and shall assist in the enforcement of this Zoning Code.

(d) Inspections. In the performance of his or her duties, the Zoning Administrator and employees of the Division of Planning and/or the Division of Inspection and Code Enforcement shall have the right to enter a building or premises for the purposes of investigation and inspection, provided that such right of entry is exercised only at reasonable hours. In no case, however, shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(e) Coordination of Enforcement. The inspection of premises and the issuance of orders under this Zoning Code shall be the responsibility of the Department of Public Works (Division of Inspection and Code Enforcement) and/or the Division of City Planning.

Wherever, in the opinion of the Zoning Administrator, it is necessary or desirable to have any inspection of another department, he or she shall arrange for this to be done in such a manner that the owners or occupants of buildings shall not be subject to visits by numerous inspectors nor to multiple or conflicting orders.

An order for the correction of any violation under this Zoning Code shall not be issued without the approval of the Building Official. The Building Official, before issuing any such order, shall determine that the order for the correction of the violation has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(f) Official Records. The City Planner shall maintain all official records required to document the administration of this Zoning Code. The records shall include, but need not be limited to, the official minutes of the Planning Commission and the Uniform Board of Appeals, planning case files and lists of legal nonconforming uses, special permissions and variances.

(Ord. 1128. Passed 3-19-84.)

1280.04 DISCOVERY AND NOTIFICATION OF VIOLATIONS.

(a) Discovery. The Zoning Administrator, through the staff of the Division of City Planning and/or the staff of the Division of Inspection and Code Enforcement, shall monitor and record the changes in the use of land and buildings in the City. All reports of possible violations of the Zoning Code shall be referred to the City Planner.

(b) Preliminary Review of Reported Violations. The City Planner shall review all reports of possible violations and determine whether or not a violation of the Zoning Code has occurred. If, in the judgment of the City Planner, a violation has occurred, he or she shall notify the City Attorney and the Building Official of this fact and shall direct the Building Official to issue a notice of violation and/or a stop work order, if required.

(c) Notice. The Building Official shall give written notice, by certified mail (return receipt requested), or by other means, to ensure actual notice to persons responsible for the alleged violation. Such notice shall state the reasons why the Building Official believes there is a violation in fact and shall require an answer or a correction of the alleged violation, as determined by the Building Official, within a reasonable time limit set by the Building Official. The notice shall also state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Building Official within the set time limit constitutes an admission of the violation.

(Ord. 1128. Passed 3-19-84.)

1280.05 RESPONSE TO NOTICE OF VIOLATION.

The manner in which persons responsible for an alleged violation of this Zoning Code respond to the notice of violation shall determine the course of action taken by the Building Official, as follows:

(a) Correction of Violation Within Time Limit. If, within the time limit set, the alleged violation is corrected, as determined by the Building Official, he or she shall note "violation corrected" on his or her copy of the notice, retain it among his or her records and forward to the City Planner a copy of this annotated notice.

(b) Petition for Administrative Review. If, within the time limit set, persons responsible for the alleged violation petition the Uniform Board of Appeals for an administrative review (as provided in Chapter 1288) to determine whether or not there is an error by the Building Official in regard to the interpretation of this Zoning Code, then no legal action shall be initiated by the City against those responsible for the alleged violation until after the Board has made its determination.

(c) Request for Extension of Time. If a reply is received within the time limit set indicating that an alleged violation will be corrected, but that more time is required than was granted by the original notice, the Building Official may grant an extension of time, if he or she deems such extension is warranted by the circumstances of the case, and if such extension will not, in his or her opinion, cause imminent peril to life, health or property. In acting on such a request, the Building Official shall, in writing, state his or her reasons for granting or refusing to grant the extension and shall transmit the same by certified mail, return receipt requested, or other means to ensure actual notice, as provided in Section 1280.04(c), to those to whom original notice was sent.

(d) No Correction; No Reply. If there is no reply within the time limit set, thus establishing an admission of the violation as provided in Section 1280.04(c), and the alleged violation is not corrected to the satisfaction of the Building Official within the time limit set, he or she shall take or cause to be taken such action as is warranted by the continuation of an admitted violation.

(Ord. 1128. Passed 3-19-84.)

1280.06 PROSECUTION OF VIOLATION.

(a) If the notice of violation is not complied with nor an appeal proceeding started within fifteen days of the service of notice, the Building Official shall request the legal counsel of the City to institute the appropriate proceeding at law and/or in equity against the person responsible for such violation, ordering such person to:

- (1) Restrain, correct or abate such violation;
 - (2) Remove or terminate the unlawful use of the parcel of land or building or other structure in violation;
 - (3) Remove the work in violation;
 - (4) Prevent the occupation or use of a parcel of land or building or other structure, or part thereof, erected, constructed or altered in violation of, or not in compliance with, this Zoning Code, or in violation of a plan or specification under which an approval, permit or certificate was issued; and/or
 - (5) Enforce the penalty provisions of this Zoning Code against the person responsible for the violation.
- (b) The Building Official shall notify the City Planner of each action taken with respect to a violation.
- (c) If, for any reason, the Building Official does not act on a statement of violation received from the City Planner within fifteen days, the City Planner shall present the issue to the Uniform Board of Appeals for its consideration and direction.

(Ord. 1128. Passed 3-19-84.)

1280.07 BUILDING CODE VIOLATIONS NOT ESTOPPED.

No action taken to remedy a violation of this Zoning Code shall prevent the Building Official from taking action to remedy any violation of the Building Code that may exist at the same site. Likewise, no action taken to remedy a violation of the Building Code shall prevent the Zoning Administrator from taking action to remedy any violation of this Zoning Code that may exist at the same site.

(Ord. 1128. Passed 3-19-84.)

1280.08 SPECIFIC VIOLATIONS.

No person, including an officer, director or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures shall:

- (a) Knowingly violate a provision of this Zoning Code and/or a rule for the enforcement of this Zoning Code;
- (b) Knowingly construct or build a structure or building in violation of a condition of a zoning variance or special approval;
- (c) Knowingly fail to comply with an order issued pursuant to this chapter by the Building Official, the Uniform Board of Appeals or a court;
- (d) Knowingly make a false or misleading written statement, or knowingly omit required information or a statement in an inspection report, application, petition or request for approval or appeal, to the Building Official, the City Planner or the Board of Appeals;
- (e) Knowingly refuse entry or access to an inspector lawfully authorized to inspect any premises, building or other structure pursuant to this Zoning Code;
- (f) Unreasonably interfere with an authorized inspection;

(g) Knowingly issue, fail to issue, cause to be issued or assist in the issuance of a certificate, permit or license in violation of this Zoning Code or a rule promulgated under this Zoning Code or another applicable law; or

(h) Having a duty to report a violation of this Zoning Code or a rule promulgated under this Zoning Code or other applicable law, knowingly conceal such violation.

(Ord. 1128. Passed 3-19-84.)

1280.09 NUISANCES; ABATEMENT.

Buildings erected, altered, razed or converted, or uses carried on in violation of this Zoning Code, are hereby declared to be nuisances per se. The City may petition the courts to order the nuisance abated. The owner or agent in charge of the building or land, or both the owner and the agent, may be judged to be guilty of maintaining a nuisance per se.

(Ord. 1128. Passed 3-19-84.)

1280.99 PENALTY.

With respect to Section 1280.08(c), a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the Building Official and for each week that a person fails to comply with any other order validly issued by an enforcing agency.

With respect to Section 1280.08(a) and (d), a person is guilty of a separate offense for each knowing violation of this Zoning Code or a rule promulgated under this Zoning Code, and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the Building Official or the Uniform Board of Appeals.

With respect to Section 1280.08(b), a person is guilty of a separate offense for each knowing violation of a condition of a variance of special approval.

With respect to the other subsections of Section 1280.08, a person is guilty of a separate offense for each knowing violation of this chapter.

The imposition of sentence under this section shall not be construed as excusing or permitting the continuation of any violation.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1282

Permits and Certificates

1282.01 Intent.

1282.02 Conditions requiring permits and certificates.

1282.03 Duration of permits and certificates.

1282.04 Review procedures for building permits.

1282.05 Review procedures for certificates of occupancy.

CROSS REFERENCES

Freedom of Information Act - see M.C.L.A. Secs. 15.231 et seq.

Application for building permit - see M.C.L.A. Secs. 125.1510 et seq.

Certificate of use and occupancy - see M.C.L.A. Sec. 125.1513

Duties of Planning Commission - see P. & Z. 1220.05

Coordination with Building Code - see B. & H. 1420.05

1282.01 INTENT.

(a) Building Permits. The building permit is an administrative device used to coordinate the enforcement of this Zoning Code and the Building Code and to regulate the physical modification of a parcel of land or a building. The issuance of a building permit records that the proposed modification of the parcel of land or the building is in compliance with the laws of the City.

(b) Certificates of Occupancy. The certificate of occupancy is an administrative device used to coordinate the enforcement of this Zoning Code, the Business Regulation Code and the Building Code and to regulate the occupancy of a parcel of land or a building. The issuance of a certificate of occupancy records that the use of a parcel of land or a building complied with the laws of the City at the time the certificate was issued.

(1) At the time the certificate is issued, the extent of any nonconformity, as it relates to this Zoning Code or the Building Code, shall be noted. The Building Official and the City Planner shall maintain a copy of this list in their files.

(2) A general business license, issued pursuant to Chapter 802 shall be considered to be a valid certificate of occupancy for the purposes of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1282.02 CONDITIONS REQUIRING PERMITS AND CERTIFICATES.

(a) Building Permits. No person shall construct, enlarge, alter, remove or demolish a building; change the occupancy of a building from one group to another requiring greater strength, exitway or sanitary provisions; change any use to a prohibited use; or install or alter any equipment for which provision is made or the installation of which is regulated by the Building Code of the City, without first filing an application in writing and obtaining the required permit therefor.

(b) Certificates of Occupancy. For all land or buildings, except single or two-family dwellings, intended to be used or occupied, a certificate of occupancy must first be obtained. A certificate must be applied for when:

(1) A structure or parcel of land changes ownership.

(2) A new, nonresidential tenant intends to occupy a space, building or piece of land.

(3) A structure or parcel of land will be modified with new construction or a renovation or remodeling of an existing structure.

(4) An application for any business or residential license or license renewal has been filed with the City if a valid certificate of occupancy does not exist.

(Ord. 1128. Passed 3-19-84.)

1282.03 DURATION OF PERMITS AND CERTIFICATES.

(a) Building Permits. Any building permit issued shall become invalid if the authorized work is not started within six months of the date of issuance or if the work is not completed within thirty-six months of the date of issuance.

(b) Certificates of Occupancy. A certificate of occupancy shall be valid for as long as no changes or modifications occur, as specified in Section 1282.02(b).

(Ord. 1128. Passed 3-19-84.)

1282.04 REVIEW PROCEDURES FOR BUILDING PERMITS.

(a) Application. Each application for a building permit shall be on such forms and contain such information as the Building Official may prescribe. Applications shall be filed at the Division of Engineering.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for a building permit.

(2) Information. The minimum amount of information required to apply for a building permit shall be as defined in the Building Code.

(b) Review for Zoning Compliance. An application for a building permit shall be reviewed for compliance with this Zoning Code prior to the issuance of the actual permit. The Building Official shall determine whether the review should occur within the Department of Public Works or within the Division of City Planning, in accordance with the following guidelines:

(1) Previously approved plan; review by Division of City Planning. If the application for a building permit corresponds to a plan previously reviewed and approved by the Division of City Planning, no additional review by such Division is required.

(2) Minor modifications; review by Engineering Division. If the estimated construction cost, as indicated on the application form, is less than five thousand dollars (\$5,000), and if the proposed construction is not a facade modification or a change to the site or external building line and does not involve a change in use, then the staff of the Division of Engineering may review the permit application for compliance with this Zoning Code.

(3) Review by City Planning Commission. If neither of the conditions set forth in paragraphs (b)(1) and (2) hereof applies, the application shall be referred to the Division of City Planning for review of compliance with this Zoning Code. This review shall occur within two business days from the date the permit application is received by the Division.

A. If the City Planner determines that review by the Planning Commission is required, he or she shall report this determination to the Building Official. The City Planner shall concurrently send the appropriate application form to the applicant. No further review will occur until the appropriate form has been completed and returned.

B. If the City Planner determines that review by the Planning Commission is not required, he or she shall report this determination and the conclusions of his or her review to the Building Official.

(4) Signature by reviewer. The individual who has reviewed the application for compliance with this Zoning Code shall sign the reviewed materials and indicate his or her determination.

(c) Review by Building Official. After an application for a building permit has been reviewed for compliance with this Zoning Code, the Building Official shall review the proposed work for compliance with the Building Code.

(1) Review by other authorities. If the property is located within an Overlay District, such as an Historic Conservation Area Overlay District, the Building Official shall examine the building permit application to determine if it must be reviewed by other official bodies, such as the Historic Conservation Commission, prior to the issuance of the permit.

(2) Inspections. The Building Official shall arrange for an inspection of the premises to determine that:

A. All provisions of the Building Code are being complied with.

B. All provisions of this Zoning Code, as determined during the review for zoning compliance, are being complied with.

(3) Determination. After such review and inspection, the Building Official shall act on the submitted application.

A. In cases of compliance, approval shall be noted on the application form.

B. In cases of noncompliance, the Building Official shall note disapproval on the application form and write a brief report noting the reasons for rejection.

(d) Issuance. After the review for zoning compliance and the review by the Building Official, the Building Official shall determine whether or not a building permit shall be granted. The Building Official shall also notify all interested parties of his or her determination.

(1) If and only if the application for the building permit complies with this Zoning Code and the Building Code, the Building Official shall issue a building permit.

(2) If the application for a building permit fails to comply with either this Zoning Code or the Building Code, the Building Official shall issue a notice of denial. This notice of denial, together with a copy of the Building Official's report, shall be sent to the applicant.

(e) Records. Applications for building permits and records of building permits issued shall be maintained by the Building Official as specified in the Building Code.

(Ord. 1128. Passed 3-19-84.)

1282.05 REVIEW PROCEDURES FOR CERTIFICATES OF OCCUPANCY.

(a) Application. Each application for a certificate of occupancy shall be on forms and shall provide the information specified by the Zoning Administrator. Applications shall be filed at the Division of Engineering by the property owner or his or her authorized representative.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for a certificate of occupancy.

(2) Information. The following items constitute the minimum amount of information required to apply for a certificate of occupancy:

A. Application form. An application form provided by the Division of Engineering which requires:

1. The applicant's name and mailing address;
2. The owner's name and mailing address;
3. The location of the property; and
4. The proposed use of the property and such other information as is deemed necessary; and

B. Site plan. Three copies of a site plan showing the location of the building, the relationship to adjacent buildings and open spaces, the location of pedestrian and vehicular areas, the type of location of exterior lighting fixtures and the general landscape development.

(3) Application for minor changes. The Building Official may accept an application with a lesser number of submitted documents than those listed in paragraph (a)(2) hereof in situations where changes are of a very minor nature.

(4) Application for preliminary review. The Building Official may accept a preliminary application and a lesser number of submitted documents than those listed in paragraph (a)(2) hereof in situations where a basic clarification is desired ahead of proceeding with further technical work. If such preliminary application is denied in writing by the Building Official, the applicant may appeal such action to the Uniform Board of Appeals.

(b) Review by Division of City Planning. When an application for a certificate of occupancy is filed with the Division of Engineering, three copies of such application shall be referred to the Division of City Planning. The City Planner shall review the application for compliance with this Zoning Code and shall determine whether or not review by the Planning Commission (site plan review or design review) is required. (See Chapter 1284.)

(1) Review by Planning Commission required. If the City Planner determines that a review by the Planning Commission is required, the applicant shall be sent the appropriate application forms. No further review will occur until the application for site plan review or design review has been received by the Division of City Planning.

(2) Approval by Planning. If the City Planner determines that a review by the Planning Commission is not required and that the proposed use complies with this Zoning Code, or if the item has been reviewed and approved by the Planning Commission, then he or she shall note approval and sign and date the submitted application.

(3) Disapproval by Planning. If the City Planner determines that a Planning Commission review is not required and that the proposed use does not comply with this Zoning Code, then he or she shall note disapproval and sign and date the submitted application. He or she shall then make a brief report noting the reasons for the rejection and indicating potential changes, if any, which would bring the proposal into compliance with this Zoning Code.

(c) Review by Department of Public Works. After an application for a certificate of occupancy has been reviewed by the City Planner, it shall be returned to the Building Official. The Building Official shall then review the subject property for compliance with the Building Code, as follows:

(1) Inspections. If the application has been approved for zoning compliance, the Building Official shall arrange for inspections of the premises to determine that:

A. All provisions of the Building Code are being complied with.

B. All provisions of this Zoning Code, as determined during the review by the Division of City Planning, are being complied with.

(2) Determination. After such review and inspection, the Building Official shall act on the submitted application.

A. In cases of compliance, he or she shall note approval and sign and date the submitted application.

B. In cases of noncompliance, he or she shall note disapproval on the application and shall write a brief report noting the reasons for rejection.

(d) Issuance. After the review by the Division of City Planning and the Department of Public Works, the Building Official shall determine whether or not a certificate of occupancy shall be granted. The Building Official shall also notify all interested parties of his or her determination.

(1) If and only if the application for a certificate of occupancy complies with this Zoning Code and with the Building Code, the Building Official shall issue a certificate of occupancy. The Building Official shall also send the City Planner notice that the certificate of occupancy has been issued.

(2) If the application for a certificate of occupancy fails to comply with either this Zoning Code or the Building Code, the Building Official shall issue a notice of denial. This notice of denial, together with a copy of the Building Official's report, shall be sent to the applicant and to the City Planner.

(e) Records. Applications for certificates of occupancy and records of certificates issued shall be kept on file by both the City Planner and the Building Official.

(1) Certificates filed. The file of certificates of occupancy shall be so arranged as to permit easy reference by geographic location and by the date of issuance. The file shall also contain all pertinent additional information.

(2) Copies. Copies of these applications and certificates shall be furnished, upon payment of a fee established by resolution of Council, to any person, pursuant to the Freedom of Information Act.

(3) Distribution. The three copies of the application submitted for review shall be distributed and remain on file in the following manner:

A. After he or she has reviewed the application, the City Planner shall retain one copy of the application in his or her files and return the remaining two copies to the Division of Engineering.

B. After the Building Official has completed his or her review, he or she shall maintain one copy of the application in his or her files.

C. The Building Official shall return the third copy to the applicant.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1284

Planning Commission Review

1284.01 Intent.

1284.02 Planning Commission review.

1284.03 Duration of reviews.

1284.04 Site plan and design review procedures.

CROSS REFERENCES

Site plan procedures - see M.C.L.A. Sec. 125.584d

Duties of Planning Commission - see P. & Z. 1220.05

1284.01 INTENT.

(a) Site Plan Review. The purposes of the site plan review are to provide for the implementation of the design concepts of the Master Plan and the performance criteria of this Zoning Code and to verify that the adjacent neighborhood will not be adversely affected by the placement and interrelationship of buildings and uses within a particular building site. More specifically, the objectives of a site plan review are as follows:

- (1) To encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design in such development;
- (2) To discourage monotonous, drab, unsightly, dreary, inharmonious developments and poor quality;
- (3) To enhance the City's visual character and charm by ensuring that structures, signs and other improvements are properly related to their sites and to surrounding sites and structures, and that proper attention is given to the exterior appearance of structures, signs and other improvements;
- (4) To stabilize property values and prevent blighted areas;
- (5) To foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement; and
- (6) To enhance the comfort, health and tranquility of residents and attract new residents by reason of the City's favorable environment.

(b) Design Review. The objectives of a design review are the same as those for a site plan review. A site plan review applies to the modification of an existing situation. It is, therefore, somewhat limited in scope. A design review applies to new construction and is a comprehensive review of the total design package (elevations and exterior materials as well as the site plan).

(Ord. 1128. Passed 3-19-84.)

1284.02 PLANNING COMMISSION REVIEW.

(a) Site Plan Review. All plans which fall into one or more of the following categories shall be submitted to the Planning Commission for a site plan review:

- (1) Plans for the expansion of an existing building (with the exception of additions to single and two-family units which will not be visible from any front yard);

- (2) Plans for the substantial renovation of an existing building (with the exception of single-family units); and
- (3) Plans requiring a modification of the traffic pattern to and from a public right of way and a parcel of land, or a modification of the traffic pattern and/or parking pattern within a parcel of land.

(b) Design Review. All plans for new construction shall be submitted to the Planning Commission for a design review.

(Ord. 1128. Passed 3-19-84.)

1284.03 DURATION OF REVIEWS.

(a) Site Plans. Site plan approval shall be valid for one year from the date it is granted. Upon request, the Planning Commission may grant an extension of not more than six months to the applicant prior to the expiration date without necessitating an additional presentation. The Building Official shall not issue a permit for such work unless a valid site plan approval is in effect.

(b) Design Reviews. Design review approval shall be valid for one year from the date it is granted. If a building permit has not been issued for the improvements described in the approved design review within such one-year period, the Building Official shall not issue a permit for such work until such time as design review approval has again been obtained.

(Ord. 1128. Passed 3-19-84.)

1284.04 SITE PLAN AND DESIGN REVIEW PROCEDURES.

(a) Application. Applications for a site plan or design review shall be on such forms and contain such information as the Planning Commission may prescribe. Applications shall be filed at the Division of Engineering.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for a site plan or design review.

(2) Information. Prior to the preparation of final architectural or engineering drawings for any building to which this section is applicable, the property owner or his or her representative shall submit the following information to the Division of City Planning:

A. Application form. An application form from the Division of City Planning indicating the applicant's name and mailing address, the location of the property, the proposed use, the name of the design professional and such other information as deemed necessary by the Commission;

B. Site plan. Three copies of the site plan showing the location of the building, the relationship to adjacent buildings and open spaces, the location of pedestrian and vehicular areas, the type and location of exterior lighting fixtures and the general landscape development;

C. Elevations (Design Review Only). Three copies of preliminary elevation drawings of the front, sides and rear of the building, which are visible to the public, showing the general design treatment, including the color and material of all walls, screens, towers, openings and signs, and the treatment to be utilized in concealing exposed mechanical and electrical equipment.

(b) Review by Planning Commission. When an application for a site plan review or design review has been filed with the Division of City Planning, the petition shall be placed on the agenda of the Planning Commission for either a preliminary review or final review, as determined by the City Planner. Upon the Commission's request, the

applicant and the person who has prepared the materials submitted to the Commission may be required to appear in person before the Commission, or a committee thereof, in order to expedite the review.

(1) Site plan review.

A. A preliminary site plan review is designed to give the developer a tentative approval prior to development of the construction plan. A preliminary review may not be required for additions or alterations to existing buildings, which additions or alterations, in the judgment of the City Planner, are considered to be minor in nature. After construction plans are completed, the petitioner shall submit them to the Planning Commission for a final site plan review.

B. A final site plan review must be applied for within six months of the granting of preliminary site plan approval. All provisions of applicable ordinances must be complied with and special conditions or requirements imposed by the Commission in granting preliminary approval must be incorporated into the plans. Final site plan approval for both new construction and additions shall be given only after all phases of the plan have been approved by the Commission. The building permit shall be issued only after final approval.

(2) Design review.

A. A preliminary design review is designed to give the developer a tentative approval prior to development of construction plans. A preliminary review shall not be required for developments less than one-fourth acre in lot size. After construction plans are completed, the petitioner shall submit them to the Planning Commission for a final design review.

B. A final design review must be applied for within six months of the granting of preliminary approval. All provisions of applicable ordinances must be complied with and special conditions or requirements imposed by the Commission in granting preliminary approval must be incorporated into the plans. The building permit shall be issued only after final approval.

(c) Determination of Planning Commission. The Planning Commission shall make a determination on applications submitted for review within thirty days of submittal.

(1) Approval. If the plans are found to be satisfactory as presented, the Commission shall pass a resolution approving the plans. The Executive Secretary shall affix this resolution to the plans and shall sign and date the submitted plans.

(2) Denial; minor deficiencies. If the plans are found to have minor deficiencies, the Commission shall pass a resolution approving the plans subject to certain specified modifications. The Executive Secretary shall affix this resolution to the plans and note on the plans that they are not approved. However, if the petitioner should submit another set of plans with the requested modifications, the Executive Secretary shall approve them without an additional review by the Commission.

(3) Denial; major deficiencies. If the plans are found to have major deficiencies, the Commission shall pass a resolution rejecting the plans and noting the reasons for this determination. The Executive Secretary shall affix a copy of this resolution to the plans and note on the plans that they are not approved.

(d) Records. Applications for review shall be kept on file at the Division of City Planning. The determination of the Planning Commission shall be indicated on all three copies of the drawings submitted. The three copies of the application submitted for review shall be distributed and remain on file in the following manner:

(1) After it has been reviewed by the Commission, the City Planner shall retain one copy of the application in his or her files.

(2) One copy of the application shall be sent to the Division of Engineering.

(3) The City Planner shall return the third copy to the applicant.

(e) Building Permits Not Issued Without Commission Review. The Building Official shall not issue a building permit for any building or site modification, when the plans thereof are required to be reviewed by the Planning Commission pursuant to this section, until the Commission review has been obtained and the approval of the Secretary of the Commission has been inscribed on the plans. However, if the Commission fails to act on any application within thirty days from the date an application review is filed, the Building Official may issue such permit without Commission action.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1286

Conditional Use Review

1286.01 Intent.

1286.02 Requirements.

1286.03 Conditions and time limitations.

1286.04 Review procedures.

CROSS REFERENCES

Special land uses; review process - see M.C.L.A. Sec. 125.584a

Duties of Planning Commission - see P. & Z. 1220.05

1286.01 INTENT.

The purpose of conditional use review procedures is to provide a process to review applications for potentially objectionable uses. The Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses permitted subject to the special conditions enumerated in this Zoning Code. The Commission shall have the power to grant only such conditional uses as may be in harmony with the general purpose and intent of this Zoning Code and in accordance with the general and specific rules contained in this chapter.

(Ord. 1128. Passed 3-19-84.)

1286.02 REQUIREMENTS.

No conditional use shall be permitted, in whole or in part, unless there exists, and the Planning Commission specifies in its findings as a part of a written decision, facts sufficient to establish that:

(a) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

(b) Such use or feature, as proposed, will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including, but not limited to, the following:

(1) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading;

(3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; and

(4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas and lighting signs.

(c) Such use or feature will comply with the applicable provisions of this Zoning Code and will not adversely affect the Master Plan.

(Ord. 1128. Passed 3-19-84.)

1286.03 CONDITIONS AND TIME LIMITATIONS.

(a) Unless a variance is granted, the standards of density and required open spaces for the proposed use shall be at least equal to those required by this Zoning Code in the zoning district in which the proposed use is to be located. After granting a special condition, the Planning Commission may also grant variances pertaining to lot coverage, lot size and yard (setback) size.

(b) When authorizing any conditional use, as provided in this chapter, the Commission shall prescribe such conditions, beyond those specified in this Zoning Code, as are necessary to secure the objectives of this Zoning Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. A violation of any condition so imposed shall constitute a violation of this Zoning Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within one year. Authorization to change any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use.

In cases where the erection or alteration of a building is required prior to the commencement of a use authorized by a conditional use permit, the issuance of the required building permit and the diligent pursuit to completion shall constitute compliance with the one-year requirement.

At the time the conditional use is approved, the Commission may establish a completion date for the approved use. Such date shall be not less than eighteen months nor more than four years after the date of approval.

(Ord. 1128. Passed 3-19-84.)

1286.04 REVIEW PROCEDURES.

(a) Application. Each application for a conditional use review shall be on such forms and contain such information as the Planning Commission may prescribe. Applications shall be filed at the Division of Engineering.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for a conditional use.

(2) Information. The owner, or his or her representative, shall submit the following information to the City Planner:

A. Application form. An application form from the Division of City Planning, indicating the petitioner's name and mailing address, the location of the property and such other information as deemed necessary by the Commission;

B. Plans. Plans drawn to scale showing the shape and dimension of lots and of buildings and lines of proposed buildings to be erected, altered or changed as to use, and such other information with regard to lots or neighboring lots, proposed uses and existing uses as may be deemed necessary; and

C. Description of proposed use. An accurate written description of the proposed use, prepared by the petitioner.

(b) Preliminary Review. Upon receipt of the completed form and the payment of the required fee, the City Planner shall transmit the application form to the Chairman of the Planning Commission, together with all papers constituting the record of the petition. Such petition shall be reviewed in the following manner:

(1) Preliminary Review Committee. The Chairman shall, as promptly as possible, inform the Committee for Preliminary Review concerning the petition, and the Committee may either discuss the matter with the petitioner or proceed directly to order public notice and hearing. If the petition is withdrawn before the public notice is given, the application fee shall be returned to the petitioner.

A. If the petitioner elects to withdraw the petition at this or at any other stage before a final determination by the Commission, this fact shall be noted on the original with the signature of the petitioner attesting the withdrawal. The original shall be retained by the City Planner for the files of the Commission, one copy shall be returned to the office where the petition was filed and one copy shall be returned to the petitioner.

B. If the petition is not withdrawn, the Committee for Preliminary Review may request the petitioner to provide such additional information as may be needed to determine the particular case. Such information shall be provided by the petitioner before a decision is made by the Commission, and the Committee shall forward such information to the Commission.

(2) Amendment of petition by petitioner. Amendment of a petition by the petitioner may be permitted at any time prior to or during the public hearing. If amendment is requested by the petitioner after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the petitioner shall pay an additional fee, as established by resolution of Council, to cover the cost of amending the public notice. If the amended notice cannot be published fifteen days prior to the date on which the hearing was originally scheduled, then the hearing will be deferred until a further meeting of the Commission for which appropriate public notice shall have been given.

(3) Petition forwarded to other bodies. The City Planner shall submit a copy of the record of the petition to the Department of Law, appropriate neighborhood organizations, if any, and the Traffic Committee, for review and comment.

If the Executive Secretary does not receive a response to the request for review and comment prior to the scheduled public hearing, it shall be assumed that the official body has no opinion concerning the petition.

(4) Investigation by City Planner. For all petitions for conditional uses, the City Planner shall make necessary investigations and studies and submit his or her findings to the Chairman of the Planning Commission prior to the public hearing. The report and recommendation of the City Planner shall also be submitted at the public hearing.

(c) Notice of Public Hearing. Due notice shall be given to the public by the petitioner before the Planning Commission takes action on any petition. Such notice shall contain such information and be distributed as follows:

(1) Information. The notice of public hearing shall state the name of the petitioner, the location of the property, the action requested, the time and place of the hearing and the mailing address and telephone number of the Commission. The notice shall be distributed not less than fifteen days before the hearing.

(2) Distribution. The notice of public hearing shall be:

A. Posted at City Hall by the City Clerk;

B. Published in a newspaper of general circulation in the City;

C. Sent by registered mail to each utility and railroad operating within the affected area;

D. Sent by first class mail to all property owners of record within 300 feet of the affected area, irrespective of Municipal boundary lines; and

E. Sent, either by hand or by mail, to all occupants of businesses, single-family homes and duplex housing units within 300 feet of the affected area.

(d) Public Hearing. A public hearing shall be heard within forty-five days from the time of filing the completed application with the Zoning Administrator, unless the petition is withdrawn. If the petition is amended, the public hearing shall be heard within forty-five days from the filing of the completed amendment. Petitions will be heard in order of receipt of applications.

At the public hearing, the petitioner or any other party may appear on his or her own behalf or be represented by an agent or attorney.

The Planning Commission shall determine the instances in which a public hearing may be continued. In such cases, new notice need not be given of the further hearing date, provided that such date is announced at the scheduled hearing.

(e) Disposition of Petition. Subject to the limitations specified in Section 1286.02, the Planning Commission may grant permission for conditional uses. Action by the Commission does not waive the requirements for a certificate of occupancy review, site plan review or design review.

A final decision on a petition shall be made within five days of the public hearing at which it was last considered and shall be in the form of a resolution. The resolution shall show the reasons for the determination made and, if in favor of the petitioner, shall set forth any conditions or safeguards required.

(f) Records. Notation concerning the decision of the Planning Commission shall be made on the original petition. Petitions shall be distributed and remain on file in the following manner:

(1) The original application, related records and a copy of the resolution shall remain in the files of the Commission.

(2) One copy of the application and final resolution shall be sent to the official who initially received the petition.

(3) One copy of the application and the final resolution shall be sent to the petitioner.

(g) Administrative Review. After the Planning Commission has made its determination, its action shall be considered final unless new evidence is submitted which could not reasonably have been presented at the meeting or unless there has been a material change in the facts of the case. An application for rehearing a case shall be in writing and subject to the same rules as an original hearing. However, all actions of the Commission shall be subject to an administrative review by the Uniform Board of Appeals.

(h) Court Review. Any person aggrieved by a decision of the Planning Commission and the Board of Appeals, whether or not a previous party to the decision, or any Municipal officer or official board of the Municipality, may file with the appropriate court for an appeal for review to correct errors of fact and law in such decision. An appeal for review shall be made to the proper court within thirty days after the delivery of the decision to the petitioner. Receipt of a copy of the decision shall be presumed to have taken place five days after mailing.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1288

Board of Appeals Review

1288.01 Intent.

1288.02 Requirements.

1288.03 Conditions and time limitations.

1288.04 Administrative review procedures.

1288.05 Variance review procedures.

CROSS REFERENCES

Duties of Board - see M.C.L.A. Sec. 125.585

Freedom of information - see M.C.L.A. Sec. 125.585a

Establishment of Board - see B. & H. Ch. 1440

1288.01 INTENT.

(a) Administrative Review. The purpose of administrative review procedures is to provide a process for appeal when it is alleged by the appellant that there is an error in regard to the interpretation of the provisions of this Zoning Code or in any order, requirement, permit, decision or referral made by the Zoning Administrator or the Planning Commission.

(b) Variances. The purpose of variance procedures is to provide a process of appeal when it is alleged that the strict application of the provisions of this Zoning Code would result in unnecessary hardship. The Uniform Board of Appeals shall hear and make determinations regarding applications for variances from the strict application of the provisions of this Zoning Code.

(c) Board of Appeals. The Uniform Board of Appeals, established in Chapter 1440, shall serve as the Board of Appeals for this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1288.02 REQUIREMENTS.

(a) Administrative Review. Deciding against a determination of the Zoning Administrator or Planning Commission is conditioned upon finding that the Zoning Administrator is incorrect in his or her interpretation of this Zoning Code, or that the Zoning Administrator or the Planning Commission has acted in a manner in conflict with the letter and spirit of this Zoning Code.

(b) Variances. No variance from the provisions of this Zoning Code shall be granted in whole or in part unless there exists, and the Uniform Board of Appeals specifies in its findings as part of a written decision, facts sufficient to establish that:

(1) There are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district.

(2) Owing to such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this Zoning Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

(3) Such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property that is possessed by other property in the same class or district.

(4) The granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

(5) The granting of such variance will be in harmony with the general purpose and intent of this Zoning Code and the Master Plan.

(Ord. 1128. Passed 3-19-84.)

1288.03 CONDITIONS AND TIME LIMITATIONS.

(a) Administrative Review. A petition for an administrative review shall be made by the appellant within thirty days of the date of the order, refusal of the permit or determination from which an appeal is taken. The Zoning Administrator may, in exceptional cases for good reason, grant additional time to file an appeal.

(b) Variances.

(1) Dimensional variances. A variance from set-back requirements, the number of parking spaces required or similar items shall be considered a dimensional variance. The Uniform Board of Appeals may permit such a variance with a simple majority vote upon a finding of practical difficulty.

(2) Use variances. A variance with respect to uses of land, buildings or other structures, including the required spatial separation between uses, shall be considered a use variance. The Board of Appeals may only permit such a variance with a two-thirds vote upon a finding of unnecessary hardship.

(3) Conditions and time limitations. In granting any variance as provided in this chapter, the Board of Appeals shall specify the extent thereof and shall prescribe such conditions as are necessary to secure the objectives of this Zoning Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within one year.

In cases where the erection or alteration of a building is required prior to the commencement of a use authorized by a variance, the issuance of the required building permit and the diligent pursuit of completion shall constitute compliance with the one-year requirement.

(Ord. 1128. Passed 3-19-84.)

1288.04 ADMINISTRATIVE REVIEW PROCEDURES.

(a) Application. Each application for an administrative review shall be on such forms and contain such information as the Uniform Board of Appeals may prescribe. Applications shall be filed at the Division of Engineering.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for an administrative review.

(2) Information. Any person aggrieved by a decision of the Zoning Administrator or the Planning Commission shall submit the following information to the Zoning Administrator:

A. Application form. An application form from the Division of City Planning indicating the appellant's name and mailing address, the location of the property and such other information as deemed necessary by the Board; and

B. Basis of appeal. The principal points on which the appeal is made, based on the decision appealed from or the section of this Zoning Code requiring clarification.

(b) Preliminary Review. Upon receipt of the completed form and the payment of the required fee, the City Planner shall transmit the appeal to the Chairman of the Planning Commission, together with all papers constituting the record upon which the action appealed from was taken. Such appeal shall be reviewed in the following manner:

(1) Preliminary Review Committee. The Chairman shall, as promptly as is possible, inform the Committee for Preliminary Review concerning the appeal, and the Committee may either discuss the matter with the appellant (if the appellant wishes) or proceed directly to order a public notice and hearing. If the appeal is withdrawn before public notice is given, the appeal fee shall be refunded.

A. If the appellant elects to withdraw the appeal at this or at any other stage before a final determination by the Board, this fact shall be noted on the application with the signature of the appellant attesting the withdrawal. The original shall be retained by the City Planner for the files of the Commission and a copy shall be returned to the appellant.

B. If the appeal is not withdrawn, the Committee for Preliminary Review may request the appellant to provide such additional information as may be needed to determine the particular case. Such information shall be provided by the appellant by the date of the public hearing and the Committee shall forward such information to the Board of Appeals.

(2) Petition forwarded to other bodies. The City Planner shall submit a copy of the record of the petition to the Department of Law and the Department of Public Works for review and comment.

(3) Investigation by City Planner. For all petitions for an administrative review, the City Planner shall make the necessary investigation and submit his or her findings to the Chairman of the Board of Appeals prior to the public hearing. The report and recommendation of the City Planner shall also be submitted at the public hearing.

(c) Notice of Public Hearing. Due notice shall be given to the public by the Zoning Administrator before the Board of Appeals takes action on any petition for an administrative review. Such notice shall contain such information and shall be distributed as follows:

(1) Information. The notice of public hearing shall state the name of the appellant, the location of the property, the type of administrative review requested, the time and place of the hearing and the mailing address and telephone number of the Board.

(2) Distribution. The notice of public hearing shall be distributed not less than five days before the date of the hearing and shall be:

A. Posted at City Hall by the City Clerk;

B. Published in a newspaper of general circulation in the City; and

C. Sent by registered mail to the appellant.

(d) Public Hearing. An appeal for an administrative review shall be held within twenty days from the time of filing the completed application with the Zoning Administrator, unless the appeal is withdrawn.

At the public hearing the appellant or any other party may appear on his or her own behalf or be represented by an agent or attorney.

(e) Disposition of Appeal. The Board of Appeals may reverse, affirm or modify any order, requirement, decision or determination as in its opinion should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

A final decision on an appeal shall be made within five calendar days of the public hearing at which it was considered and shall be in the form of a resolution. Any resolution reversing any other order, requirement, decision or determination of the Zoning Administrator shall require the concurring vote of four members of the Board. Failure to pass such resolution shall constitute an automatic denial of the appeal.

The resolution shall show the reasons for the determination made and, if in favor of the appellant, shall set forth any conditions or safeguards required.

(f) Records. Notation concerning the decision of the Board of Appeals shall be made on the original application. Applications shall be distributed and remain on file in the following manner:

(1) The original application, together with a copy of the resolution, shall remain in the files of the Board.

(2) One copy of the application and final resolution shall be sent to the Zoning Administrator.

(3) One copy of the application and the final resolution shall be sent to the appellant.

(g) Court Review. Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, may apply to the appropriate court for an appeal for review to correct errors of fact and law in such decision. An appeal for review shall be made to the proper court of jurisdiction within thirty days after the delivery of the Board's decision to the petitioner. Receipt of a copy of such decision shall be presumed to have taken place five days after mailing.

(Ord. 1128. Passed 3-19-84.)

1288.05 VARIANCE REVIEW PROCEDURES.

(a) Application. Each application for a variance shall be on such forms and contain such information as the Uniform Board of Appeals may prescribe. Applications shall be filed at the Division of Engineering.

(1) Fee. An application fee, as established by resolution of Council, shall be charged upon submitting an application for a variance or conditional use.

(2) Information. The property owner, or his or her representative, shall submit the following information to the City Planner:

A. Application form. An application form from the Division of City Planning, indicating the petitioner's name and mailing address, the location of the property and such other information as deemed necessary by the Board;

B. Plans. Plans drawn to scale showing the shape and dimension of lots and of buildings and lines of proposed buildings to be erected, altered or changed as to use, and such other information with regard to lots or neighboring lots, proposed uses or existing uses as may be deemed necessary;

C. Description of proposed use. A clear and accurate written description of the proposed use, prepared by the petitioner; and

D. Issues of appeal. The principal points on which the petition to the Board of Appeals is based.

(b) Preliminary Review. Upon receipt of the completed form and the payment of the required fee, the City Planner shall transmit the application form to the Chairman of the Planning Commission, together with all papers constituting the record of the petition. Such petition shall be reviewed in the following manner:

(1) Preliminary Review Committee. The Chairman shall, as promptly as possible, inform the Committee for Preliminary Review concerning the petition, and the Committee may either discuss the matter with the petitioner or proceed directly to order a public notice and hearing. If the petition is withdrawn before the public notice is given, the application fee shall be returned to the petitioner.

A. If the petitioner elects to withdraw the petition at this or at any other stage before a final determination by the Board of Appeals, this fact shall be noted on the original with the signature of the petitioner attesting the withdrawal. The original shall be retained by the City Planner for the files of the Commission, one copy shall be returned to the office where the petition was filed and one copy shall be returned to the petitioner.

B. If the petition is not withdrawn, the Committee for Preliminary Review may request the petitioner to provide such additional information as may be needed to determine the particular case. Such information shall be provided by the petitioner before a decision is made by the Board, and the Committee shall forward such information to the Board.

(2) Amendment of petition by petitioner. Amendment of a petition by the petitioner may be permitted at any time prior to or during the public hearing. If amendment is requested by the petitioner after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the petitioner shall pay an additional fee, as established by resolution of Council, to cover the cost of amending the public notice. If the amended notice cannot be published fifteen days prior to the date on which the hearing was originally scheduled, then the hearing will be deferred until a further meeting of the Board for which appropriate public notice shall have been given.

(3) Petition forwarded to other bodies. The City Planner shall submit a copy of the record of the petition to the Department of Law, appropriate neighborhood organizations, if any, and the Traffic Committee, for review and comment.

If the Executive Secretary does not receive any response to the request for review and comment prior to the scheduled public hearing, it shall be assumed that the official body has no opinion concerning the petition.

(4) Investigation by City Planner. For all petitions for variances or conditional uses, the City Planner shall make necessary investigations and studies and submit his or her findings to the Chairman of the Board of Appeals prior to the public hearing. The report and recommendation of the City Planner shall also be submitted at the public hearing.

(c) Notice of Public Hearing. Due notice shall be given to the public by the petitioner before the Board of Appeals takes action on any petition. Such notice shall contain such information and shall be distributed as follows:

(1) Information. The notice of public hearing shall state the name of the petitioner, the location of the property, the action requested, the time and place of the hearing and the mailing address and telephone number of the Board. Such notice shall be distributed not less than fifteen days before the date of the hearing.

(2) Distribution. The notice of public hearing shall be:

A. Posted at City Hall by the City Clerk;

B. Published in a newspaper of general circulation in the City;

C. Sent by registered mail to each utility and railroad operating within the affected area;

D. Sent by first class mail to all property owners of record within 300 feet of the affected area, irrespective of Municipal boundary lines; and

E. Sent, either by hand or by mail, to all occupants of businesses, single-family homes and duplex housing units within 300 feet of the affected area.

(d) Public Hearing. A public hearing shall be heard within forty-five days from the time of filing the completed application with the Zoning Administrator, unless the petition is withdrawn. If the petition is amended, the public hearing shall be heard within forty-five days from the filing of the completed amendment. Petitions will be heard in order of receipt of applications.

At the public hearing the petitioner or any other party may appear on his or her behalf or be represented by an agent or attorney.

The Board of Appeals shall determine the instances in which a public hearing may be continued. In such cases, new notice need not be given of the further hearing date, provided that such date is announced at the scheduled hearing.

(e) Disposition of Petition. Subject to the limitations specified in Section 1288.02(b), the Board of Appeals may vary or modify any order, requirement, decision or determination as in its opinion should be made. Action by the Board does not waive the requirements for a certificate of occupancy review, site plan review or design review.

A final decision on a petition shall be made within five days of the public hearing at which it was last considered and shall be in the form of a resolution. Any resolution reversing any other order, requirement, decision or determination of the Zoning Administrator or Planning Commission shall comply with the requirements specified in Section 1288.03(b). The resolution shall enumerate the pertinent facts in the case and the basis for the Board's determination.

The resolution shall show the reasons for the determination made and, if in favor of the petitioner, shall set forth any conditions or safeguards required.

(f) Records. Notation concerning the decision of the Board of Appeals shall be made on the original petition. Petitions shall be distributed and remain on file in the following manner:

(1) The original application, related records and a copy of the resolution shall remain in the files of the Board.

(2) One copy of the application and final resolution shall be sent to the official who initially received the petition.

(3) One copy of the application and the final resolution shall be sent to the petitioner.

(g) Rehearing. No rehearing of any decision of the Board of Appeals will be considered unless new evidence is submitted which could not reasonably have been presented at the meeting or unless there has been a material change in the facts of the case. An application for rehearing a case shall be in writing and subject to the same rules as an original hearing.

(h) Court Review. Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, may apply to the appropriate court for an appeal for review to correct errors of fact and law in such decision. An appeal for review shall be made to the proper court of jurisdiction within thirty days after the delivery of the Board's decision to the petitioner. Receipt of a copy of the decision shall be presumed to have taken place five days after mailing.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1290

Amendments

1290.01 Intent.

1290.02 Requirements.

1290.03 Effect upon permit applications.

1290.04 Amendment initiation.

1290.05 Preliminary review.

1290.06 Public hearing by Planning Commission.

1290.07 Public hearing by Council.

CROSS REFERENCES

Zoning; adoption and amendment - see M.C.L.A. Sec. 125.584

1290.01 INTENT.

Whenever the public necessity, convenience and general welfare require it, Council may amend any part of this Zoning Code, subject to the constraints specified in this chapter and the requirements of the Zoning Enabling Act. Such amendments may include changes in district boundaries and/or changes in the text of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1290.02 REQUIREMENTS.

For the purpose of establishing and maintaining sound, stable and desirable development within the City, this Zoning Code shall not be amended except under one of the following conditions:

- (a) Correction of Error. There is an error in the Zoning Code or in the classification of the property in question.
- (b) Changing Conditions. The character of the area under consideration has changed (through technological or development changes) and it is reasonable to amend the Zoning Map and/or the text of this Zoning Code in order to adjust to these changing conditions.
- (c) Compliance with Master Plan. The proposed change is in conformity with the Master Plan.
- (d) Improved Enforcement. The proposed change will enable the City to more effectively administer this Zoning Code and related controls.

(Ord. 1128. Passed 3-19-84.)

1290.03 EFFECT UPON PERMIT APPLICATIONS.

No application for a building permit or for any other permit or license for a new use of any property, filed subsequent to the day that an application for rezoning has been filed, shall be approved while proceedings are pending on such reclassification or change of setback line, unless the construction and use proposed under the permit or license would conform both to the existing classification of such property or set-back line thereon and to the proposed classification or set-back line. However, if no final action on such reclassification or establishment or change of a building set-back line has been taken by Council during the six months after the start of the proceedings, conformity to both such classifications or setbacks shall no longer be required.

(Ord. 1128. Passed 3-19-84.)

1290.04 AMENDMENT INITIATION.

Each petition to amend the Zoning Map and/or the text of this Zoning Code shall be on such forms and contain such information as the Planning Commission may prescribe. Applications shall be filed at the Division of City Planning.

- (a) Application Fee. An application fee, as established by resolution of Council, shall be charged upon submitting a petition to amend this Zoning Code.
- (b) Petition Initiation. A petition to amend this Zoning Code may be initiated by Council, by the Planning Commission or by one or more interested property owners or their authorized agents.
- (c) Petition Requirements. The petitioner shall submit the following information to the City Planner:
 - (1) Application form. An application form with the petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or equitable interest in the land covered by the petition;
 - (2) Statement of error. The alleged error in this Zoning Code, if any, which would be corrected by the proposed amendment, together with a detailed explanation of such error and detailed reasons as to how the proposed amendment will correct the same;
 - (3) Issues of appeal. The changed or changing conditions, if any, in the Municipality generally, which make the proposed amendment reasonably necessary;

(4) Description. The use proposed for the area as indicated on the Master Plan;

(5) Plans. Plans drawn to scale showing the shape and dimensions of the land that would be affected by the proposed amendment, a legal description of such land, the location of existing and proposed buildings and such other information concerning the lot or neighboring lots, proposed use and existing use, as may be deemed necessary by the Director of Planning, if the proposed amendment requires a change in the Zoning Map; and

(6) Other information. Other materials, drawings and documents which may be helpful to or requested by the Planning Commission or Council.

(Ord. 1128. Passed 3-19-84.)

1290.05 PRELIMINARY REVIEW.

Upon receipt of the completed form and the payment of the required fee, the City Planner shall transmit the application form to the Chairman of the Planning Commission, together with all papers constituting the record of the petition. Such petition shall be reviewed in the following manner:

(a) Preliminary Review Committee. The Chairman shall, as promptly as possible, inform the Committee for Preliminary Review concerning the petition, and the Committee may either discuss the matter with the petitioner or proceed directly to order a public notice and hearing.

(1) If the petitioner elects to withdraw the petition at this or at any other stage before a final determination by the Commission, this fact shall be noted on the original application, with the signature of the petitioner attesting the withdrawal, and the application fee shall be returned to the petitioner. The original application shall be retained by the City Planner for the files of the Commission and one copy shall be returned to the petitioner.

(2) If the petition is not withdrawn, the Committee for Preliminary Review may request the petitioner to provide such additional information as may be needed to determine the particular case. Such information shall be provided by the petitioner before a decision is made by the Commission, and the Committee shall schedule a public hearing and direct the City Planner to assist the petitioner to proceed with the required public notice.

(b) Amendment of Petition by Petitioner. Amendment of a petition by the petitioner may be permitted at any time prior to or during the public hearing. If the amendment is requested by the petitioner after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the petitioner shall pay an additional fee, as established by resolution of Council, to cover the cost of amending the public notice. If the amended notice cannot be published fifteen calendar days prior to the date on which the hearing was scheduled, the hearing will be deferred until a future meeting of the Commission for which appropriate public notice has been given.

(c) Petition Forwarded to Other Bodies. The Chairman of the Planning Commission shall submit a copy of the petition to the Department of Law, appropriate neighborhood organizations, if any, and the Traffic Committee, for review and comment.

If the Executive Secretary does not receive a response to the request for review and comment prior to the scheduled public hearing, it shall be assumed that the official body has no opinion concerning the petition.

(d) Investigation by City Planner. For all petitions to amend this Zoning Code, the City Planner shall make necessary investigations and studies and submit his or her findings to the Chairman of the Planning Commission prior to the public hearing. The report and recommendation of the City Planner shall also be submitted at the public hearing.

(Ord. 1128. Passed 3-19-84.)

1290.06 PUBLIC HEARING BY PLANNING COMMISSION.

(a) Notice of Hearing. Due notice shall be given by the petitioner and a public hearing shall be held before the Planning Commission takes any action on any petition. Such notice shall contain such information and shall be distributed as follows:

(1) Information. The notice of public hearing shall state the name of the petitioner, the location of the property, the action requested, the time and place of the hearing and the mailing address and telephone number of the Commission.

(2) Distribution. The notice of public hearing shall be:

A. Posted at City Hall by the City Clerk;

B. Published in a newspaper of general circulation in the City;

C. Sent by registered mail to each utility and railroad operating within the affected area;

D. Sent by first class mail to all property owners of record within 300 feet of the affected area, if the petition amends the Zoning Map; and

E. Sent, either by hand or by mail, to all occupants of businesses, single-family homes and duplex housing units within 300 feet of the affected area, if the petition amends the Zoning Map.

(b) Public Hearing. A public hearing before the Planning Commission shall be heard within forty-five days from the time of filing the completed application with the City Planner, unless the petition is withdrawn. If the petition is amended, the public hearing shall be heard within forty-five days from the filing of the completed amendment. Petitions will be heard in order of receipt of application.

At the public hearing the petitioner or anyone else may appear on his or her own behalf or be represented by an agent or attorney.

The Commission shall determine the instances in which a public hearing may be continued. In such cases, new notice need not be given of the next hearing date, provided that such date is announced at the scheduled hearing.

(c) Determination by Planning Commission. If, following its hearing, the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part; otherwise it shall disapprove the same.

(Ord. 1128. Passed 3-19-84.)

1290.07 PUBLIC HEARING BY COUNCIL.

(a) Notice of Hearing. A public hearing shall be held by Council before the adoption of any proposed amendment to this Zoning Code. Notice of the public hearing shall be given by publishing such notice at least once in a newspaper of general circulation in the City, stating the time and place of such hearing and the substance of the proposed amendment. The notice shall appear in such newspaper at least fifteen days prior to the date set for the public hearing. Such notice shall also be sent by registered mail to each utility and railroad operating within the affected area and shall also be posted at City Hall by the City Clerk.

(b) Public Hearing. Upon receipt of a petition to amend the Zoning Code, Council shall determine whether or not a public hearing shall be held.

(1) In cases where the Planning Commission forwards a favorable finding or in cases where Council wishes to give the public another opportunity prior to taking action on an item that received an unfavorable recommendation from the Commission, a public hearing shall be held.

(2) In cases where Council chooses to accept the recommendation of the Commission for denial of a petition, no public hearing is necessary.

If a public hearing is held before Council, the petitioner may appear on his or her own behalf or he or she may be represented by an agent or attorney.

Council shall determine the instances in which a public hearing may be continued. In such cases, new notice need not be given of the next hearing date, provided that such date is announced at the scheduled hearing.

(c) Determination by Council. If, following its hearing, Council finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or part thereof, then, subject to the following constraints, it shall approve such amendment; otherwise, it shall disapprove the same.

(1) In acting upon any proposed amendment to the text of this Zoning Code, Council may modify such amendment, but shall not take final action upon any modification that has not been approved or disapproved by the Planning Commission. Should the amendment be materially modified while it is before Council, such amendment, as modified, shall be referred back to the Commission for its consideration. In all cases of referral back, the amendment, as so modified, shall be heard by the Commission according to the requirements for a new proposal.

(2) If a protest against any proposed amendment to this Zoning Code is presented, in writing, to the City Planner, signed by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a three-fourths vote of Council. Any protest, to be valid, shall be filed with the City Planner by 5:00 p.m. on the day of the public hearing of Council.

(3) If the Planning Commission recommends against any proposed amendment to this Zoning Code, such amendment shall not be passed except by a two-thirds vote of Council.

(4) If the Commission recommends that a proposed amendment to this Zoning Code be adopted, and if there is no protest against the proposed amendment by twenty percent of the adjacent property owners, and if Council does not choose to modify the proposed amendment as approved by the Commission, then Council may adopt such proposed amendment to the Zoning Code by a simple majority vote.

(5) If a petition for a proposed amendment is not acted upon finally by Council within 120 days of the time of the receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been denied, unless extended by resolution of Council.

(Ord. 1128. Passed 3-19-84.)

TITLE TEN - Zoning; Districts Generally

Chap. 1300. Establishment of Districts.

Chap. 1302. Residential Districts.

Chap. 1304. Business Districts.

Chap. 1306. Industrial Districts.

Chap. 1308. Special Districts.

Appendix A. Table of Uses.

CHAPTER 1300

Establishment of Districts

1300.01 Adoption of Official Zoning Map; description; changes; authority.

1300.02 Replacement of Official Zoning Map.

1300.03 Rules for interpretation of district boundaries.

1300.04 Application of district regulations.

1300.05 Establishment of districts.

CROSS REFERENCES

Authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583(1)

Demonstrated need for certain uses - see M.C.L.A. Sec. 125.592

1300.01 ADOPTION OF OFFICIAL ZONING MAP; DESCRIPTION; CHANGES; AUTHORITY.

(a) The City is hereby divided into zones or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Code.

(b) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1300.01 of the Municipal Code of the City of Highland Park, Michigan," together with the date of the adoption of this Zoning Code.

(c) If, in accordance with the provisions of Chapter 1290 and Act 207 of the Public Acts of 1921, as amended, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by Council, with an entry on the Map as follows: "On (date), City Council amended this map by adopting Ordinance No. ," and this entry shall be signed by the City Planner and attested to by the City Clerk. No amendment which involves matter portrayed on the Map shall become effective until after such change and entry have been made on the Map.

(d) No change of any nature shall be made on the Map or on matter shown thereon, except in conformity with the procedures set forth in this Zoning Code. Any unauthorized change of whatever kind by any person shall be considered a violation of this Zoning Code and shall be punishable as provided in Chapter 1280.

(e) Regardless of the existence of purported copies of the Map which may from time to time be made or published, the Map, which shall be located in the office of the City Planner, shall be the final authority as to the current zoning status of land, buildings and other structures in the City. (Ord. 1128. Passed 3-19-84.)

1300.02 REPLACEMENT OF OFFICIAL ZONING MAP.

If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Map. The new Map may correct drafting or other errors or omissions in the prior Map, but no such correction shall have the effect of amending the original Map or any subsequent amendment thereof. The new Map shall be identified by the signature of the City Planner, attested by the City Clerk, and shall bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption) and referred to in Section 1300.01 of the Municipal Code of the City of Highland Park, Michigan," together with the date of the adoption of the new Map.

Unless the prior Map has been lost or totally destroyed, the prior Map or any significant part thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. 1128. Passed 3-19-84.)

1300.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

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

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following City limits shall be construed as following such City limits.

(d) Boundaries indicated as approximately following railroad lines shall be construed midway between the main tracks.

(e) Boundaries indicated as approximately parallel to or extensions of features indicated in subsections (a) through (d) hereof 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 cultural features existing on the ground are at variance with those shown on the Map, or in any other circumstances are not covered by subsections (a) through (e) hereof, the Uniform Board of Appeals shall interpret the district boundaries.

(g) Where a district boundary line divides a lot which was in single ownership at the time of the adoption of this Zoning Code, the Planning Commission may permit, as a special exception, the extension of the regulations of either portion of the lot into the remaining portion of the lot, not to exceed fifty feet beyond the district.

(Ord. 1128. Passed 3-19-84.)

1300.04 APPLICATION OF DISTRICT REGULATIONS.

The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided, as follows:

- (a) No building or other structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations specified in this Zoning Code for the district in which it is located.
- (b) Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
 - (1) To exceed the height or bulk;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area; or
 - (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces, authorized by the regulations pertaining to the district in which the building or other structure is located.
- (c) No part of a yard, or any other open space, or off-street parking or loading space, required about or in connection with any building for the purpose of complying with this Zoning Code, shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any other building.
- (d) No yard or lot existing at the time of the adoption of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in this Zoning Code. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established by this Zoning Code.
- (e) All territory which may be hereafter annexed to the City shall be considered to be in the same district as the contiguous territory inside the previous City limits.

(Ord. 1128. Passed 3-19-84.)

1300.05 ESTABLISHMENT OF DISTRICTS.

For the purposes of this Zoning Code, the City is hereby divided into the following districts:

(a) Residential Districts.

R1 Single-Family Detached

R2 Single-Family Attached

R3 Medium Density Residential

R4 High Density Residential

(b) Business Districts.

B1 Local Business and Residential

B2 Shopping

B3 General Business

B4 Heavy Business

(c) Industrial Districts.

I1 General Industrial

I2 Special Industrial

(d) Special Districts.

OP Off-Street Parking

PQ Public and Quasi-Public

TI Transitional: Residential to Industrial

PR Parks and Recreation

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1302

Residential Districts

1302.01 Intent.

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1302.21 R2 Single-Family Attached Residential Districts; intent.

1302.22 R2; compatibility requirements.

1302.23 R2; uses permitted by right.

1302.24 R2; uses subject to Planning Commission review.

1302.25 R2; uses subject to conditional use review.

1302.26 R2; lots and yards.

1302.27 R2; building height limitations.

1302.31 R3 Medium Density Residential Districts; intent.

1302.32 R3; compatibility requirements.

1302.33 R3; uses permitted by right.

1302.34 R3; uses subject to Planning Commission review.

1302.35 R3; uses subject to conditional use review.

1302.36 R3; lots and yards.

1302.37 R3; building height limitations.

1302.41 R4 High Density Residential Districts; intent.

1302.42 R4; compatibility requirements.

1302.43 R4; uses permitted by right.

1302.44 R4; uses subject to Planning Commission review.

1302.45 R4; uses subject to conditional use review.

1302.46 R4; lots and yards.

1302.47 R4; building height limitations.

CROSS REFERENCES

State licensed facilities - see M.C.L.A. Sec. 125.583b

Fair housing - see GEN. OFF. Ch. 630

Housing Code - see B. & H. Ch. 1426

1302.01 INTENT.

The following zoning districts are reserved for residential uses, with the intention of protecting these areas from through traffic, noise, fumes and other environmental impingements which are deemed to be detrimental to a healthful living environment:

- (a) R1 Single-Family Detached Districts;
- (b) R2 Single-Family Attached Districts;
- (c) R3 Medium Density Residential Districts; and
- (d) R4 High Density Residential Districts.

(Ord. 1128. Passed 3-19-84.)

1302.02 COMPATIBILITY REQUIREMENTS.

(a) Location of Principal Buildings. Except as otherwise provided in this Zoning Code, every zoning lot in a Residential District upon which a principal building is erected shall face or front upon a street or permanent means of access to a street, other than an alley.

(b) Accessory Buildings.

(1) Time of construction. No accessory building or other structure shall be constructed on any zoning lot prior to the time of construction of the principal building to which it is accessory.

(2) Location. In Residential Districts, accessory buildings and other structures shall be built in the rear yard, except when a part of the principal building. Accessory buildings shall be considered a part of the principal building when the distance between structures is solidly covered by a breezeway, portico or similar architectural device, at least four feet in width.

(c) Parking Lots. Unless otherwise specified, the following requirements shall apply to all parking areas located on property in a Residential District:

(1) Use limitations.

A. Parking areas shall be used for the parking of private passenger vehicles only.

B. No business involving vehicle repair, service, sale or display for sale, or any other type of business, shall be conducted from or upon the premises.

C. No structure, other than a structure required by this Zoning Code or specifically permitted herein, shall be erected or placed on the premises.

D. No building, other than a building for the shelter of attendants, shall be erected or placed upon the premises, and there shall be not more than two such buildings in any one area and each building shall be not more than fifty square feet in area and fifteen feet in height.

(2) Lighting. If lighting is provided, all such lighting shall be subdued, shaded and focused away from all dwellings.

(3) Signs. Signs shall be classified and permitted in accordance with Chapter 1274.

(4) Wheel stops. In all instances where a wall or fence is required, such wall or fence shall be protected from possible damage inflicted by vehicles using the parking area by means of precast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards not attached to the wall or fence, or by other suitable barriers.

(5) Yards. All parking areas shall comply with the front yard requirements of the district the lot is in.

(6) Protective screening. Unless otherwise specified, an opaque wall or fence, not less than four feet in height nor more than six feet in height, as measured from the surface of the parking area, shall be constructed and maintained in a neat and orderly appearance between the parking area and the required front yard. This requirement may be waived by the Planning Commission during a site plan review if it can be demonstrated that the protective screening would serve no useful purpose.

(d) Yard Treatment. All required yards shall be kept free of refuse or debris and shall be landscaped with lawn or other ornamental horticultural materials which shall be maintained in a healthy, neat and orderly condition at all times. If necessary to properly maintain the lawn or other horticultural materials, a water bib or other means of supplying water shall be provided.

(Ord. 1128. Passed 3-19-84.)

1302.03 USES PERMITTED BY RIGHT.

Permitted uses of land or buildings, as set forth in this chapter, shall be permitted in the Residential Districts indicated under the conditions specified. No building or other structure or zoning lot shall be devoted to any use other than a use permitted in this chapter in the zoning district in which such building, structure or land is located.

The growing of vegetables, fruits, flowers, trees, grasses and shrubs is permitted, if such use is not operated for profit.

(Ord. 1128. Passed 3-19-84.)

1302.04 USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted in all Residential Districts, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) AB1-religious facilities, subject to the following conditions:

(1) Location. The site shall be so located as to provide for ingress to and egress from such site directly onto a street designated as a collector street or thoroughfare in the adopted Master Plan.

(2) Off-street parking. The site shall provide adequate off-street parking in a designated area conforming to the criteria specified in Section 1302.05(a)(2).

(b) AB2-educational facilities, subject to the following conditions:

(1) Play space. The site shall provide a minimum of fifty square feet of outdoor play area for each student. Such play area shall be fenced or screened from any adjoining land with planting.

(2) Off-street parking. The site shall provide adequate off-street parking for teachers and staff in an area conforming to the criteria specified in Section 1302.05(a)(2).

(c) IB4-foster care facilities, for six persons or less, subject to the following conditions:

(1) License from State. The foster care facility shall be licensed by the State.

(2) 1,500 foot separation. As provided in Public Act 396 of 1976, as amended, the proposed facility shall be at least 1,500 feet from any other licensed foster care facility.

(d) OA1-City parks, playfields or similar recreational areas, provided that the facility is in compliance with the Master Plan; and

(e) SD1-public utility facilities, without outdoor storage, provided that operating requirements necessitate location within a Residential District to serve the immediate vicinity.

(Ord. 1128. Passed 3-19-84.)

1302.05 USES SUBJECT TO CONDITIONAL USE REVIEW.

Unless otherwise provided, the following uses may be permitted in all Residential Districts, subject to a conditional use review, as specified in Chapter 1286:

(a) OB1, OB2 and OB4 parking lots for any nonindustrial use may be located in a Residential District, subject to the following conditions:

(1) Location limitations. Where a zoning lot abuts, or is separated by an alley or easement along its side zoning lot line from, a business zone, that part of such zoning lot abutting the business zone, alley or easement, that is not less than thirty feet wide nor more than seventy feet wide, as measured from the district boundary at a point twenty feet distant from the front line of rectangular shaped property, or if the property is irregularly shaped, then as measured from that portion abutting or across an alley or easement from the district boundary, comprising a maximum area of 8,500 square feet, may be used for the parking of private passenger vehicles.

(2) Design criteria. The parking lot shall comply with the following design criteria:

A. Off-street parking lot standards. Such standards are as set forth in Section 1268.02.

B. Residential parking lot compatibility requirements. Such requirements are set forth in Section 1302.02(c).

C. Opaque fence at side yard. An opaque fence or wall of wood or masonry construction, not less than four feet in height nor more than six feet in height, as measured from the surface of the parking area, shall be constructed and maintained in a neat and orderly appearance on the side zoning lot line abutting other residential property.

D. Required yards. No parking of vehicles shall be permitted in any required front yard.

E. Ingress/egress limitations. All ingress to and egress from the parking area shall be over or across business zoned property, or from an alley separating the business zoned property from the parking area. Where no alley exists, and it is impossible or impractical to secure access over or across business or industrially zoned property, ingress to and egress from the parking area shall be restricted to a strip of property, not more than twenty feet in width, which abuts the business or industrial zone.

(3) Planning Commission authority. The Planning Commission may modify the design criteria where a finding can be made that such modification will not be injurious to the contiguous or surrounding property and will not be contrary to the intent of this Zoning Code.

(b) OC1-cemeteries, including those containing mausoleums, crematories or columbaria, may be located in a Residential District, provided that the Commission determines that the cemetery is necessary to serve the needs of the people of the City and that it complies with all State, County and City laws.

(Ord. 1128. Passed 3-19-84.)

(c) Any other commercial use of residential property in an R1 District is specifically prohibited. There shall be no use permitted by right or by conditional use review that would allow business operations for the sale of goods directly from residential premises to the public and that would require the stocking of inventory for the purpose of said sale. This provision shall not be construed to bar otherwise lawful mail order or delivery businesses for goods not subject to restriction under provisions of the City Charter. (Ord. 1186. Passed 7-10-95.)

1302.06 LOTS AND YARDS.

(a) Lots. Lot size requirements are specified under each Residential District in this chapter.

Unless otherwise specified, lot width shall be measured at a distance of twenty feet from the front line of the subject zoning lot.

No use shall be established on a lot platted and recorded after the effective date of this Zoning Code, which lot is of less area or width than prescribed hereinafter for such use in the zoning district in which it is to be located.

(b) Yards. Yards shall be provided as set forth under each Residential District as indicated in this chapter.

(1) Exceptions to the required depth of front yards. Front yards of zoning lots used for residential purposes shall be increased or may be reduced in accordance with the following conditions:

A. If one or both of the existing abutting residential dwellings has been erected at the rear one-half of the zoning lot, such dwelling shall be disregarded for purposes of computing the required front yard and such zoning lot shall be considered to be vacant for purposes of this section.

B. In cases where the zoning lot to be built upon is situated between two zoning lots, both of which have been built upon, and either or both of which have a front yard less than or equal to twenty feet or more than twenty feet in depth, the center point of the front wall of the proposed structure shall be located on or to the rear of a straight line drawn between the center points of the front walls of the existing buildings or the two zoning lots.

C. In cases where the zoning lot to be built upon has a lot on one side not built upon, but there is a zoning lot on the other side already built upon with a front yard less than twenty feet or more than twenty feet in depth, the required minimum depth of the front yard for the lot to be built upon shall be determined by drawing a straight line between the center point of the front wall of the existing building and a point twenty feet inside of the front lot line and forty feet distant from the zoning lot to be built upon and on the other side thereof. The center point of the front wall of the proposed building shall be located on or to the rear of such line.

D. In cases where the zoning lot to be built upon is bounded on one side by a street or alley and on the other side by a zoning lot already built upon with a front yard less than twenty feet or more than twenty feet in depth, the required minimum depth of the front yard for the zoning lot to be built upon shall be equal to the existing depth of the front yard on the adjoining lot.

(2) Special provisions for side yards for single or two-family dwellings. The following provisions apply to side yards on zoning lots of less than the minimum width:

A. The required combined width of side yards may be reduced by six inches for each foot or major fraction thereof by which the width of such lot is less than that required, provided that the combined width of both side yards shall be not less than ten feet, six inches, nor shall the width of either side yard be less than three feet.

B. When a single-family detached dwelling is constructed, having an attached garage or carport as part of the principal building, the combined width of the required side yards may be reduced to eight feet. In no case, however, shall either side yard be less than three feet.

(c) Visual Obstructions in Corner Yards. Regardless of the requirements, or lack thereof, imposed by the particular Residential District, no fence, wall, shrubbery, sign or other obstruction to vision, above a height of thirty inches and below a height of ten feet from the established street grades, shall be permitted within the triangular area formed by the intersection of any street right of way by a straight line drawn between such right of way at a distance of twenty-five feet along each line from their point of intersection.

(d) Projections Into Required Yards. Except for the following specified projections and encroachments, or unless otherwise specified, every part of a required yard shall be open and unobstructed to the sky:

(1) Sills, belt courses, leaders and similar ornamental or structural features may project into any required side yard for a distance not to exceed fourteen inches.

(2) Cornices, eaves or gutters may project into any required side yard for a distance not to exceed fourteen inches.

(3) Fire escapes, stairways and balconies which are open and unenclosed, and marquees, may project not more than five feet into a required yard.

(4) Chimneys, pilasters, smokestacks and window air conditioners, not exceeding six square feet in area, may project not more than sixteen inches into a required side yard.

(5) Unless otherwise specified, access drives leading to accessory off-street parking and loading areas and structures may be located in required yards.

(e) Continued Conformity. The maintenance of yards, lot width, recreational space and lot area legally required for a building shall be a continuing obligation of the owner of the property on which the building is located. Furthermore, legally required yards or lot area allocated to one building shall not, by virtue of change of ownership or for any other reason, be used to satisfy yard or lot area requirements for any other building or use.

(Ord. 1128. Passed 3-19-84.)

1302.07 HEIGHT LIMITATIONS.

(a) Limitations for Each District. Buildings and other structures shall comply with the height limitations specified in each Residential District.

(b) Exceptions.

(1) Penthouses, scenery lofts, towers, cupolas, steeples, domes, flag poles, airplane beacons, radio broadcasting towers, television antennas, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes, when located on a roof and collectively not exceeding, in gross area, thirty percent of the roof area, need not be included in determining the height of a building or other structure.

(2) Parapet walls may extend not more than five feet above the allowable height of a building.

(Ord. 1128. Passed 3-19-84.)

1302.08 SIGNS.

Restrictions on permitted signs in Residential Districts are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1302.09 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements for Residential Districts are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1302.11 R1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICTS; INTENT.

The R1 Single-Family Detached Residential District is designed to protect and preserve quiet, low-density residential areas now primarily developed and those areas which will be developed with single-family detached dwellings and be characterized by a high ratio of home ownership. The regulations for this District are designed to stabilize and protect the essential characteristics of the District and to promote and encourage a suitable environment for activities associated with family life. To this end, uses are limited to single-family dwellings on a lot large enough to permit a sidedrive for parking purposes.

This District is applicable to areas where platting has created, or is expected to create, lots that typically have a minimum width of forty feet.

(Ord. 1128. Passed 3-19-84.)

1302.12 R1; COMPATIBILITY REQUIREMENTS.

The Zoning Administrator shall investigate each proposed dwelling unit for which a permit is being requested to determine compliance with the following compatibility requirements:

(a) Similarity to Existing Dwellings. The proposed dwelling unit shall generally conform to the adjacent detached dwelling structures relative to floor area, volume and use of materials. As used in this section, floor area refers to habitable floor area and does not include cellars, unfinished attics, porches, attached garages, etc.

(1) The floor area of the proposed unit shall be not less than seventy percent of an average floor area, which average is calculated from the floor areas of the four nearest dwelling units to the proposed unit. The four units utilized for the measurement of an average shall be the four contiguous units on the same block face as the proposed dwelling unit, where possible, or contiguous units directly across the street from the proposed dwelling unit as may be required to achieve the four units. Dwelling units immediately adjacent to the proposed dwelling unit shall be given double value and the aggregate total of all values shall then be divided by six to determine the average floor area.

(2) Where the proposed structure is a single-family detached dwelling and the majority of existing structures are two-family detached dwellings, no restrictions shall be imposed which regulate the floor area or volume of the proposed structure within the context of this section.

(b) Driveways, Garages and Parking Spaces.

(1) If the dwelling unit is to be built without an attached garage, there shall be a solid paved access from the street to a paved parking area, a minimum of twenty feet by twenty feet in size, located completely in the rear yard. Such parking area and access shall be paved with a surface having an asphaltic or Portland cement binder.

(2) If the dwelling unit is to be built with an attached garage, there shall be a solid paved access from the street to the attached garage. Such access shall be paved with a surface having an asphaltic or Portland cement binder.

(c) Yard Treatment. The front yard, side yard and berm area between the sidewalk and the street paving shall be nursery grown sod installed on a minimum of four inches of top soil. The rear yard shall be fine graded to ensure proper grades and drainage. All construction debris shall be removed. A site drawing indicating the proposed site development shall be submitted with the request for a permit.

(Ord. 1128. Passed 3-19-84.)

1302.13 R1; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an R1 District:

(a) RA1 Single-family detached dwellings; and

(b) RA3 residential accessory buildings, when incidental to and on the same zoning lot as the principal use.

(Ord. 1128. Passed 3-19-84.)

1302.14 R1; USES SUBJECT TO PLANNING COMMISSION REVIEW.

Uses permitted, subject to a Planning Commission review, are specified in Section 1302.04.

(Ord. 1128. Passed 3-19-84.)

1302.15 R1; USES SUBJECT TO CONDITIONAL USE REVIEW.

Uses permitted, subject to a conditional use review, are specified in Section 1302.05.

(Ord. 1128. Passed 3-19-84.)

1302.16 R1; LOTS AND YARDS.

(a) Lots. Zoning lot size requirements shall be as specified for the indicated uses, as follows:

(1) Uses permitted by right. For each single-family detached dwelling, a zoning lot not less than forty feet in width and 4,000 square feet in area shall be provided.

(2) Uses subject to Planning Commission review. For each use, a zoning lot not less than 120 feet in width and 12,000 square feet in area shall be provided.

(3) Uses subject to conditional use review. The Planning Commission shall determine whether or not the land proposed by the petitioner is adequate for the intended use at the time the conditional use is reviewed.

(b) Yards. Yards shall be provided for each principal building in accordance with the following minimum requirements:

Front yard = twenty feet

Side yards = twelve feet combined, four feet minimum

Rear yard = thirty feet, except for accessory uses

(c) Corner Lots. During the site plan review for a building on a corner lot, the Planning Commission may, at its discretion, reduce one front yard to ten feet.

(d) Lot Coverage. The combined area occupied by all buildings shall not exceed thirty-five percent of the area of the zoning lot.

(Ord. 1128. Passed 3-19-84.)

1302.17 R1; BUILDING HEIGHT LIMITATIONS.

Buildings and other structures shall comply with the following height limitations:

	Use	Maximum height (ft.)
AB1	Religious facility	45
AB2	Educational facility	45
IB4	Foster care facility	35
RA1	Single-family detached dwelling	35
RA3	Residential accessory building	15
SD1	Public utility facility	35

(Ord. 1128. Passed 3-19-84.)

1302.21 R2 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICTS; INTENT.

The R2 Single-Family Attached Residential District is designed to protect and enhance those areas developed or likely to develop with single-family detached, two-family and single-family attached dwellings. The District

regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only uses permitted as a matter of right are dwelling units, provided that each unit has a separate, private entrance. Additional uses are permitted with approval.

(Ord. 1128. Passed 3-19-84.)

1302.22 R2; COMPATIBILITY REQUIREMENTS.

The enforcing official shall investigate each proposed dwelling unit for which a permit is being requested to determine compliance with the following compatibility requirements:

(a) Single and Two-Family Construction.

(1) The proposed single-family detached dwelling unit shall comply with the requirements stated in Section 1302.12.

(2) The proposed two-family dwelling unit shall general conform to the adjacent two-family structures relative to floor area, volume and use of materials. As used in this section, floor area refers to habitable floor area and does not include cellars, unfinished attics, porches, attached garages, etc.

(b) Similarity to Existing Dwellings.

(1) The floor area of the proposed unit shall be not less than sixty-five percent of an average floor area, which average is calculated from the floor areas of the four nearest dwelling units to the proposed unit. The four units utilized for the measurement of an average shall be the four contiguous units on the same block face as the proposed dwelling unit, where possible, or contiguous units directly across the street from the proposed dwelling unit as may be required to achieve the four units. Dwelling units immediately adjacent to the proposed dwelling unit shall be given double value and the aggregate total of all values shall then be divided by six to determine the average floor area.

(2) Where the proposed structure is a two-family detached dwelling unit and the majority of existing structures are single-family detached dwelling units, no restrictions shall be imposed which regulate the floor area or volume of the proposed structure within the context of this section.

(c) Driveways, Garages and Parking Spaces.

(1) If a two-family unit is to be built without an attached garage, there shall be a solid paved access from the street to a paved parking area, a minimum of thirty-five feet by twenty feet in size, located completely in the rear yard. Such parking area and access shall be paved with a surface having an asphaltic or Portland cement binder.

(2) If the dwelling unit is to be built with an attached garage, there shall be a solid paved access from the street to the attached garage. Such access shall be paved with a surface having an asphaltic or Portland cement binder.

(d) Yard Treatment. The front yard, side yard and berm area between the sidewalk and the street paving shall be nursery grown sod, installed on a minimum of four inches of top soil. The rear yard shall be fine graded to ensure proper grades and drainage. All construction debris shall be removed. A site drawing indicating the proposed site development shall be submitted with the request for a permit.

(Ord. 1128. Passed 3-19-84.)

1302.23 R2; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an R2 District:

(a) (RA) Low Density Residential.

(1) RA1 single-family detached dwellings;

(2) RA2 two-family residential; and

(3) RA3 residential accessory buildings, when incidental to and on the same zoning lot as the principal use.

(b) (RB) Medium Density Residential. RB1 single-family attached dwellings are permitted, provided that not more than eight are attached in one structure.

(Ord. 1128. Passed 3-19-84.)

1302.24 R2; USES SUBJECT TO PLANNING COMMISSION REVIEW.

(a) Uses permitted, subject to a Planning Commission review, are specified in Section 1302.04.

(b) In addition, the Planning Commission may permit the construction of small lot single-family detached dwelling units on lots of record thirty feet wide or wider, but less than forty feet wide, if the parcel is development locked. In such a case, the Commission may waive the off-street parking requirements and may reduce the required side yard setbacks to a total of eight feet. However, when two or more small lots are adjacent, such lots shall not independently be considered to be development locked and the Commission shall not permit the construction of a small lot single-family dwelling unit.

(Ord. 1128. Passed 3-19-84.)

1302.25 R2; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in an R2 District, subject to a conditional use review, as specified in Chapter 1286:

(a) Parking lots adjacent to business uses under the conditions specified in Section 1302.05; and

(b) OB1 (parking for residential uses) and OB4 (parking for institutional uses), subject to the following conditions:

(1) Location limitations. A zoning lot within 500 feet of a residential use that is a member of use group RB (medium density residential) or RC (high density residential) may be used for the parking of private passenger vehicles.

(2) Design criteria. The parking lot shall comply with the following design criteria:

A. Off-street parking lot standards. Such standards are as set forth in Section 1268.02.

B. Residential parking lot compatibility requirements. Such requirements are as set forth in Section 1302.02(c).

C. Opaque fence at side yard. An opaque fence or wall of masonry construction, not less than four feet in height nor more than six feet in height, as measured from the surface of the parking lot, shall be constructed and maintained in a neat and orderly appearance on any side of the zoning lot that abuts other residential property.

D. Ingress/egress limitations. If the parking lot serves a high density residential use, every effort shall be made to minimize traffic on streets in the R2 District.

(3) Planning Commission authority. The Planning Commission may modify the design criteria where a finding can be made that such modification will not be injurious to the contiguous or surrounding property and will not be contrary to the intent of this Zoning Code. (Ord. 1128. Passed 3-19-84.)

(c) Any other commercial use of residential property in an R2 District is specifically prohibited. There shall be no use permitted by right or by conditional use review that would allow business operations for the sale of goods directly from residential premises to the public and that would require the stocking of inventory for the purpose of said sale. This provision shall not be construed to bar otherwise lawful mail order or delivery businesses for goods not subject to restriction under provisions of the City Charter. (Ord. 1186. Passed 7-10-95.)

1302.26 R2; LOTS AND YARDS.

(a) Lots. Zoning lot size requirements shall be as specified for the indicated uses, as follows:

(1) Uses permitted by right.

A. For each single-family detached dwelling unit, a zoning lot not less than forty feet in width and 4,000 square feet in area shall be provided.

B. For each two-family dwelling, a zoning lot not less than forty-four feet in width and 4,400 feet in area shall be provided.

C. For the first two single-family attached dwellings, the zoning lot shall be not less than forty-four feet in width and 4,400 square feet in area. For each additional dwelling unit, the zoning lot shall be increased fifteen feet in width and 1,500 square feet in area.

(2) Uses subject to Planning Commission review.

A. For each use, a zoning lot not less than 120 feet in width and 12,000 square feet in area shall be provided.

B. Small lot single-family detached dwellings may be permitted on a zoning lot not less than thirty feet in width and 3,000 square feet in area.

(3) Uses subject to conditional use review. The Planning Commission shall determine whether or not the land proposed by the petitioner is adequate for the intended use at the time the conditional use is reviewed.

(b) Yards. Yards shall be provided for each principal building in accordance with the following minimum requirements:

Front yard = twenty feet

Side yards = twelve feet combined, four feet minimum

Rear yard = thirty feet, except for accessory uses

(c) Corner Lots. During a site plan review for a building on a corner lot, the Planning Commission may, at its discretion, reduce one front yard to ten feet.

(d) Lot Coverage. The combined area occupied by all buildings shall not exceed thirty-five percent of the area of the zoning lot, provided that on zoning lots of less than 4,000 square feet in area, the allowable percentage of lot coverage may be increased by one percent for each 100 square feet by which the area of the zoning lot is less than 4,000 square feet, with a maximum coverage in any such case of forty-five percent.

(Ord. 1128. Passed 3-19-84.)

1302.27 R2; BUILDING HEIGHT LIMITATIONS.

Buildings and other structures shall comply with the following height limitations:

	Use	Maximum height (ft.)
AB1	Religious facility	45
AB2	Educational facility	45
IB2	Foster care facility (for six or fewer persons)	35
RA1	Single-family detached dwelling	35
RA2	Two-Family dwelling	35
RA3	Residential accessory building	15
RB1	Single-family attached dwelling	35
SD1	Public utility facility	35

(Ord. 1128. Passed 3-19-84.)

1302.31 R3 MEDIUM DENSITY RESIDENTIAL DISTRICTS; INTENT.

The R3 Medium Density Residential District is designed as a low-density multifamily district providing densities of approximately thirty units per acre. The regulations are designed to promote and encourage town or terrace house developments, courts and garden apartments. It is intended that this District be used primarily on local thoroughfares, thereby encouraging a suitable environment for family life. Uses permitted as a matter of right include two-family dwellings, town houses, multifamily dwellings and community facilities necessary to serve a Residential District.

(Ord. 1128. Passed 3-19-84.)

1302.32 R3; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1302.33 R3; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an R3 District:

(a) (RA) Low Density Residential.

(1) RA2 two-family dwellings; and

(2) RA3 residential accessory buildings, when incidental to and on the same zoning lot as the principal use.

(b) (RB) Medium Density Residential.

(1) RB1 single-family attached dwellings; and

(2) RB2 garden apartments.

(Ord. 1128. Passed 3-19-84.)

1302.34 R3; USES SUBJECT TO PLANNING COMMISSION REVIEW.

Uses permitted, subject to a Planning Commission review, are specified in Section 1302.04.

(Ord. 1128. Passed 3-19-84.)

1302.35 R3; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in an R-3 District, subject to a conditional use review, as specified in Chapter 1286:

(a) Uses permitted in an R2 District, subject to special permission, as specified in Section 1302.25.

(b) IB5, day nurseries, for twenty or fewer children, subject to the following restrictions:

(1) The majority of the children served live in the immediate vicinity of the day nursery.

(2) The facility fully complies with all off-street parking requirements (Chapter 1268) as if the use were new construction.

(3) The play area for the children served complies with the requirements of Section 1276.07.

(c) RD3, rooming houses, if, after a public hearing, a determination is made that such a use is compatible with the adjacent residential neighborhood.

(Ord. 1128. Passed 3-19-84.)

(d) Any other commercial use of residential property in an R3 District is specifically prohibited. There shall be no use permitted by right or by conditional use review that would allow business operations for the sale of goods directly from residential premises to the public and that would require the stocking of inventory for the purpose of said sale. This provision shall not be construed to bar otherwise lawful mail order or delivery businesses for goods not subject to restriction under provisions of the City Charter. (Ord. 1186. Passed 7-10-95.)

1302.36 R3; LOTS AND YARDS.

(a) Lots. Zoning lot size requirements shall be as specified for the indicated uses, as follows:

(1) Uses permitted by right.

A. For each two-family dwelling, a zoning lot not less than forty-four feet in width and 4,400 square feet in area shall be provided.

B. For the first two single-family attached dwellings, the zoning lot shall be not less than forty feet in width and 4,000 square feet in area. For each additional dwelling unit, the zoning lot shall be increased fifteen feet in width and 1,500 square feet in area.

C. For other multifamily buildings, the zoning lot shall be not less than seventy feet in width and 7,000 square feet in area.

(2) Uses subject to Planning Commission review. For each use, a zoning lot not less than 120 feet in width and 12,000 square feet in area shall be provided.

(3) Uses subject to conditional use review. The Planning Commission shall determine whether or not the land proposed by the petitioner is adequate for the intended use at the time the conditional use is reviewed.

(b) Yards.

(1) Required yards. Yards shall be provided for each principal building in accordance with the following requirements:

Front yard = twenty feet

Side yards =

Rear yards = thirty feet

The formula for determining each required side yard shall be computed by adding the length of the building in feet, as measured in overall dimensions along the adjoining zoning lot line, to twice the height of the building in feet, and dividing the sum by six. In no instance, however, shall a side yard be less than five feet.

(2) Rear and side yard exceptions for multifamily dwellings.

A. Rear yard. Each zoning lot upon which a multifamily dwelling is placed or erected, in which the only entrance of a unit within the structure opens directly on a rear yard, shall provide a rear yard of not less than forty-five feet, and the five feet nearest the structure shall not be used for vehicular parking. If the balance of the yard is utilized for vehicular parking purposes, the five feet or greater space shall be separated from the parking area by precast concrete wheel stops or their equivalent, at least six inches in height, and located on the parking area not less than three feet from the edge of the five foot or greater space. Firmly implanted bumper guards located at the edge of the parking area may be substituted for the required wheel stops.

B. Side yard. If any side yard is used in whole or in part for vehicular parking, the five feet nearest the principal building shall not be used for vehicular parking or driveway purposes, and this five foot or greater space shall be separated from the balance of the yard by a barrier as described in paragraph (b)(2)A. hereof.

Each zoning lot upon which a multifamily dwelling is placed or erected, in which the only entrance of a unit within the structure opens directly on a side yard not abutting a street, shall provide a side yard of not less than twenty feet.

(c) Corner Lots. Full front yard setbacks are required on both front yards of a corner lot.

(d) Lot Coverage. The combined area occupied by all buildings shall not exceed forty percent of the area of the zoning lot.

(Ord. 1128. Passed 3-19-84.)

1302.37 R3; BUILDING HEIGHT LIMITATIONS.

Buildings and other structures shall comply with the following height limitations:

	Use	Maximum Height (ft.)
AB1	Religious facility	45
AB2	Educational facility	45
IB4	Foster care facility (for six or fewer persons)	35
IB5	Day nurseries	35
RA2	Two-family dwelling	45
RA3	Residential accessory building	15
RB1	Single-family attached dwelling	35
RB2	Garden apartments	40
RD3	Rooming houses	35

(Ord. 1128. Passed 3-19-84.)

1302.41 R4 HIGH DENSITY RESIDENTIAL DISTRICTS; INTENT.

The R4 High Density Residential District is designed to provide for a range of residential development from single-family attached dwellings to high rise multifamily dwellings. The primary use in this District will be the rental apartment structure. In addition to permitted residential uses, certain specified nonresidential uses which can be properly blended into this District may be permitted.

(Ord. 1128. Passed 3-19-84.)

1302.42 R4; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1302.43 R4; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an R4 District:

(a) (IB) Institutions of Health Care.

(1) IB1 hospitals; and

(2) IB2 homes for the aged and infirm.

(b) (RB) Medium Density Residential.

(1) RB1 single-family attached dwellings; and

(2) RB2 garden apartments.

(c) (RC) High Density Residential.

(1) RC1 elevator apartments; and

(2) RC2 senior citizen housing.

(Ord. 1128. Passed 3-19-84.)

1302.44 R4; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted in an R4 District, subject to compliance with the special conditions specified. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Uses and conditions specified in Section 1302.04;

(b) IB5, day nurseries, subject to the conditions specified in Section 1302.35(b);

(c) OB1, OB2 and OB4, off-street parking for any use except industrial, subject to the conditions specified in Section 1302.25; and

(d) RD3, rooming houses, subject to the following conditions:

(1) Location. The proposed rooming house is located at least 500 feet from any group I or group II regulated use, as specified in Section 1272.02, or any foster care facility (IB4).

(2) License. The rooming house shall obtain a license for a rooming house as a condition for the issuance of its certificate of occupancy.

(Ord. 1128. Passed 3-19-84.)

1302.45 R4; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in an R4 District, subject to a conditional use review, as specified in Chapter 1286:

(a) IA3, pre-release centers, subject to the following conditions:

(1) Location. The proposed facility is located at least 1,500 feet from any group I regulated use, as specified in Section 1274.02(a).

(2) Police report. A report is made by the Chief of the Police Department that the facility is necessary in order to reintegrate convicted criminals back into society and that the proposed facility is not anticipated to be a source of criminal activity and will not be injurious to the neighborhood.

(3) Determination. A determination by the Uniform Board of Appeals, after a public hearing, that the proposed facility will not be injurious to the surrounding neighborhood.

(b) IB3, foster care facilities for seven or more residents, subject to the following conditions:

(1) Location. The proposed foster care facility is located at least 1,500 feet from any group I regulated use, as specified in Section 1272.02(a).

(2) State license. The proposed foster care facility shall be licensed by the State as a condition for the issuance of the certificate of occupancy.

(3) Determination of need. A determination is made, based on a written report provided by the petitioner, that the foster care facility is needed to serve the physical and/or mental health needs of the population of the City.

(4) Not injurious. A determination is made that the proposed foster care facility is compatible with the adjacent residential neighborhood.

(c) Coffee shops, cleaning or pressing shops, laundry pick-up stations, barber or beauty shops, tobacco or newspaper stands or shops, gift shops, telegraph offices or similar commercial uses, when located in permitted multifamily dwellings, provided that such business is conducted primarily as a service to the occupants of the building, and provided, further, that there is no entrance to such place of business except from within the building, and provided, further, that there is no advertising or display of such uses visible from outside the building, other than as permitted in Section 1274.03; and

(d) Trailer courts, not including sales or service, provided that the site is at least ten acres in size and that the trailer court complies with HUD and State standards for such a use.

(Ord. 1128. Passed 3-19-84.)

(e) Any other commercial use of residential property in an R4 District is specifically prohibited. There shall be no use permitted by right or by conditional use review that would allow business operations for the sale of goods directly from residential premises to the public and that would require the stocking of inventory for the purpose of said sale. This provision shall not be construed to bar otherwise lawful mail order or delivery businesses for goods not subject to restriction under provisions of the City Charter. (Ord. 1186. Passed 7-10-95.)

1302.46 R4; LOTS AND YARDS.

(a) Lot Size. Zoning lot size requirements shall be as specified for the indicated uses, as follows:

(1) Uses permitted by right. For each use, a zoning lot not less than 120 feet in width and 12,000 square feet in area shall be provided.

(2) Uses subject to Planning Commission review. For each use, a zoning lot not less than 120 feet in width and 12,000 square feet in area shall be provided.

(3) Uses subject to conditional use review. The Planning Commission shall determine whether or not the land proposed by the petitioner is adequate for the intended use at the time the conditional use is reviewed.

(b) Yards.

(1) Required yards. Yards shall be provided for each principal building in accordance with the following requirements:

Front yard = twenty feet

Side yards =

Rear yard = thirty feet

The formula for determining each required side yard shall be computed by adding the length of the building in feet, as measured in overall dimensions along the adjoining zoning lot line, to twice the height of the building in feet, and dividing the resultant sum by six. In no instance, however, shall a side yard be less than five feet.

(2) Rear and side yard exceptions for multifamily dwellings.

A. Rear yard. Each zoning lot upon which a multifamily dwelling is placed or erected, in which the only entrance of a unit within the structure opens directly on a rear yard, shall provide a rear yard of not less than forty-five feet, and the five feet nearest the structure shall not be used for vehicular parking. If the balance of the yard is utilized for vehicular parking purposes, the five foot or greater space shall be separated from the parking area by precast concrete wheel stops or their equivalent, at least six inches in height, and located on the parking area not less than three feet from the edge of the five foot or greater space. Firmly implanted bumper guards located at the edge of the parking area may be substituted for the required wheel stops.

B. Side yard. If any side yard is used in whole or in part for vehicular parking, the five feet nearest the principal building shall not be used for vehicular parking or driveway purposes, and this five foot or greater space shall be separated from the balance of the yard by a barrier as described in paragraph (b)(2)A. hereof.

Each zoning lot upon which a multifamily dwelling is placed or erected, in which the only entrance of a unit within the structure opens directly on a side yard not abutting a street, shall provide a side yard of not less than twenty feet.

(c) Corner Lots. Full front yard setbacks are required on both front yards of a corner lot.

(d) Lot Coverage. The combined area occupied by all buildings shall not exceed forty-five percent of the area of the zoning lot.

(Ord. 1128. Passed 3-19-84.)

1302.47 R4; BUILDING HEIGHT LIMITATIONS.

Buildings and other structures in an R4 District shall not exceed 150 feet in height.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1304

Business Districts

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CROSS REFERENCES

General business licenses - see B.R. & T. Ch. 802

Exterior maintenance in commercial districts - see B. & H. 1426.09 (BOCA PM-308.0)

1304.01 INTENT.

The following zoning districts are reserved for business areas, with the intention of protecting the various types of business areas from noncompatible uses:

(a) B1 Local Business and Residential Districts;

(b) B2 Shopping Districts;

(c) B3 General Business Districts; and

(d) B4 Heavy Business Districts.

(Ord. 1128. Passed 3-19-84.)

1304.02 COMPATIBILITY REQUIREMENTS.

(a) Back of Buildings. Where business uses are situated on through lots so that the rear of the business structure is opposite the front yard of a residential structure, the rear wall of the business structure shall be finished with brick or a similar veneer. Parking, service or other open spaces at the rear of the structure shall be maintained in a neat and orderly condition.

(b) Parking Lots. Unless otherwise specified, the following requirements shall apply to all parking areas located on property in a Business District:

(1) Ingress and egress. In order to implement traffic safety regulations, the location of all entrances and exits for parking areas and loading spaces shall be determined or approved by the City Traffic Engineer.

(2) Wheel stops. In all instances where a parking area is adjacent to a public sidewalk, such sidewalk shall be protected from vehicular encroachment by means of precast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards, or by other suitable barriers.

(c) Exterior Lighting. All lighting for parking areas, for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent Residential Districts. Such lighting shall also be arranged so as not to adversely affect driver visibility on adjacent thoroughfares.

(Ord. 1128. Passed 3-19-84.)

1304.03 USES PERMITTED BY RIGHT.

Permitted uses of land or buildings, as set forth in this chapter, shall be permitted in the Business Districts indicated under the conditions specified. No building or other structure or zoning lot shall be devoted to any use other than a use permitted in this chapter in the district in which such building, structure or land is located.

(Ord. 1128. Passed 3-19-84.)

1304.04 USES SUBJECT TO PLANNING COMMISSION REVIEW.

Certain uses are permitted in Business Districts only if they comply with specified objective criteria, after a review by the Planning Commission. Such uses are specified in each District.

(Ord. 1128. Passed 3-19-84.)

1304.05 USES SUBJECT TO CONDITIONAL USE REVIEW.

Certain uses may be permitted in Business Districts if they comply with certain subjective and objective criteria, after a public hearing to determine the facts. Such uses are specified in each District.

(Ord. 1128. Passed 3-19-84.)

1304.06 LOTS AND YARDS.

(a) Lots. Provided that required yards and off-street parking spaces are provided, no additional requirements shall be imposed.

(b) Visual Obstructions in Corner Yards. Regardless of the requirements, or lack thereof, imposed by the particular Business District, no fence, wall, shrubbery, sign or other obstruction to vision, above a height of thirty inches and below a height of ten feet from the established street grades, shall be permitted within the triangular area formed at the intersection of any street right of way by a straight line drawn between such right-of-way lines at a distance of twenty-five feet along each line from the point of intersection.

(c) Lot Coverage. Provided that required yards and off-street parking spaces are provided, no additional restrictions on lot coverage shall be imposed.

(Ord. 1128. Passed 3-19-84.)

1304.07 BUILDING HEIGHT LIMITATIONS.

Buildings and other structures shall comply with the height limitations as may be specified in each Business District.

(Ord. 1128. Passed 3-19-84.)

1304.08 SIGNS.

Restrictions on permitted signs in Business Districts are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1304.09 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements for Business Districts are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1304.11 B1 LOCAL BUSINESS AND RESIDENTIAL DISTRICTS; INTENT.

The Local Business and Residential District provides for day-to-day consumer goods and services required to serve a small residential area. High traffic generating and traffic oriented uses are restricted because of the obvious undesirable influence of such uses on adjacent residential areas.

Residential uses are encouraged in this District, especially dwelling units located above store fronts.

(Ord. 1128. Passed 3-19-84.)

1304.12 B1; COMPATIBILITY REQUIREMENTS.

In order to encourage small, quiet, pedestrian oriented commercial enterprises, individual business uses shall not exceed 2,000 square feet in size. This requirement may be waived by the Planning Commission during a site plan review if it can be demonstrated that a larger business would not be contrary to the spirit and purpose of this Zoning Code.

(Ord. 1128. Passed 3-19-84.)

1304.13 B1; USES PERMITTED BY RIGHT.

The following uses are permitted by right in a B1 District:

- (a) (AA) food and drink, specifically AA1 standard restaurants;
- (b) (AB) schools and churches (all);
- (c) (BA) independent shopper-oriented services (all);
- (d) (BB) mutually-oriented convenience services (all);
- (e) (BD) nonshopper oriented services, specifically BD1 printing and related services;
- (f) (IB) institutions of health care, specifically:
 - (1) IB2 homes for the aged and infirm; and
 - (2) IB5 day nurseries;
- (g) (MA) primary shopping goods, specifically:
 - (1) MA2 shoe stores;
 - (2) MA3 clothing stores;
 - (3) MA4 toys/hardware/variety stores; and
 - (4) MA5 general merchandise;
- (h) (MB) secondary shopping goods (all);
- (i) (MC) neighborhood convenience goods, specifically:
 - (1) MC1 groceries;
 - (2) MC3 specialty foods;
 - (3) MC4 nonfoods (drug stores, etc.); and
 - (4) MC5 carry-out restaurants;
- (j) (OB) off-street parking; and
- (k) (RC) high density residential uses.

(Ord. 1128. Passed 3-19-84.)

1304.14 B1; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted, subject to compliance with the conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Uses Requiring Compliance With Special Design Criteria.

(1) AC5 nonprofit social clubs, subject to the following conditions:

A. The nonprofit social club is incorporated in the State and is recognized as a legitimate tax exempt organization by the State or the Internal Revenue Service. The petitioner shall document this assertion.

B. The site shall provide adequate off-street parking in designated areas conforming to the criteria specified in Section 1302.05(a)(2).

(2) BD2 funeral homes and BD3 animal care facilities, provided that there are no residential uses on the same zoning lot, that all required off-street parking is on the same zoning lot and that the zoning lot is located adjacent to a major thoroughfare;

(3) IB4 foster care facilities, for six or fewer persons, subject to the following conditions:

A. The foster care facility is licensed by the State.

B. As provided in Public Act 396 of 1976, as amended, the proposed facility is at least 1,500 feet from any other licensed foster care facility.

(4) Medium density residential dwellings (RB1 single-family attached and RB2 garden apartments), subject to the yard and lot requirements of an R3 District, as provided in Section 1302.36;

(5) Nonshopper oriented goods (use group SA) provided that the potential occupant of such a use signs a letter indicating that the use shall not occupy more than 2,000 square feet of gross floor area, that such use shall be used primarily as an office with only incidental storage of tools and supplies, and that no vehicle in excess of twenty feet in length shall be parked on any land zoned B1 or on an adjacent public right of way; and

(6) SD1 public utility facilities, without outdoor storage, provided that operating requirements necessitate location within a B1 District.

(b) Group I Restricted Uses. RD1 hotels are permitted in a B1 District, subject to the 1,500 foot separation rule and other restrictions, as specified in Chapter 1272.

(c) Group II Restricted Uses. The following uses are permitted in a B1 District, subject to the 500 foot separation rule and other restrictions, as specified in Chapter 1272:

(1) AA2 taverns (class C cabarets);

(2) MC2 party stores (sale of liquor);

(3) MD2 secondhand stores;

(4) MD3 pawn shops; and

(5) RD3 rooming houses.

(Ord. 1128. Passed 3-19-84.)

1304.15 B1; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in a B1 District, subject to a conditional use review, as specified in Chapter 1286:

(a) IA3 pre-release centers, subject to the following conditions:

(1) Location. The proposed facility is located at least 1,000 feet from any group I regulated use, as specified in Section 1274.02(a).

(2) Police report. A report is made by the Chief of the Police Department that the facility is necessary in order to reintegrate convicted criminals back into society and that the proposed facility is not anticipated to be a source of criminal activity.

(3) Not injurious to neighborhood. A determination is made, after a public hearing, that the proposed facility will not be injurious to the surrounding neighborhood.

(b) IB3 foster care facilities, for seven or more residents, subject to the following conditions:

(1) Location. The proposed foster care facility is located at least 500 feet from any group I regulated use, as specified in Section 1274.02(a).

(2) State license. The proposed foster care facility is licensed by the State as a condition for the issuance of the certificate of occupancy.

(3) Determination of need. An evaluation of the written report provided by the petitioner is made to determine if the foster care facility is needed to serve the physical and/or mental health needs of the population of the City.

(4) Not injurious. A determination is made that the proposed foster care facility is compatible with the adjacent residential neighborhood.

(Ord. 1128. Passed 3-19-84.)

1304.16 B1; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1304.06.

(Ord. 1128. Passed 3-19-84.)

1304.17 B1; BUILDING HEIGHT LIMITATIONS.

(a) Buildings with high density residential uses (use group RC) shall not exceed 100 feet in height.

(b) The maximum height for all other buildings is thirty-five feet. The Planning Commission may, during a site plan review, allow a greater height to facilitate a better blending of new construction or alteration with existing structures or uses, provided that all of the following findings are made:

(1) Existing structures in the vicinity exceed thirty-five feet in height.

(2) It is useful and desirable for the structure in question to be erected to a height greater than thirty-five feet.

(3) Existing structures and uses will not be adversely affected by such height increase.

(Ord. 1128. Passed 3-19-84.)

1304.21 B2 SHOPPING DISTRICTS; INTENT.

The B2 Shopping District provides for a range of convenience and comparison shopping stores, generally grouped into neighborhood and community shopping centers, depending on the size of the area so mapped. Uses permitted are inclusive enough to allow for the provision of a broad range of goods and services for the consumer and to allow for as much freedom and healthy competition in the commercial real estate market and commercial activities as are consonant with other community values.

(Ord. 1128. Passed 3-19-84.)

1304.22 B2; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1304.23 B2; USES PERMITTED BY RIGHT.

The following uses are permitted by right in a B2 District:

- (a) (AA) food and drink, specifically AA1 standard restaurants;
- (b) (AB) schools and churches, specifically AB1 religious facilities;
- (c) (AC) recreational facilities, specifically AC4 theaters (nonadult);
- (d) (BA) independent shopper-oriented services (all);
- (e) (BB) mutually-oriented convenience services (all);
- (f) (BD) nonshopper-oriented services, specifically BD1 printing and related services;
- (g) (MA) primary shopping goods (all);
- (h) (MB) secondary shopping goods (all);
- (i) (MC) neighborhood convenience goods, specifically:
 - (1) MC1 groceries;
 - (2) MC3 specialty foods;
 - (3) MC4 nonfoods; and
 - (4) MC5 carry-out restaurants; and
- (j) (OB) off-street parking.

(Ord. 1128. Passed 3-19-84.)

1304.24 B2; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Uses Requiring Compliance With Special Design Criteria.

(1) Planned commercial developments. The following uses are permitted in a B2 District only when they are a part of a planned commercial development that is more than five acres in size and when the developer of the planned commercial development asserts that these uses are an essential part of the overall development, provided that every effort is made to minimize the disruptions that these uses have on adjacent commercial uses and on the flow of traffic:

A. (AA) food and drink, specifically AA3 fast-food restaurants and AA4 drive-in restaurants; and

B. (BC) motor vehicle traffic-oriented businesses (all).

(2) Public utility facilities (SD1). SD1 public utility facilities, without outdoor storage, are permitted, provided that operating requirements necessitate location within a B2 District in order to serve the immediate vicinity.

(b) Group II Restricted Uses. The following uses are permitted in a B2 District, subject to the 500 foot separation rule and other restrictions, as specified in Chapter 1272:

(1) AA2 taverns (class C cabarets);

(2) AC1 class A cabarets;

(3) AC7 small recreational facilities; and

(4) MC2 party stores (sale of liquor).

(Ord. 1128. Passed 3-19-84.)

1304.25 B2; USES SUBJECT TO CONDITIONAL USE REVIEW.

There are no uses in a B2 District subject to a conditional use review.

(Ord. 1128. Passed 3-19-84.)

1304.26 B2; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1304.06.

(Ord. 1128. Passed 3-19-84.)

1304.27 B2; BUILDING HEIGHT LIMITATIONS.

Office buildings with elevators shall not exceed 100 feet in height.

The maximum height for all other buildings is thirty-five feet. However, the Planning Commission, during a site plan review, may allow a height greater than thirty-five feet if it deems that it is useful and desirable and will not cause undue congestion if the structure in question is erected to a greater height, not to exceed 100 feet.

(Ord. 1128. Passed 3-19-84.)

1304.31 B3 GENERAL BUSINESS DISTRICTS; INTENT.

The B3 General Business District provides for business and commercial uses of a thoroughfare oriented nature. In addition to these uses, other businesses which may benefit by drawing part of their clientele from passing traffic are permitted. Additional uses which may be successfully blended with uses permitted as a matter of right are permitted with approval.

(Ord. 1128. Passed 3-19-84.)

1304.32 B3; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1304.33 B3; USES PERMITTED BY RIGHT.

The following uses are permitted by right in a B3 District:

- (a) (AA) food and drink, specifically AA1 standard restaurants;
- (b) (AB) schools and churches, specifically AB1 religious facilities;
- (c) (AC) recreational facilities, specifically:
 - (1) AC4 theaters (nonadult); and
 - (2) AC6 large recreational facilities;
- (d) (BA) independent shopper-oriented services (all);
- (e) (BB) mutually-oriented convenience services (all);
- (f) (BC) motor vehicle traffic oriented businesses, specifically:
 - (1) BC2 motor vehicle repair shops;
 - (2) BC3 new and used vehicle sales;
 - (3) BC4 motor vehicle related sales; and
 - (4) BC5 recreation vehicle sales;
- (g) (BD) nonshopper-oriented services (all);

- (h) (IB) institutions of health care, specifically IB5 day nurseries;
- (i) (MA) primary shopping goods, specifically:
 - (1) MA2 shoe stores;
 - (2) MA3 clothing stores;
 - (3) MA4 toys/hardware/variety stores;
 - (4) MA5 general merchandise;
 - (5) MA6 supermarkets;
 - (6) MA7 furniture stores; and
 - (7) MA8 appliance stores;
- (j) (MB) secondary shopping goods (all);
- (k) (MC) neighborhood convenience goods, specifically:
 - (1) MC1 groceries;
 - (2) MC3 specialty foods;
 - (3) MC4 nonfoods; and
 - (4) MC5 carry-out restaurants;
- (l) (OB) off-street parking;
- (m) (SA) nonshopper-oriented goods (all), provided that all material is stored within an enclosed building with walls on all sides, and provided, further, that the size of the building is limited to a maximum floor area of 6,000 square feet. All truck parking shall be screened from view from property in Residential Districts. All lighting shall be directed so as not to shine upon property in Residential Districts.
- (n) (SD) public utility facilities, specifically SD1 public utilities (no external storage).

(Ord. 1128. Passed 3-19-84.)

1304.34 B3; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Uses Requiring Compliance With Special Design Criteria.

(1) Fast food (AA3) and drive-in restaurants (AA4) are permitted, subject to the following conditions:

A. Ingress/egress. Points of vehicular and pedestrian ingress and egress shall be limited to the adjacent major and/or secondary thoroughfares only, and site plans shall be reviewed by the Traffic Engineer for location and design of curb cuts and driveways.

B. Paved parking. The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with the Plumbing Code of the City. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

C. Distance from schools. A minimum distance of 500 feet shall exist between the subject site and the nearest point of an elementary, junior high or senior high school site.

D. Trash receptacles. All outside trash receptacles (except those intended for use by the customer) shall be located within a six foot high enclosure constructed of opaque masonry materials and shall be provided with opaque gates of the same height.

(2) Nonprofit social clubs (AC6) are permitted, subject to the criteria specified in Section 1304.14(a)(1).

(3) Gasoline service stations (BC1) are permitted, subject to the following criteria:

A. Location. Gasoline service stations shall be located at the intersection of two major thoroughfares, as determined by the Master Thoroughfare Plan. A gasoline service station may be located at a place other than such an intersection upon a showing to the Planning Commission that it would be impractical to locate at such a site.

B. Consistent with sound planning. The Commission shall review the facts to make a finding that the proposed facility is consistent with sound planning and not injurious to the surrounding area. In making the finding, the Commission shall consider the need for a station, based on the number of vacant and operating stations and traffic patterns in the area, and the site plan, which must conform to the aesthetic needs of the area and allow access to the station only from the major thoroughfares.

C. Minimum lot size and frontage. There shall be a minimum zoning lot area of 12,000 square feet and a minimum lot frontage of 120 feet. A maximum of two service bays and two pump islands may be erected and used on such minimum zoning lot. One service bay or one pump island may be added for each 2,000 square feet of zoning lot area in excess of the minimum requirements.

D. Building setback. Any building or other structure, except gasoline pumps and pump islands, attached or detached canopies, compressed air connections and similar equipment, shall be set back a minimum of forty feet from all street right-of-way lines, and a minimum of ten feet from all property lines abutting any property in a Residential District.

E. Curbing. A raised curb at least six inches in height shall be erected adjacent to all landscaped areas and along all street property lines, except for approved driveway openings.

F. Paving. The entire service area shall be paved with a permanent surface of concrete or asphaltic cement and shall be drained so as to dispose of all surface water. Any unpaved area of the site shall be landscaped, maintained in a neat and orderly fashion and separated from the paved area by a raised curb or equivalent barrier.

G. Equipment. Gasoline pumps, compressed air connections and similar equipment shall be set back a minimum of fifteen feet from any street right-of-way line.

H. Equipment enclosure. Hydraulic hoists, pits and all lubricating, greasing, automobile washing or repairing equipment shall be entirely enclosed within a building. Any such building or portion thereof which faces, abuts or is

adjacent to property in a Residential District shall consist of a solid blank wall with no openings other than those required by applicable provisions of the Building and Housing Code.

I. Obscuring wall. An opaque fence or wall of wood or masonry construction, not less than four feet in height nor more than six feet in height, shall be constructed and maintained in a neat and orderly appearance along all property lines abutting or across a street from any property in a Residential District.

J. Protection of wall. If the paving extends to such a wall or fence, the wall shall be protected by means of precast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards not attached to the wall or fence, or by other suitable barriers.

(b) Group I Restricted Uses. The following uses are permitted in a B3 District, subject to the 1,500 foot rule and other restrictions, as specified in Chapter 1272:

(1) (AD) adult entertainment facilities, specifically:

A. AD1 class D cabarets;

B. AD2 adult motion picture theaters;

C. AD3 adult model studios; and

D. AD4 massage parlors;

(2) (MD) restricted goods, specifically:

A. MD1 adult book stores; and

B. MD4 blood donation centers; and

(3) (RD) transient residential, specifically:

A. RD1 hotels; and

B. RD2 motels.

(c) Group II Restricted Uses. The following uses are permitted in a B3 District, subject to the 500 foot rule and other restrictions, as specified in Chapter 1272:

(1) (AA) food and drink, specifically AA2 taverns (class C cabarets);

(2) (AC) recreational facilities, specifically:

A. AC1 class A cabarets;

B. AC2 class B cabarets;

C. AC3 banquet halls (halls for rent); and

D. AC7 small recreational facilities;

(3) (MC) neighborhood convenience goods, specifically MC2 party stores (sale of liquor); and

(4) (MD) restricted goods, specifically:

A. MD2 secondhand stores; and

B. MD3 pawnshops.

(Ord. 1128. Passed 3-19-84.)

1304.35 B3; USES SUBJECT TO CONDITIONAL USE REVIEW.

IA4 substance abuse services may be permitted in a B3 District, subject to a conditional use review, as specified in Chapter 1286, and subject to the following conditions:

(a) Police Report. A report is made by the Chief of the Police Department that the facility is necessary and that the proposed facility is not anticipated to be a source of criminal activity.

(b) Not Injurious to Neighborhood. A determination is made by the Uniform Board of Appeals, after a public hearing, that the proposed facility will not be injurious to the surrounding neighborhood.

(Ord. 1128. Passed 3-19-84.)

1304.36 B3; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1304.06.

(Ord. 1128. Passed 3-19-84.)

1304.37 B3; BUILDING HEIGHT LIMITATIONS.

The maximum height for a building is thirty-five feet. However, the Planning Commission, during a site plan review, may allow a height greater than thirty-five feet if it deems that it is useful and desirable and will not cause undue congestion if the structure in question is erected to a greater height, not to exceed ninety feet.

(Ord. 1128. Passed 3-19-84.)

1304.41 B4 HEAVY BUSINESS DISTRICTS; INTENT.

The B4 Heavy Business District is used primarily along major thoroughfares in blocks which contain older vacant structures, mixed land uses or other deficiencies, and which the Master Plan indicates do not have any economic future as commercial retail space. In order to extend the economic life of this built environment, the intent of this District is to permit these structures to be used by introducing wholesaling, warehousing and light manufacturing uses into these commercial strips in a controlled manner so as to minimize conflicts with adjacent residential uses and maximize the economic utility of property within the District. Other commercial uses, while not encouraged, may locate in this District as well.

(Ord. 1128. Passed 3-19-84.)

1304.42 B4; COMPATIBILITY REQUIREMENTS.

(a) Environmental Performance Standards. All uses locating in a B4 District shall be reviewed by the Zoning Administrator for compliance with the environmental performance standards set forth in Chapter 1272, prior to the issuance of any building permit.

(b) Storage Areas. Material may be stored outside of an existing building if and only if the material is completely surrounded by opaque walls and gates at least six feet in height. All truck parking shall be screened from view from property in a Residential District.

(Ord. 1128. Passed 3-19-84.)

1304.43 B4; USES PERMITTED BY RIGHT.

The following uses are permitted by right in a B4 District:

- (a) (AA) food and drink, specifically AA1 standard restaurants;
- (b) (AB) schools and churches, specifically AB1 religious facilities;
- (c) (AC) recreational facilities, specifically AC6 large recreational facilities;
- (d) (BA) independent shopper-oriented services (all);
- (e) (BB) mutually-oriented convenience services (all);
- (f) (BC) motor vehicle traffic oriented businesses, specifically:
 - (1) BC2 motor vehicle repair shops;
 - (2) BC3 new and used vehicle sales;
 - (3) BC4 motor vehicle related sales; and
 - (4) BC5 recreation vehicle sales;
- (g) (BD) nonshopper oriented services (all);
- (h) (FA) light industrial uses, specifically FA1 light industrial facilities;
- (i) (MC) neighborhood convenience goods, specifically:
 - (1) MC1 groceries;
 - (2) MC3 specialty foods;
 - (3) MC4 nonfoods; and
 - (4) MC5 carry-out restaurants;
- (j) (OB) off-street parking;

(k) (SA) nonshopper oriented goods (all), provided that all material is stored within an enclosed building with walls on all sides, and provided, further, that the size of the building is limited to a maximum floor area of 6,000 square feet. All truck parking shall be screened from view from property in a Residential District. All lighting shall be directed so as not to shine upon property in a Residential District.

(l) (SB) low hazard storage (all), with the same conditions as those imposed upon nonshopper oriented goods, as set forth in subsection (k) hereof; and

(m) (SD) public utility facilities, specifically SD1 public utilities (no external storage).

(Ord. 1128. Passed 3-19-84.)

1304.44 B4; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Uses Requiring Compliance With Special Design Criteria.

(1) Fast food (AA3) and drive-in restaurants (AA4), subject to the conditions specified in Section 1304.34(a)(1);

(2) Nonprofit social clubs (AC6), subject to the criteria specified in Section 1304.14(a)(1);

(3) Gasoline service stations (BC1), subject to the criteria specified in Section 1304.34(a)(3);

(4) Moderate hazard bulk goods (SC1) and Moderate hazard manufacturing (SC2), subject to the following restrictions:

A. The use is at least 100 feet from the nearest residential structure.

B. The proposal has been reviewed by the City Fire Marshall and fully complies with the Fire Prevention Code of the City.

C. The proposal has been reviewed by the Building Official and fully complies with all Building Code restrictions imposed on use group S structures.

D. The proposed use fully complies with all the parking and loading space requirements of Chapter 1268, as if the building were new construction.

(b) Group I Restricted Uses. The following uses are permitted in a B4 District, subject to the 1,500 foot rule and other restrictions, as specified in Chapter 1272:

(1) (AD) adult entertainment facilities, specifically:

A. AD1 class D cabarets;

B. AD2 adult motion picture theaters;

C. AD3 adult model studios; and

D. AD4 massage parlors;

(2) (MD) restricted goods, specifically:

A. MD1 adult bookstores; and

B. MD4 blood donation centers.

(c) Group II Restricted Uses. The following uses are permitted in a B4 District, subject to the 500 foot rule and other restrictions, as specified in Chapter 1272:

(1) (AA) food and drink, specifically AA2 taverns (class C cabarets);

(2) (AC) recreational facilities, specifically:

A. AC1 class A cabarets;

B. AC2 class B cabarets;

C. AC3 banquet halls (halls for rent); and

D. AC7 small recreational facilities;

(3) (MC) neighborhood convenience goods, specifically MC2 party stores (sale of liquor); and

(4) (MD) restricted goods, specifically:

A. MD2 secondhand stores; and

B. MD3 pawnshops.

(Ord. 1128. Passed 3-19-84.)

1304.45 B4; USES SUBJECT TO CONDITIONAL USE REVIEW.

IA4 substance abuse services may be permitted in a B4 District, subject to a conditional use review, as specified in Chapter 1286, and subject to the conditions specified in Section 1304.35(a).

(Ord. 1128. Passed 3-19-84.)

1304.46 B4; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1304.06.

(Ord. 1128. Passed 3-19-84.)

1304.47 B4; BUILDING HEIGHT LIMITATIONS.

The maximum height for a building is thirty-five feet. However, the Planning Commission, during a site plan review, may allow a height greater than thirty-five feet if it deems that it is useful and desirable and will not cause undue congestion if the structure in question is created to a greater height, not to exceed ninety feet.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1306

Industrial Districts

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CROSS REFERENCES

Environmental performance standards - see P. & Z. Ch. 1270

Public utilities - see P. & Z. 1276.02

Districts generally and Zoning Map - see P. & Z. Ch. 1300

TI Transitional Districts: Residential to Industrial - see P. & Z. 1308.13

1306.01 INTENT.

The following districts are reserved for industrial uses, with the intention of protecting the rest of the City from the traffic, noise, fumes and other environmental impingements which are deemed to be acceptable in Industrial Districts and clearly undesirable in all other districts:

- (a) I1 General Industrial Districts; and
- (b) I2 Special Industrial Districts.

It is further intended to encourage and facilitate the development and ongoing prosperity of industrially oriented facilities in a setting conducive to the public health and economic stability and protected from blight and nonindustrial encroachment.

(Ord. 1128. Passed 3-19-84.)

1306.02 COMPATIBILITY REQUIREMENTS.

- (a) In an Industrial District, no storage of goods or processing of materials shall occur on a site where such activities are visible from a major street or from a Residential District.
- (b) The environmental performance standards set forth in Chapter 1272 are the major compatibility requirements with which uses in an Industrial District must comply.

(Ord. 1128. Passed 3-19-84.)

1306.03 USES PERMITTED BY RIGHT.

The uses permitted by right are specified in each Industrial District.

(Ord. 1128. Passed 3-19-84.)

1306.04 USES SUBJECT TO PLANNING COMMISSION REVIEW.

In each Industrial District certain uses are permitted, subject to compliance with the special conditions specified. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Commission is mandatory.

(Ord. 1128. Passed 3-19-84.)

1306.05 USES SUBJECT TO CONDITIONAL USE REVIEW.

Uses permitted subject to a conditional use review are specified in each Industrial District.

(Ord. 1128. Passed 3-19-84.)

1306.06 LOTS AND YARDS.

(a) Adjacent to Major Thoroughfares. Industrially zoned property adjacent to major thoroughfares (Hamilton, Woodward, Oakland, Six Mile and Oakman/Manchester) shall provide a ten-foot front yard setback which shall be landscaped and kept free of refuse and debris. No parking is permitted within this required setback.

(b) Other Requirements. No other specific yard requirements are imposed.

(Ord. 1128. Passed 3-19-84.)

1306.07 HEIGHT LIMITATIONS.

(a) No free-standing sign shall exceed seventy feet.

(b) No building shall exceed seventy feet. However, the Planning Commission, during site plan review, may allow a greater height if it deems that it is useful and desirable and will not cause undue congestion if the structure in question is erected to a greater height.

(Ord. 1128. Passed 3-19-84.)

1306.08 SIGNS.

Restrictions on permitted signs in Industrial Districts are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1306.09 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements for Industrial Districts are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1306.11 I1 GENERAL INDUSTRIAL DISTRICTS; INTENT.

The I1 General Industrial District is designated for a wide range of industrial and related uses which can function with a minimum of undesirable effects. Restrictions are placed on nonindustrial uses to ensure reservation of adequate areas for industrial development.

(Ord. 1128. Passed 3-19-84.)

1306.12 I1; COMPATIBILITY REQUIREMENTS.

All manufacturing or processing of materials shall be conducted within completely enclosed buildings. Storage is permitted outdoors but shall be effectively screened by a wall, fence or planting so that such materials will not be visible from a public right of way.

(Ord. 1128. Passed 3-19-84.)

1306.13 I1; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an I1 District:

(a) (AA) food and drink, specifically:

(1) AA1 standard restaurants;

(2) AA3 fast-food restaurants; and

(3) AA4 drive-in restaurants;

(b) (AC) recreation facilities, specifically AC6 large recreational facilities;

(c) (BA) independent shopper-oriented services (all);

(d) (BC) motor vehicle traffic-oriented services (all);

(e) (BD) nonshopper oriented services (all);

(f) (FA) light industrial, specifically FA1 light industrial facilities;

(g) (MC) neighborhood convenience goods, specifically MC5 carry-out restaurants;

(h) (OB) off-street parking and loading;

(i) (SA) nonshopper oriented goods (all);

(j) (SB) low hazard storage (all); and

(k) (SD) public utility facilities (all).

(Ord. 1128. Passed 3-19-84.)

1306.14 I1; USES SUBJECT TO PLANNING COMMISSION REVIEW.

SC1 moderate hazard bulk goods and SC2 moderate hazard manufacturing are permitted, subject to the conditions specified in Section 1304.44(b).

(Ord. 1128. Passed 3-19-84.)

1306.15 I1; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in an I1 District, subject to a conditional use review, as specified in Chapter 1286:

(a) FA2 auto parts/wrecking/junk yards, subject to the following conditions:

(1) Police report. A report is made by the Chief of the Police Department that the facility complies with State law and is not anticipated to be a source of criminal activity.

(2) Size. The facility will be located on a parcel of land that is at least five acres in size.

(3) Obscuring wall. The storage yard is completely surrounded by opaque walls and gates at least ten feet in height. Materials shall be so stacked that they are not visible from any adjacent public right of way.

(4) Location. The proposed auto parts/wrecking/junk yard shall be at least 500 feet from any Residential District.

(5) Not injurious. A determination is made, after a public hearing, that the proposed facility will not be injurious to adjacent uses.

(b) IA4 substance abuse services, subject to the conditions specified in Section 1304.35(a).

(Ord. 1128. Passed 3-19-84.)

1306.16 I1; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1306.06.

(Ord. 1128. Passed 3-19-84.)

1306.17 I1; HEIGHT LIMITATIONS.

Height limitations are specified in Section 1306.07.

(Ord. 1128. Passed 3-19-84.)

1306.21 I2 SPECIAL INDUSTRIAL DISTRICTS; INTENT.

The I2 Special Industrial District is composed of industrial parcels that exceed ten acres in size. A broad range of uses is permitted in this District, including many that would be objectionable on smaller parcels.

(Ord. 1128. Passed 3-19-84.)

1306.22 I2; COMPATIBILITY REQUIREMENTS.

All storage of goods or processing of materials within 500 feet of a Residential District shall be effectively screened by a solid wall, fence or planting so that the materials are not visible from the Residential District.

(Ord. 1128. Passed 3-19-84.)

1306.23 I2; USES PERMITTED BY RIGHT.

The following uses are permitted by right in an I2 District:

(a) (AA) food and drink, specifically:

- (1) AA1 standard restaurants;
- (2) AA3 fast-food restaurants; and
- (3) AA4 drive-in restaurants;
- (b) (AC) recreation facilities, specifically AC6 large recreation facilities;
- (c) (BA) independent shopper-oriented services (all);
- (d) (BC) motor vehicle traffic-oriented services (all);
- (e) (BD) nonshopper oriented services (all);
- (f) (FA) light industrial, specifically FA1 light industrial facilities;
- (g) (FB) heavy industrial uses (all);
- (h) (MC) neighborhood convenience goods, specifically MC5 carry-out restaurants;
- (i) (OB) off-street parking and loading;
- (j) (SA) nonshopper oriented goods (all);
- (k) (SB) low hazard storage (all); and
- (l) (SD) public utility facilities (all).

(Ord. 1128. Passed 3-19-84.)

1306.24 I2; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) Hazardous Uses. Use group HA (high hazard buildings) and use group SC (moderate hazard storage), subject to the following conditions:

- (1) The use is at least 500 feet from a Residential District.
 - (2) The use fully complies with the restrictions imposed by the Building Code (Chapter 1420) and the Fire Prevention Code (Chapter 1610).
- (b) Junk Yards. Auto parts/wrecking/junk yards (FA2), subject to the conditions specified in Section 1306.15(a)(1) to (4).

(Ord. 1128. Passed 3-19-84.)

1306.25 I2; USES SUBJECT TO CONDITIONAL USE REVIEW.

IA4 substance abuse services may be permitted in an I2 District, subject to a conditional use review, as specified in Chapter 1286, and subject to the conditions specified in Section 1304.35(a).

(Ord. 1128. Passed 3-19-84.)

1306.26 I2; LOTS AND YARDS.

Lot and yard requirements are specified in Section 1306.06.

(Ord. 1128. Passed 3-19-84.)

1306.27 I2; HEIGHT LIMITATIONS.

Height limitations are specified in Section 1306.07.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1308

Special Districts

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CROSS REFERENCES

Parks, playgrounds and recreation facilities - see S.U. & P.S. Ch. 1062

Off-street parking and loading - see P. & Z. Ch. 1268

Public utilities - see P. & Z. 1276.02

Districts generally and Zoning Map - see P. & Z. Ch. 1300

1308.01 INTENT.

The following zoning districts are reserved for uses which may not easily fit in the Residential, Business or Industrial Districts set forth in this Zoning Code or for circumstances when the existing development is at variance from the development indicated on the Land Use Plan of the Master Plan:

- (a) OP Off-Street Parking Districts;
- (b) PQ Public and Quasi-Public Districts;
- (c) PR Parks and Recreation Districts; and
- (d) TI Transitional Districts; Residential to Industrial.

(Ord. 1128. Passed 3-19-84.)

1308.02 COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.03 USES PERMITTED BY RIGHT.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.04 USES SUBJECT TO PLANNING COMMISSION REVIEW.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.05 USES SUBJECT TO CONDITIONAL USE REVIEW.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.06 LOTS AND YARDS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.07 HEIGHT LIMITATIONS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.08 SIGNS.

Restrictions on permitted signs in special districts are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1308.09 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements for special districts are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1308.10 OP OFF-STREET PARKING DISTRICTS; INTENT.

The OP Off-Street Parking District is designed for off-street parking of private passenger vehicles on property which abuts, or which is separated by an alley or easement from, a nonresidential district. The regulations permit the establishment of parking facilities to serve the nonresidential uses and at the same time do not permit the nonresidential uses per se to extend into residential areas. The OP District will assist in reducing traffic congestion caused by nonresidential uses and at the same time will protect abutting residential areas from the deleterious effects of adjacent vehicular parking areas.

(Ord. 1128. Passed 3-19-84.)

1308.12 OP; COMPATIBILITY REQUIREMENTS.

Parking facilities developed in an OP District shall comply with the following design criteria:

- (a) Lighting. If lighting is provided, all such lighting shall be subdued, shaded and focused away from all dwellings.
- (b) Surface of Parking Area. The parking area shall be provided with pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. It shall be graded and drained in

compliance with the requirements of the Plumbing Code of the City so as to dispose of all surface water within the parking or storage area.

(c) Yard Treatment. All required yards shall be kept free of refuse or debris and shall be landscaped with lawn and other ornamental horticultural materials which are to be maintained in a healthy, neat and orderly condition at all times. If necessary to properly maintain the lawn and other ornamental horticultural materials, a water bib or other means of supplying water shall be provided. All planting plans shall be submitted to the Recreation Department for approval as to the suitability of plant materials and the arrangement thereof. In lieu of the required lawn and landscaping, the yard may be surfaced with suitable decorative surfacing or other architectural treatment as may be approved by the Division of Public Service.

(d) Protective Wall. A continuous masonry wall, not less than four feet in height nor more than six feet in height, as measured from the surface of the parking or storage area, shall be provided between the parking or storage area and the required yards and along the rear lot line when the abutting or adjacent property is in a Residential District. However, where the OP District is across a street and opposite property in a Residential District wherein the lots front upon such street, the portion of the wall parallel to the street and adjoining a contiguous side yard shall be constructed of brick or have brick facing.

(e) Wheel Stops. In all instances where a wall or fence is required, such wall or fence shall be protected from possible damage inflicted by vehicles using the parking or storage area by means of precast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards not attached to the wall or fence, or by other suitable barriers.

(f) Ingress and Egress. Adequate ingress and egress shall be provided and shall be by means of streets and alleys adjacent to or extending through nonresidential districts, or by a private roadway extending through or abutting such districts. All such roadways shall be surfaced in a manner at least equivalent to that which is required for the parking area. The Traffic Engineer shall review and approve parking lot site plans.

(Ord. 1128. Passed 3-19-84.)

1308.13 OP; USES PERMITTED BY RIGHT.

Premises in the OP District shall be used only for open-air vehicular parking areas, subject to all regulations provided in this chapter. In such a lot, the parking of any vehicle shall be limited to one twenty-four hour period.

(Ord. 1128. Passed 3-19-84.)

1308.14 OP; USES SUBJECT TO PLANNING COMMISSION REVIEW.

There are no uses in an OP District subject to a Planning Commission review.

(Ord. 1128. Passed 3-19-84.)

1308.15 OP; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in an OP District, subject to a conditional use review, as specified in Chapter 1286:

- (a) The storage of new, operable, passenger vehicles, not previously used;
- (b) Parking for buses, delivery trucks and similar commercial vehicles; and
- (c) Enclosed parking structures or parking decks.

(Ord. 1128. Passed 3-19-84.)

1308.16 OP; LOTS AND YARDS.

(a) Lots. There are no specific lot size requirements.

(b) Yards. The following yards are required in an OP District:

(1) Front yard. Where an OP District is contiguous to property in a Residential District or PQ District which has common frontage on the same block with the OP District, a front yard equal to the front yard of the abutting lot shall be provided, except in instances where residential structures have been erected on the rear one-half of a zoning lot. In such instances, and in cases wherein the abutting lot or parcel is vacant, a front yard of twenty feet in depth shall be provided. Where the OP District is across a street and opposite a Residential District, wherein the lot in such Residential District fronts upon such street, there shall be provided a front yard, not less than twenty feet in width, between the parking or storage area and such street.

(2) Side yard. Where an OP District is contiguous to a side zoning lot line of property in a Residential District, there shall be provided a side yard, not less than five feet in width, between the parking or storage area and such zoning lot line.

(Ord. 1128. Passed 3-19-84.)

1308.17 OP; BUILDING BULK AND HEIGHT LIMITATIONS.

No building, other than a building used for the shelter of attendants, shall be erected or placed upon the premises, and there shall be not more than two such buildings in any one area and each building shall be not more than fifty square feet in area and fifteen feet in height.

(Ord. 1128. Passed 3-19-84.)

1308.18 OP; SIGNS.

No sign shall be erected or placed on the premises, except that not more than one directional sign at each point of ingress or egress may be so erected or placed. Such sign may also bear the name of the operator of the parking area and the enterprise it is intended to serve. Such sign shall not exceed twenty square feet in area and fifteen feet in height. Such sign shall not project beyond the property line when opposite any Residential District.

(Ord. 1128. Passed 3-19-84.)

1308.21 PQ PUBLIC AND QUASI-PUBLIC DISTRICTS; INTENT.

The PQ Public and Quasi-Public District is a special district covering areas at least two acres in size, which are developed with a combination of uses devoted to governmental, educational, recreational, cultural and/or religious purposes.

(Ord. 1128. Passed 3-19-84.)

1308.22 PQ; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.23 PQ; USES PERMITTED BY RIGHT.

The following uses are permitted by right in a PQ District:

(a) (AB) Schools and Churches.

(1) AB1 religious facilities, subject to the requirements of Section 1302.04(a); and

(2) AB2 educational facilities, subject to the requirements of Section 1302.04(b);

(b) (BA) Independent Shopper-Oriented Services.

(1) BA1 business schools, studios, etc.;

(2) BA4 medical offices and services; and

(3) BA6 government service agencies;

(c) (IB) Institutions of Health Care.

(1) IB1 hospitals;

(2) IB2 homes for the aged and infirm; and

(3) IB5 day nurseries, subject to the requirements specified in Section 1272.08;

(d) (OA) Parks and Recreational Space. Specifically, OA1 City parks and playfields; and

(e) (OB) Off-Street Parking Lots. Provided that such lots conform to the criteria specified in Section 1302.05(a)(2).

(Ord. 1128. Passed 3-19-84.)

1308.24 PQ; USES SUBJECT TO PLANNING COMMISSION REVIEW.

The following uses are permitted in a PQ District, subject to compliance with the special conditions specified in this section. The Planning Commission shall review site plans and/or other information to determine if the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(a) AA1 standard restaurants, provided that the restaurant is clearly an auxiliary use subordinated to some other permitted use and in the same building as the dominant use of the zoning lot;

(b) AC3 banquet halls, provided that the banquet hall is clearly an auxiliary use subordinated to some other permitted use and in the same building as the dominant use of the zoning lot, and provided that the site provides adequate off-street parking in a designated area conforming to the criteria specified in Section 1302.05(a)(2);

(c) AC5 nonprofit social clubs, subject to the following conditions:

(1) The nonprofit social club is incorporated in the State and is recognized as a legitimate tax exempt organization by the State or the Internal Revenue Service. The petitioner shall document this assertion.

(2) The site is so located as to provide for ingress to and egress from such site directly onto a street designated as a collector street or thoroughfare in the Master Plan.

(3) The site shall provide adequate off-street parking in a designated area conforming to the criteria specified in Section 1302.05(a)(2).

(d) SD1 and SD2 public utility facilities, when operating requirements necessitate location within a PQ District in order to serve the immediate vicinity.

(Ord. 1128. Passed 3-19-84.)

1308.25 PQ; USES SUBJECT TO CONDITIONAL USE REVIEW.

The following uses may be permitted in a PQ District, subject to a conditional use review, as specified in Chapter 1286:

(a) Any use that is a member of use group IA (jails, asylums, pre-release adjustment centers and substance abuse services), subject to the following conditions:

(1) Police report. A report is made by the Chief of the Police Department that the facility is necessary and that the proposed facility is not anticipated to be a source of criminal activity.

(2) Not injurious to neighborhood. A determination is made, after a public hearing, that the proposed facility will not be injurious to the surrounding neighborhood.

(b) IB3 foster care facilities for seven or more residents, subject to the following conditions:

(1) Location. The proposed facility is located at least 1,500 feet from any group I regulated use, as specified in Section 1272.02(a).

(2) State license. The proposed foster care facility is licensed by the State as a condition for the issuance of the certificate of occupancy.

(3) Determination of need. A determination is made, based on a written report provided by the petitioner, that the foster care facility is needed to serve the physical and/or mental health needs of the population of the City.

(4) Not injurious. A determination is made that the proposed foster care facility is compatible with the adjacent residential neighborhood.

(c) OC1 cemeteries, including those containing mausoleums, crematories or columbaria, provided that the Planning Commission determines that the cemetery is necessary to serve the needs of the people of the City and that it complies with all State, County and City laws.

(Ord. 1128. Passed 3-19-84.)

1308.26 PQ; LOTS AND YARDS.

(a) Lots. A zoning lot shall consist of a parcel of land containing a minimum of 12,000 square feet.

(b) Yards. Yards shall be provided for each principal building in accordance with the following minimum requirements:

Front yard = twenty feet

Side yards = ten feet

Rear yard (not required)

(c) Lot Coverage. Provided that the required yards, off-street parking and loading spaces and outdoor play areas (if any) are provided, no additional restrictions on lot coverage shall be imposed.

(Ord. 1128. Passed 3-19-84.)

1308.27 PQ; BUILDING HEIGHT LIMITATIONS.

Buildings and other structures shall not exceed forty-five feet in height. However, the exceptions to height limitations enumerated in Section 1302.07(b) shall be permitted.

(Ord. 1128. Passed 3-19-84.)

1308.28 PQ; SIGNS.

Restrictions on permitted signs are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1308.29 PQ; OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

1308.31 PR PARKS AND RECREATION DISTRICTS; INTENT.

The intent of the PR Parks and Recreation District is to retain, insofar as is practical and desirable, publicly owned lands in excess of two acres in size already improved for or intended to be improved for recreational uses and/or to be preserved as open space. The restrictions of this classification are intended to encourage preservation of these lands and to permit development in keeping with the natural amenities of these areas.

(Ord. 1128. Passed 3-19-84.)

1308.32 PR; COMPATIBILITY REQUIREMENTS.

This section is reserved for future legislation.

(Ord. 1128. Passed 3-19-84.)

1308.33 PR; USES PERMITTED BY RIGHT.

Public parks, playgrounds, playfields and recreational areas and facilities, and such buildings, structures and uses as are related thereto (use code OA1), are permitted by right in a PR District.

(Ord. 1128. Passed 3-19-84.)

1308.34 PR; USES SUBJECT TO PLANNING COMMISSION REVIEW.

Public utilities, when operating requirements necessitate location within a Parks and Recreation District in order to serve the immediate vicinity uses accessory to any of the permitted uses set forth in Section 1308.33, when incidental to and on the same zoning lot as the practical use (use codes SD1 and SD2), may be permitted.

(Ord. 1128. Passed 3-19-84.)

1308.35 PR; USES SUBJECT TO COUNCIL APPROVAL.

In addition to uses allowed as a matter of right, commercial recreational facilities (use codes AC6, AC7 and OA2) may be permitted upon approval of Council.

The appropriateness of commercial recreational facilities, the design, appearance and location of such facilities and the location and design of signs and parking areas in conjunction therewith shall be reviewed by the Planning Commission for consistency with the spirit, purpose and intent of this Zoning Code. A written report shall be filed with Council recommending approval or disapproval of the proposal and recommending any change deemed necessary to ensure conformity with the spirit, purpose and intent of this Zoning Code. Council shall, in each case, by resolution, approve, disapprove or adjust such recommendations.

(Ord. 1128. Passed 3-19-84.)

1308.36 PR; LOTS AND YARDS.

Lots and yards shall be provided in the amount deemed appropriate by the Recreation Department. In the case of new construction or substantial renovation, the Recreation Commission shall consult with the Planning Commission.

(Ord. 1128. Passed 3-19-84.)

1308.37 PR; BUILDING HEIGHT LIMITATIONS.

Building height limitations shall be determined by the Recreation Department, after consultation with the Planning Commission.

(Ord. 1128. Passed 3-19-84.)

1308.38 PR; SIGNS.

Only nonflashing identification and directional signs are permitted, subject to approval by the Recreation Department, after consultation with the Planning Commission.

(Ord. 1128. Passed 3-19-84.)

1308.39 PR; OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided in the amount deemed appropriate by the Recreation Department, after consultation with the Planning Commission.

(Ord. 1128. Passed 3-19-84.)

1308.41 TI TRANSITIONAL DISTRICTS; RESIDENTIAL TO INDUSTRIAL; INTENT.

The TI Transitional District is a special district covering areas currently developed with a mixture of uses, among which is a relatively large amount of residential use and which the Master Plan of land use indicates is to be developed eventually into industrial uses. The District regulations provide for a guided change to the terminal land use, while at the same time protecting, as much as possible, the existing residential development. No new residential development will be permitted in this District. However, the existing residential development will not be considered nonconforming. As the area changes from a residential to a nonresidential character, a rezoning to the appropriate industrial classification will be effectuated.

(Ord. 1128. Passed 3-19-84.)

1308.42 TI; COMPATIBILITY REQUIREMENTS.

Uses permitted in an I1 General Industrial District may be developed in a TI Transitional District, subject to the following criteria:

(a) Compliance With Master Plan. The zoning lot to be developed with a use requiring a Planning Commission review lies wholly or predominantly in an area designated for industrial use by the Land Use Plan of the Master Plan.

(b) Contiguous With Other Industrial Uses. For a continuous segment of its perimeter, equal to or greater than one-third of its total perimeter, the zoning lot abuts or is directly across a street, alley or other public right of way from any Business or Industrial District or use.

(c) Expansion of Existing Use. If an existing industrial use within the TI District is expanding, its side lot line shall abut the side lot line of the parcel upon which it will expand. However, in unusual circumstances, the Planning Commission may modify this requirement if it determines that the expansion can be accomplished in such a manner that greater harm or inconvenience will not result for nearby residences than would result if the expansion were carried out under normal circumstances in compliance with this subsection.

(d) Protective Walk. An opaque fence or wall of masonry construction, not less than four feet in height nor more than six feet in height, as measured from the surface of the parking or external storage area, shall be constructed and maintained in a neat and orderly appearance between the parking or external storage area and the front yard, and on each side zoning lot abutting residentially developed property, and on each alley separating the parking area from residentially developed property. Such wall or fence shall have only such openings as may be required for access. Such wall or fence shall be protected from possible damage inflicted by vehicles using the parking areas by means of precast concrete wheel stops, at least six inches in height, or by firmly implanted bumper guards not attached to the wall or fence, or by other suitable barriers. The Planning Commission may waive the requirements of this wall if, after a public hearing, it determines that this wall would not serve any significant purpose.

(e) Surface of Parking or Storage Area. The parking or storage area shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. It shall be graded and drained in compliance with the requirements of the Building Code so as to dispose of all surface water accumulation within the parking area.

(f) Ingress and Egress. Adequate ingress and egress shall be provided to and from the employees' parking area and to and from the loading area. Such access shall minimize the amount of truck traffic passing by existing residences.

(Ord. 1128. Passed 3-19-84.)

1308.43 TI; USES PERMITTED BY RIGHT.

(a) Existing Uses. All uses existing on the effective date of this Zoning Code shall be considered to be conforming uses, provided that residential uses comply with the restrictions of an R2 District; commercial uses comply with the requirements of a B3 District; and industrial uses comply with the requirements of an I1 District.

(b) New Uses. All new uses introduced into a TI District shall be subject to a Planning Commission review.

(Ord. 1128. Passed 3-19-84.)

1308.44 TI; USES SUBJECT TO PLANNING COMMISSION REVIEW.

Unless otherwise specified, the new construction, alteration, extension or conversion of a parcel of land to any use permitted in an I1 General Industrial District (either by right or with a Planning Commission review) shall be permitted in a TI Transitional District, subject to the compatibility requirements of Section 1308.42.

Members of use group I restricted uses and use group II restricted uses, as defined in Section 1272.02, and substance abuse services (use code IA4), are specifically prohibited in a TI Transitional District.

The Planning Commission shall review site plans and/or other information to determine if all the conditions are satisfied. If all conditions are satisfied, approval by the Planning Commission is mandatory.

(Ord. 1128. Passed 3-19-84.)

1308.45 TI; USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW.

There are no uses in a TI District subject to a conditional use review.

(Ord. 1128. Passed 3-19-84.)

1308.46 TI; LOTS AND YARDS.

(a) Lots. A zoning lot for a use requiring a Planning Commission review shall consist of a parcel of land containing a minimum of 12,000 square feet.

(b) Yards. Yards shall be provided for each principal building in accordance with the following requirements:

(1) Front yard. Where the extension of a front zoning lot line coincides with a front zoning lot line of an adjacent residential use, a yard equal in depth to the minimum front yard of the residential use shall be provided. However, a yard in excess of twenty feet need not be provided. A minimum five-foot front yard setback shall be required if the property is not adjacent to a residential use.

(2) Side yard. Where a side zoning lot line coincides with a side or rear zoning lot line of an existing residential use, a yard shall be provided along such zoning lot line. The minimum width of such yard shall be ten feet.

(3) Rear yards.

A. Where a rear zoning lot line coincides with a side zoning lot line of an existing residential use, a yard shall be provided along such rear zoning lot line. The minimum width of such yard shall be ten feet.

B. Where a rear zoning lot line coincides with a rear zoning lot line of an existing residential use, a yard shall be provided along such rear zoning lot line. Such yard shall be not less than thirty feet in depth, but may begin at a height of twenty-five feet or one story above grade, whichever is lower. In no case, however, shall the rear yard at grade level be less than ten feet.

C. Otherwise, no rear yard setback is required.

(4) No parking in required yard. No off-street parking or loading shall be permitted in the required front or side yards. However, access drives to parking and loading facilities may be permitted through these yards.

(c) Lot Coverage. Provided that the required yards and off-street parking spaces are provided, no additional restrictions on lot coverage shall be imposed.

(Ord. 1128. Passed 3-19-84.)

1308.47 TI; BUILDING HEIGHT LIMITATIONS.

(a) No building or other structure within 100 feet of an existing residential use shall exceed thirty-five feet in height. However, if there is an existing building or other structure of greater height between the parcel in question and the existing residential use within the 100 feet, or if there is an adjacent residential structure greater than thirty-five feet in height, the proposed building or structure shall be permitted to a height not to exceed, by more than five feet, the height of the adjacent or intervening building or structure. In no case, however, shall the height of the proposed building or structure exceed the limitations set forth in this Zoning Code for the identical use in the I1 General Industrial District.

(b) Buildings or other structures or uses of land which are farther than 100 feet from existing residential uses shall conform to the height limitations established in the I1 General Industrial District.

(Ord. 1128. Passed 3-19-84.)

1308.48 TI; SIGNS.

Restrictions on permitted signs are specified in Chapter 1274.

(Ord. 1128. Passed 3-19-84.)

1308.49 TI; OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements are specified in Chapter 1268.

(Ord. 1128. Passed 3-19-84.)

TITLE TWELVE - Zoning Overlay Districts

Chap. 1320. Establishment of Districts.

Chap. 1322. Acquisition and Redevelopment Area(s).

Chap. 1324. Development Improvement Area(s).

Chap. 1326. Historic Conservation Area(s).

Chap. 1328. Tax Increment Area(s).

CHAPTER 1320

Establishment of Districts

1320.01 Intent.

1320.02 Types of districts.

1320.03 Existing Urban Renewal Districts.

CROSS REFERENCES

Establishment of zoning districts - see M.C.L.A. Sec. 125.583(2); P. & Z. Ch. 1300

1320.01 INTENT.

There are several special powers that the City may exercise which may have a very significant impact on property values and uses of land within specific geographic areas. The intent of Overlay Districts is to record on the Zoning Map the areas of the City in which these special powers may be exercised, as well as the procedures that must be followed.

(Ord. 1128. Passed 3-19-84.)

1320.02 TYPES OF DISTRICTS.

The following types of Overlay Districts may be established in the City:

- (a) ARA Acquisition and Redevelopment Areas (Urban Renewal Activities, per Public Act 344 of 1945, as amended);
- (b) DIA Development and Improvement Areas (Neighborhood Improvements/Special Assessment Districts, per Public Act 208 of 1949, as amended);
- (c) HCA Historic Conservation Areas (Historical Preservation, per Public Act 169 of 1970, as amended); and
- (d) TIA Tax Increment Areas (Tax Incremental Financing, per Public Act 450 of 1980, as amended).

(Ord. 1128. Passed 3-19-84.)

1320.03 EXISTING URBAN RENEWAL DISTRICTS.

Those areas of the City which, in compliance with the requirements of Public Act 344 of 1945, as amended, were declared to be Urban Renewal Districts (in order to qualify for expenditure of funds from the Federal Urban Renewal Program, the Model Cities Program, the Neighborhood Development Program or the Community Block Grant Program) shall be declared to be ARA Overlay Districts, provided that these Districts are incorporated into the Zoning Map when this chapter of the Zoning Code goes into effect.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1322

Acquisition and Redevelopment Area(s)

1322.01 Intent.

1322.02 Redevelopment plan requirements.

1322.03 Designation of an ARA District.

1322.04 Preparation and adoption of redevelopment plan.

1322.05 Implementation of the redevelopment plan.

1322.06 Modification of redevelopment plan.

1322.07 Completion of redevelopment plan; removal of District.

CROSS REFERENCES

Blighted area rehabilitation - see M.C.L.A. Secs. 125.71 et seq.

Acquisition of property for public purposes - see M.C.L.A. Secs. 213.361 et seq.

Citizens' District Council - see P. & Z. Ch. 1224

1322.01 INTENT.

The ARA Acquisition and Redevelopment Area Overlay District is an Overlay District established to permit the City to rehabilitate blighted areas which cannot be remedied by the ordinary operations of private enterprise.

(Ord. 1128. Passed 3-19-84.)

1322.02 REDEVELOPMENT PLAN REQUIREMENTS.

The establishment of an ARA District requires the City to prepare a redevelopment plan in accordance with the requirements of the Rehabilitation of Blighted Areas Act, Public Act 344 of 1945, as amended. More specifically, the redevelopment plan shall include, but not be limited to, the following components:

(a) Land Use. The redevelopment plan shall designate the location and extent of streets and other public facilities within the ARA District, such as residential, recreational, business, industrial, schools, open space, etc.

(b) Public Improvements. The plan shall designate the location, extent, character and estimated cost of the improvements contemplated within the ARA District. These improvements may include the partial or total vacation of plats or replatting; the opening, widening, straightening, extending, vacating or closing of streets, alleys or walkways; the locating or relocating of water mains, sewers or other public or private utilities; the paving of streets, alleys or sidewalks in special situations; the acquiring of parks, playgrounds or other recreational areas or facilities; street tree planting, green belts or buffer strips; and/or other appropriate public improvements.

(c) Housing Market Analysis. The plan shall include estimates of the number of persons residing in the ARA District and the number of families and individuals to be displaced; a survey of their income and racial composition; a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction; the annual rate of turnover of the various types of housing; the range of rental and sale prices; an estimate of the total demand for housing in the community; and the estimated capacity of private and public housing available to displaced families and individuals.

(d) Method for Relocation. The plan shall include a feasible method for the relocation of families who will be displaced from the ARA District into decent, safe and sanitary dwelling accommodations without undue hardship to such families, and such other general features of the proposed rehabilitation as may be determined by Council. A feasible method for the relocation of displaced families shall demonstrate that standard housing units are or will be available to the displaced families and individuals at rents or prices within their financial means, in reasonably convenient locations not less desirable than the development area with respect to utilities and facilities.

(e) Cost Estimate. The plan shall include an itemized estimate of the cost to implement the changes contemplated by the redevelopment plan. The plan shall also anticipate the source of these funds.

(f) Responsibility Assignment. The plan shall include a specific list of work to be accomplished. This list shall specify who is responsible for what (i.e. what tasks shall be completed by the City, private property owners, private contractors, other governmental agencies, etc.).

(g) Project Phasing Schedule. The plan shall employ critical path techniques (or their equivalent) in order to schedule the sequencing of the various tasks involved in implementing the redevelopment plan. The project phasing schedule shall be developed concurrently with the responsibility assignment set forth in subsection (f) hereof.

(h) Variances. The plan shall include a list of variances from the strict requirements of this Zoning Code (i.e. modification of required setbacks, modification of required parking, etc.) which are necessary to effectuate the redevelopment plan.

(Ord. 1128. Passed 3-19-84.)

1322.03 DESIGNATION OF AN ARA DISTRICT.

(a) Petition. A petition to establish an ARA District shall only be initiated by the Planning Commission, Council or the Community Development Administrator. Such petition shall be filed at the Division of City Planning and no application fee is required.

(b) Conditions Survey. The Division of City Planning shall investigate the practicality and feasibility of such a project by preparing a conditions survey of the area to determine if it meets the standards for blighted areas, as delineated in the Rehabilitation of Blighted Areas Act, Public Act 344 of 1945, as amended. When necessary or practical, a professional consultant may be retained to assist in the preparation of such a study.

(c) Planning Commission Action. At the time that the conditions survey is complete, the Planning Commission shall hold a public hearing to review the contents of the survey in order to determine if conditions are such that the designation of an ARA Overlay District is appropriate. The Commission shall forward the conditions survey and its recommendation to Council.

(1) Notice. Proper notice shall be given before the Planning Commission holds a public hearing to review a petition to establish an ARA District. The requirements for such proper notice are specified in Chapter 1290.

(2) Hearing. The public shall be given an opportunity to review and comment on the contents of the conditions survey at the public hearing. If, during the course of the hearing, any serious doubts are cast as to the accuracy of the

conditions survey, the Commission may, by a majority vote, adjourn the hearing for a period not to exceed thirty-five days, during which time the party raising the doubt shall be responsible to substantiate the true situation.

(d) Council Action. Council shall review the contents of the conditions survey and the recommendation of the Planning Commission. If Council deems it advisable to establish such an ARA District, it shall hold a public hearing. At the public hearing, or at any adjournment thereof, Council may tentatively establish an ARA District as an amendment to the Zoning Map. The establishment of this ARA District may be revoked at those decision points specified throughout the rest of this chapter.

(1) Notice. Council shall cause a notice of such a hearing to be published in a newspaper of general circulation in the City, at least thirty days prior to the time fixed for such hearing. At least fifteen days prior to such hearing, the City Clerk shall notify property owners within the area of such hearing by first class mail, sent to them at the address appearing on the most recent tax rolls of the City. At least fifteen days prior to such hearing, the City Clerk shall notify all business establishments and occupants of single-family and two-family housing units within the area of such hearing, either by hand or by mail.

(2) Hearing. The public shall be given another opportunity to review and comment on the contents of the conditions survey at this public hearing.

(Ord. 1128. Passed 3-19-84.)

1322.04 PREPARATION AND ADOPTION OF REDEVELOPMENT PLAN.

Once an area has been designated as an ARA District, Council shall authorize the preparation of a redevelopment plan.

(a) Plan Preparation. The Planning Commission, with the assistance of the Division of City Planning, shall be responsible for preparing the redevelopment plan. When practical, a professional consultant may be retained to assist in the preparation of the plan.

(b) Citizen Participation. The Commission shall periodically consult with and advise the Citizens' District Council and appropriate neighborhood organizations in the ARA District, if any, regarding all aspects of the plan, including the development of new housing for relocation purposes located either inside or outside the development area. The consultation shall begin prior to any final decision by any local planning agency or local legislative body regarding the development plan, other than the designation of the development area. The consultation shall continue throughout the various stages of the development plan, including the final implementation of the plan.

The Commission shall incorporate into the plan, to the extent feasible, the desires and suggestions of the Citizens' District Council and neighborhood organizations within the ARA District.

(c) Adoption. When the Planning Commission has completed its preparation of the redevelopment plan, it shall transmit the plan to Council and the Citizens' District Council in order that the plan may be considered for adoption.

(1) Notice of hearing. Council shall fix a time and place where a public hearing will be held at which any person may express his or her views regarding the redevelopment plan. Notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the City, not less than thirty days prior to the date set for such hearing. Notice of such hearing shall be distributed in the ARA District at least twenty-five days before such hearing. Notice of such hearing shall be mailed, at least twenty-five days before such hearing, to the last known owner of each parcel of land in such ARA District at the last known address of such owner shown by the records of the City Assessor. Such notice shall contain a statement that maps, plats and the particular description of the redevelopment plan, including the method of relocating families and individuals who will be displaced from the area, are available for public inspection at a place to be designated in such notice, and that all aspects of the redevelopment plan will be open for discussion at the public hearing. Notice shall be posted by the City Clerk in City Hall.

(2) Public hearing. At the time set for such hearing, Council shall provide an opportunity for all persons interested to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits of the redevelopment plan and for introduction of documentary evidence pertinent thereto. Council shall make and preserve a record of the public hearing, including specific findings of fact with respect to its determination of such blighted areas and its determination that there is a feasible method for the relocation of families and individuals who will be displaced from the area, and including all data presented at the public hearing and all other data which Council considered in making its determinations.

(3) Citizens' District Council review. Within ten days after such public hearing before Council, the Citizens' District Council shall notify Council, in writing, of its approval or disapproval of the redevelopment plan.

(4) Adoption of plan. If the Citizens' District Council approves the plan or fails to notify Council of its determination, Council may either rescind its previous action which established the ARA District or adopt the redevelopment plan. If the Citizens' District Council disapproves the plan and so notifies Council in writing, Council shall not adopt the plan for at least thirty days after receipt of the notice, and during that period shall consult with the Citizens' District Council concerning its objections.

(Ord. 1128. Passed 3-19-84.)

1322.05 IMPLEMENTATION OF THE REDEVELOPMENT PLAN.

The Department of Community Development shall be responsible for the coordination and implementation of the redevelopment plan.

(a) Relocation Resources. The Department shall maintain information concerning private and public housing available to displaced families and individuals, provide this information upon request and advise and assist families and individuals in their relocation.

(b) Acquisition and Disposition of Property. For the accomplishment of the purposes of the ARA District, the Department shall acquire fee simple title in real property by purchase, gift, exchange, condemnation or otherwise. Such acquired property shall be applied to the purposes specified in the redevelopment plan.

(c) Urban Renewal Replat. When the disposition of land acquired in accordance with the redevelopment plan is hampered by reason of the size or character of the tracts of land within the development area, or where diversification of ownership within the development area prohibits redesign by means of a proprietor's plat, the Municipality, by action of its governing body, may authorize a plat or replat of the area or any part thereof to be made by a registered civil engineer or registered land surveyor.

(1) Replat of redevelopment area. All lands within the development area, whether publicly or privately owned, may be included in the urban renewal plat or urban renewal replat, and all land so platted shall be divided into lots and shall be numbered in accordance with the development plan, except that no lot shall include property in both public and private ownership nor in two or more individual private ownerships.

(2) Dedication of public rights of way. The plat or replat shall state in the dedication that necessary rights to all highways, streets, alleys and public places, including parks, green belts and buffer strips, have been acquired by the Municipality by purchase, dedication, condemnation or adverse possession for public use, prior to the making of the urban renewal plat.

(d) Effect on Permit Applications. After the establishment of an ARA District and the adoption of a redevelopment plan, no building permit shall be issued for work to be done within an ARA District which is not in accordance with the plan officially adopted and made effective by Council.

(e) Annual Progress Report. The Community Development Administrator shall conduct an annual meeting with the residents of the ARA District for the purposes of reporting progress on the plan. The report shall contain a summary of the past year's activities and a projection of the next year's activities.

(Ord. 1128. Passed 3-19-84.)

1322.06 MODIFICATION OF REDEVELOPMENT PLAN.

Whenever Council wishes to amend or revise the redevelopment plan of an ARA District, Council shall authorize the preparation of a revised redevelopment plan and shall follow the procedures specified in Section 1322.04 for the adoption of the revised plan.

(Ord. 1128. Passed 3-19-84.)

1322.07 COMPLETION OF REDEVELOPMENT PLAN; REMOVAL OF DISTRICT.

After all components of the redevelopment plan have been completed, the ARA District shall be removed. The removal of the District shall be handled by the rezoning process set forth in Chapter 1290.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1324

Development Improvement Area(s)

1324.01 Intent.

1324.02 Improvement plan requirements.

1324.03 Designation of a DIA District.

1324.04 Preparation and adoption of improvement plan.

1324.05 Implementation of improvement plan.

CROSS REFERENCES

Neighborhood area improvements - see M.C.L.A. Secs. 125.941 et seq.

Redevelopment of shopping areas - see M.C.L.A. Secs. 125.981 et seq.

1324.01 INTENT.

The DIA Development Improvement Area Overlay District is an overlay district established to provide a framework for property owners to request City assistance in upgrading their area.

(Ord. 1128. Passed 3-19-84.)

1324.02 IMPROVEMENT PLAN REQUIREMENTS.

The establishment of a DIA District permits the property owners within the DIA Overlay District and the City to jointly employ a design professional to prepare an improvement plan in accordance with the requirements of the Neighborhood Improvements Act, Public Act 208 of 1949, as amended. The improvement plan shall include, but not be limited to, the following components:

(a) Physical Design. The plan shall include the physical design for such items as planting boxes or other street furniture; lighting fixtures, building materials and finishes and colors to be included in building facade modernizations; improvements in parking and traffic facilities; all aspects of signs; an overall color scheme; an improved pedestrian circulation scheme; the removal of nonconforming uses; and any other visual or functional appurtenances for the District.

(b) Cost Estimate. The plan shall include an itemized estimate of the cost to implement the physical design.

(c) Responsibility Assignment. The plan shall include a specific list of work to be accomplished. This list shall specify who is responsible for what (i.e. what tasks shall be completed by the City, private property owners, private contractors, other governmental agencies, etc.).

(d) Project Phasing Schedule. The plan shall employ critical path techniques (or their equivalent) in order to schedule the sequencing of the various tasks involved in implementing the improvement plan. The project phasing schedule shall be developed concurrently with the responsibility assignments set forth in subsection (c) hereof.

(e) Variances. The plan shall include a list of variances from the strict requirements of this Zoning Code (i.e. modification of required setbacks, modification of required parking, etc.) which are necessary to effectuate the redevelopment plan.

(f) Covenants. The plan shall include a set of legal agreements which are necessary to effectuate the improvement plan. These agreements shall cover such matters as sharing parking spaces; sharing the maintenance cost of public improvements, pedestrian walkways, etc.; and limitations on signs, colors, building materials, etc.

(Ord. 1128. Passed 3-19-84.)

1324.03 DESIGNATION OF A DIA DISTRICT.

(a) Petition. A petition to establish a DIA District may only be initiated by the owners of at least seventy-five percent of the land frontage of at least one block face or other appropriate area as may be approved by the Planning Commission. Such petition shall be filed at the Division of City Planning and no application fee is required.

(b) Conditions Survey. The Division of City Planning shall investigate the practicality and feasibility of such a project. When necessary or practical, a professional consultant may be retained to assist in the preparation of such a survey.

(c) Planning Commission Action. At the time that the conditions survey is complete, the Planning Commission shall hold a public hearing to review the contents of this survey in order to find if conditions are such that the designation of a DIA Overlay District is appropriate. The Commission shall forward the conditions survey and its recommendation to Council.

(1) Notice. Proper notice shall be given before the Commission holds a public hearing to review a petition to establish a DIA District. The requirements for such proper notice are specified in Chapter 1290.

(2) Hearing. The public shall be given an opportunity to review and comment on the contents of the conditions survey at the public hearing. If, during the course of the hearing, any serious doubts are cast as to the accuracy of the

conditions survey, the Commission may, by a majority vote, adjourn the hearing for a period not to exceed thirty-five days, during which time the party raising the doubt shall be responsible to substantiate the true situation.

(d) Council Action. Council shall review the contents of the conditions survey and the recommendation of the Planning Commission. If Council deems it advisable to establish such a DIA District, it shall hold a public hearing. At the public hearing, or at any adjournment thereof, Council may tentatively establish a DIA District as an amendment to the Zoning Map. The establishment of this DIA District may be revoked at those decision points specified throughout the rest of this chapter.

(1) Notice. Council shall cause a notice of such hearing to be published in a newspaper of general circulation in the City, at least thirty days prior to the time fixed for such hearing. At least fifteen days prior to such hearing, the City Clerk shall notify property owners within the area of such hearing by first class mail, sent to them at the address appearing on the most recent tax rolls of the City. At least fifteen days prior to such hearing, the City Clerk shall notify all business establishments and occupants of single-family and two-family housing units within the area of such hearing, either by hand or by mail.

(2) Hearing. The public shall be given another opportunity to review and comment on the contents of the conditions survey at the public hearing.

(Ord. 1128. Passed 3-19-84.)

1324.04 PREPARATION AND ADOPTION OF IMPROVEMENT PLAN.

Once an area has been designated as a DIA District, Council shall authorize the preparation of an improvement plan, as follows:

(a) Plan Preparation.

(1) Selection of consultant. The Planning Commission, in cooperation with the petitioners, shall recommend to Council the appointment of a specific design professional to serve as the consultant for the DIA District. The Commission shall also prepare an estimate of the cost of these professional services.

(2) Allocation of fees. The Planning Commission, after meeting with the petitioners and appropriate City officials, shall recommend to Council what portion of the design fees should be paid by the petitioner (through a special assessment district) and what portion should be paid by the City.

(3) Special assessment. Upon appointment of a design professional and the approval of his or her fee by Council, Council shall direct the City Assessor to prepare a special assessment roll for the purpose of collecting this design fee. The City Assessor shall transmit this roll to Council, which shall confirm the same and direct it to the City Treasurer. The City Treasurer shall thereupon proceed to collect this assessment, as follows:

A. If seventy-five percent of the assessment is not paid within sixty days after the receipt of the special assessment roll, then the City Treasurer shall report this fact to Council, and Council may then revoke the establishment of the DIA District and order the assessments refunded.

B. If seventy-five percent of the assessment has been collected, then Council shall notify the appointed designer to proceed with his or her work.

(4) Work. As the need arises, the design professional shall meet with both the Planning Commission and/or the DIA District petitioners to review the evolution of the plan.

(b) Planning Commission Review. The Planning Commission shall, in conjunction with the owners of property located within the DIA District, investigate the practicality and feasibility of the proposed improvements. The proposed plan may be modified at this time.

(c) Property Owner Review. After review by the Planning Commission, the Department of Community Development shall circulate a petition among the individuals who will be participating in the special assessment district which will be created to defray the costs of the improvements proposed by the improvement plan.

(1) If a majority of the property owners in a DIA District approve the plan and wish to proceed with the improvements, a petition stating that fact and signed by at least fifty-one percent of the property owners within the assessment district, provided that such fifty-one percent represents at least fifty-one percent of the proposed assessment, shall be filed with Council. No improvements shall proceed without such petition.

(2) If a majority of the property owners within a DIA District do not approve the plan within ninety days after review by the Planning Commission, then the Department of Community Development shall report this fact to Council. Council shall then revoke the establishment of the DIA District.

(d) Adoption of Improvement Plan. The improvement plan may be considered for adoption when the Planning Commission has completed its review process and when a petition signed by fifty-one percent of the property owners within a proposed DIA District (provided that such fifty-one percent represents at least fifty-one percent of the proposed assessment) is filed with Council.

(1) Notice of hearing. Council shall fix a time and place where a public hearing will be held at which any person may express his or her views regarding the improvement plan. At least thirty days prior to the public hearing, Council shall cause a notice of such hearing to be published, at least twice, in a newspaper of general circulation in the City, and such notice shall state the nature of the improvement and that it is proposed to levy an assessment upon the land in the assessment district. At least fifteen days prior to such hearing, the City Clerk shall notify property owners within the assessment district of such hearing by first class mail sent to them at the address appearing on the most recent tax rolls of the City.

(2) Public hearing. At the public hearing, or at any adjournment thereof, Council may either rescind its previous action which established the DIA District and the tentative special assessment roll or adopt the improvement plan.

(Ord. 1128. Passed 3-19-84.)

1324.05 IMPLEMENTATION OF IMPROVEMENT PLAN.

(a) Special Assessment District. The establishment of a DIA District is also the establishment of a special assessment district. The revenues obtained from this special assessment district shall be used to defray all or part of the costs to implement the improvement plan. The City Assessor, in conjunction with the Department of Community Development, shall determine the formula to be used in determining the proportion of each property owner's special assessment. The special assessment of each property owner shall be proportional to the benefit the property owner obtains from the development when the improvement plan is implemented.

(b) Effect on Permit Applications. All permit applications shall be reviewed for compliance with the improvement plan. City officials shall not issue or approve any permit (building permits, certificates of occupancy, business licenses, etc.) within a DIA District which is not in compliance with the improvement plan adopted by Council.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1326

Historic Conservation Area(s)

1326.01 Intent.

1326.02 Conservation plan requirements.

1326.03 Designation of an HCA District.

1326.04 Preparation and adoption of conservation plan.

1326.05 Implementation of the redevelopment plan.

1326.06 Modification of conservation plan.

1326.07 Withdrawal of designation.

CROSS REFERENCES

Historic Districts - see M.C.L.A. Secs. 399.201 et seq.

Special review procedures for work in Historic Conservation Areas - see B. & H. Ch. 1462

1326.01 INTENT.

The HCA Historic Conservation Area Overlay District is an Overlay District established to provide a framework for the regulation of the construction, reconstruction, alteration, repair, moving and demolition of historic and architecturally significant structures in the City, as provided in this chapter and Chapter 1462.

The purposes of this chapter are to:

- (a) Safeguard the heritage of the City by preserving areas in the City which reflect elements of its cultural, social, spiritual, economic, political, engineering or architectural history;
- (b) Stabilize and improve property values in such areas;
- (c) Foster civic beauty and community pride;
- (d) Strengthen the local economy; and
- (e) Promote the use of historic conservation areas for the education, pleasure and welfare of the residents of the City, the State and the nation.

(Ord. 1128. Passed 3-19-84.)

1326.02 CONSERVATION PLAN REQUIREMENTS.

The establishment of an HCA District requires that any plan for construction, alteration, repair, moving or demolition which would affect the exterior appearance of any structure within an HCA District be reviewed by the Historic Conservation Commission for compliance with the conservation plan, in accordance with the requirements

of the Historic District Act, Public Act 169 of 1970, as amended. The conservation plan shall include, but not be limited to, the following elements:

(a) Design treatment levels are categories of standards used by the Historic Conservation Commission as general guides in the determination of appropriateness of proposed work within an HCA District. One or more of these categories shall be selected for each HCA District at the time that the conservation plan is adopted. The design treatment levels are as follows:

(1) Restoration. Restoration means bringing back into a former or unimpaired state or condition which existed at a date prescribed in the conservation plan. Authenticity of a restoration would require the removal of incompatible exterior elements and the replacement of all damaged or deteriorated elements with replicas of the same design and materials. A restoration design treatment level shall not be assigned without the written consent of the owner of the affected property at the time of designation. A permit applicant shall be responsible for documenting the authenticity of proposed work to the satisfaction of the Historic Conservation Commission.

(2) Rehabilitation. Rehabilitation means putting back in good condition. This would not require the removal of all nonoriginal materials, but would encourage the removal of nonoriginal materials which are incompatible with the defined elements of design for the particular structure and area. The design of new construction or alteration would not require a duplication of the original design and construction, but must be compatible with the existing structures and the District's defined elements of design. The use of original materials or construction techniques would be encouraged, but contemporary methods and materials would also be acceptable when compatible with the defined elements of design for the area.

(3) Conservation. Conservation means giving new life and making vital by cleaning, repairing or replacing of worn, cracked or broken parts with compatible materials or by protecting from blight or deterioration through normal maintenance. The use of contemporary building methods or materials is acceptable if they are compatible with the defined elements of design for the area.

(b) Elements of design are the characteristic relationships of the various features within the HCA District which are significant to the appearance of the area. Elements of design to be defined for each HCA District are:

- (1) Height;
- (2) Proportion of building front facades;
- (3) Proportion of openings within the facades;
- (4) Rhythm of solids to voids in front facades;
- (5) Rhythm of spacing of buildings on streets;
- (6) Rhythm of entrances and/or porch projections;
- (7) Relationship of materials;
- (8) Relationship of textures;
- (9) Relationship of colors;
- (10) Relationship of architectural details;
- (11) Relationship of roof details;

- (12) Walls of continuity;
- (13) Relationship of significant landscape features and surface treatments;
- (14) Relationship of open space to structures;
- (15) Scale of facades and facade elements;
- (16) Directional expression of front elevations;
- (17) Rhythm of building setbacks;
- (18) Relationship of lot coverages;
- (19) Degree of complexity within the facades;
- (20) Orientation, vistas and overviews;
- (21) Symmetric or asymmetric appearance; and
- (22) General environmental character.

(c) The acquisition of properties (structures, easements or other rights), by purchase or condemnation, shall be included in the conservation plan, provided that Council determines that ownership is in the public interest. The Historic Conservation Commission shall make recommendations to Council on such historic properties to be acquired. The City shall be responsible for the maintenance of historic properties so acquired. Properties, structures, easements or other rights acquired hereunder may be sold or transferred upon the recommendation of the Commission and the approval of Council.

(d) Programs of special assistance to property owners in the designated area to restore, rehabilitate or conserve their property, where such property owners lack means to undertake such work without assistance, shall be included in the conservation plan.

(e) The plan shall include programs of general assistance to property owners in the designated area, including, but not limited to, education, consultation, research assistance and assistance in locating contractors offering unique services required in historic preservation work.

(f) The plan shall include a list of variances from the strict requirements of this Zoning Code (i.e. modification of required setbacks, modification of required parking, etc.) which are necessary to effectuate the conservation plan.

(g) The plan may include a set of legal agreements which are necessary to effectuate the conservation plan. These agreements shall cover such matters as sharing parking spaces; sharing the cost of public improvements, pedestrian walkways, etc.; and limitations on signs, colors, building materials, etc.

(Ord. 1128. Passed 3-19-84.)

1326.03 DESIGNATION OF AN HCA DISTRICT.

(a) Petition to Establish an HCA District. Any person residing, doing business or owning property in the City may petition the City to designate an area, structure or site an HCA District. Council, after making a determination that there are reasonable grounds for such a request, may adopt a resolution directing the Historic Conservation

Commission to make an investigation to determine that the proposed area meets the criteria set forth in subsection (b) hereof.

(b) Conditions Survey. After the adoption of a resolution directing the Historic Conservation Commission to study a proposed Historic Conservation Area, the Commission shall, for a period of up to 180 days, review all building applications, for informational purposes only, and shall inform the applicant of the existence of the request to have the area, structure or site designated an HCA District. This review period may be extended by resolution of Council.

Such sites, buildings or other structures or archeological sites may be either publicly or privately owned. These areas, including significant landscape features, surface textures and street furniture located thereon, need not have contiguous boundaries. The following criteria shall be used for the evaluation of proposed historic conservation areas:

(1) Sites, buildings or other structures or archeological sites where cultural, social, spiritual, economic, political or architectural history of the City, State or nation is particularly reflected or exemplified;

(2) Sites, buildings or other structures or archeological sites which are identified with historic personages or with important events in City, State or national history;

(3) Buildings or other structures which embody the distinguishing characteristics of an architectural specimen, inherently valuable as a representation of a period, style or method of construction; and

(4) Notable works of a master designer or architect whose individual genius influenced his or her age.

(c) Historic Conservation Commission Action. At the time that the conditions survey is complete, the Historic Conservation Commission shall hold a public hearing to review the contents of the survey in order to determine if conditions are such that the designation of an HCA District is appropriate. The Commission shall forward the conditions survey and its recommendation to Council.

(1) Notice. Copies of the conditions survey shall be transmitted for review and recommendation to the Planning Commission, the Michigan Historical Commission and the State Historical Advisory Council. Sixty days after the transmittal, the Historic Conservation Commission shall hold a public hearing after due notice, which shall include a written notice to the owners of all properties to be included in such HCA District. The Historic Conservation Commission shall submit a final report with its recommendations and those of the Planning Commission and a draft of a proposed ordinance to Council.

(2) Hearing. The public shall be given an opportunity to review and comment on the contents of the conditions survey at this public hearing. If, during the course of the public hearing, any serious doubts are cast as to the accuracy of the conditions survey, the Historic Conservation Commission may, by a majority vote, adjourn the hearing for a period not to exceed thirty-five days, during which time the party raising the doubt shall be responsible to substantiate the true situation.

(d) Planning Commission Action. Upon receipt of the conditions survey, the Planning Commission shall determine if the proposed HCA District is consistent with the Master Plan. The Planning Commission shall forward its recommendations to the Historic Conservation Commission within sixty days.

(e) Council Action. Council shall review the contents of the conditions survey and the recommendations of the Planning Commission and the Historic Conservation Commission. If Council deems it advisable to establish such an HCA District, it shall hold a public hearing. At the public hearing, or at any adjournment thereof, Council may tentatively establish an HCA District as an amendment to the Zoning Map. The establishment of this District may be revoked at those decision points specified throughout the rest of this chapter.

(1) Notice. Council shall cause a notice of such a hearing to be published in a newspaper of general circulation in the City, at least thirty days prior to the time fixed for such hearing.

(2) Hearing. The public shall be given another opportunity to review and comment on the contents of the conditions survey at this public hearing.

(Ord. 1128. Passed 3-19-84.)

1326.04 PREPARATION AND ADOPTION OF CONSERVATION PLAN.

Once an area has been designated as an HCA District, Council shall authorize the preparation of a conservation plan, as follows:

(a) Plan Preparation. The Historic Conservation Commission, with the assistance of the Division of City Planning, shall be responsible for preparing the conservation plan. When practical, a professional consultant may be retained to assist in the preparation of the plan.

(b) Citizen Participation. The Historic Conservation Commission shall periodically consult with and advise all known property owner organizations and community organizations within the HCA District. The consultation shall continue throughout the various stages of the plan development, including the final implementation of the plan. The Commission shall incorporate into the plan, to the extent feasible, the wishes and suggestions of the property owners and neighborhood organizations within the HCA District.

(c) Planning Commission Review. The proposed plan shall be forwarded to the Planning Commission for review and comment. These comments shall be forwarded to the Historic Conservation Commission within sixty days.

(d) Adoption of Conservation Plan. When the Historic Conservation Commission has completed its review process, the conservation plan may be considered for adoption.

(1) Notice of hearing. Council shall fix a time and place where a public hearing will be held at which any person may express his or her views regarding the conservation plan. Notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the City, not less than fifteen days prior to the date set for such hearing. At least fifteen days prior to such hearing, the City Clerk shall notify property owners within the HCA District of the hearing by first class mail sent to them at the address appearing on the most recent tax rolls of the City.

(2) Public hearing. At the public hearing, or at any adjournment thereof, Council may either rescind its previous action which established the HCA District or adopt the conservation plan (with or without revisions).

(Ord. 1128. Passed 3-19-84.)

1326.05 IMPLEMENTATION OF THE REDEVELOPMENT PLAN.

The establishment of an HCA District and the adoption of a conservation plan shall have the following effect upon permit applications:

(a) All permit applications shall be reviewed for compliance with the conservation plan. City officials shall not issue or approve any permit for work to be done within an HCA District which is not in compliance with the conservation plan adopted by Council.

(b) Within the HCA District, no City department shall engage in any work or activity which is not in compliance with the plans and specifications contained in the conservation plan.

(Ord. 1128. Passed 3-19-84.)

1326.06 MODIFICATION OF CONSERVATION PLAN.

Whenever Council wishes to amend or revise the conservation plan of an HCA District, Council shall authorize the preparation of a revised conservation plan and shall follow the procedures specified in Section 1326.04 for the adoption of the revised plan.

(Ord. 1128. Passed 3-19-84.)

1326.07 WITHDRAWAL OF DESIGNATION.

After an area is designated as an HCA District and a conservation plan has been adopted, the designation may not be withdrawn without the consent of a majority of the property owners within the District. The removal of the District classification shall be handled by the rezoning process set forth in Chapter 1290.

(Ord. 1128. Passed 3-19-84.)

CHAPTER 1328

Tax Increment Area(s)

EDITOR'S NOTE: Resolution 234, passed June 18, 1984, authorized the establishment of a Tax Increment Finance Authority and also designated the boundaries of the Tax Increment Finance Authority District. This District is recorded on the Official Zoning Map as a "Tax Increment Area" Overlay District.

There are no sections in Chapter 1328. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Tax Increment Finance Authority - see P. & Z. Ch. 1230

APPENDIX A - TABLE OF USES

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(AA) Food and Drink														
AA1 standard restaurants	"	"	"	"	*	*	*	*	*	*	"	S	"	"
AA2 Taverns (class C cabarets)	"	"	"	"	r	r	r	r	"	"	"	"	"	"
AA3 fast-food	"	"	"	"	"	S	S	S	*	*	"	"	"	"

restaurants														
AA4 drive-in restaurants	"	"	"	"	"	S	S	S	*	*	"	"	"	"
(AB) Schools and Churches														
AB1 religious facilities	S	S	S	S	*	*	*	*	"	"	"	*	"	"
AB2 educational facilities	S	S	S	S	*	"	"	"	"	"	"	*	"	"
(AC) Recreational Facilities														
AC1 class A cabarets	"	"	"	"	"	r	r	r	"	"	"	"	"	"
AC2 class B cabarets	"	"	"	"	"	"	r	r	"	"	"	"	"	"
AC3 banquet halls (halls for rent)	"	"	"	"	"	"	r	r	"	"	S	"	"	"
AC4 theaters (nonadult)	"	"	"	"	"	*	*	"	"	"	"	"	"	"
AC5 nonprofit social clubs	"	"	"	"	S	"	S	S	"	"	S	"	"	"
AC6 large recreational facilities	"	"	"	"	"	"	*	*	*	*	"	"	C	"
AC7 small recreational facilities	"	"	"	"	"	r	r	r	"	"	"	"	C	"
(AD) Adult Entertainment Facilities														
AD1 class D cabarets	"	"	"	"	"	"	R	R	"	"	"	"	"	"
AD2 adult motion picture theaters	"	"	"	"	"	"	R	R	"	"	"	"	"	"
AD3 adult model studios	"	"	"	"	"	"	R	R	"	"	"	"	"	"
AD4 massage parlors	"	"	"	"	"	"	R	R	"	"	"	"	"	"

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(BA) Independent Shopper-Oriented Services														
BA1 business schools, studios, etc.	"	"	"	"	*	*	*	*	*	*	"	*	"	S
BA2 nonprofessional offices	"	"	"	"	*	*	*	*	*	*	"	"	"	S
BA3 professional offices	"	"	"	"	*	*	*	*	*	*	"	"	"	S
BA4 medical offices and services	"	"	"	"	*	*	*	*	"	"	"	*	"	"
BA5 financial offices and services	"	"	"	"	*	*	*	*	"	"	"	"	"	"
BA6 government service agencies	"	"	"	"	*	*	*	*	*	*	*	"	"	S
(BB) Mutually-Oriented Convenience Services														
BB1 personal maintenance	"	"	"	"	*	*	*	*	"	"	"	"	"	"
BB2 clothing maintenance	"	"	"	"	*	*	*	*	"	"	"	"	"	"

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(BC) Motor Vehicle Traffic-Oriented Business														
BC1 gasoline service stations	"	"	"	"	"	S	S	S	*	*	"	"	S	"
BC2 motor vehicle repair shops	"	"	"	"	"	S	*	*	*	*	"	"	S	"

BC3 new and used vehicle sales	"	"	"	"	"	S	*	*	*	*	"	"	S	"
BC4 motor vehicle related sales	"	"	"	"	"	S	*	*	*	*	"	"	S	"
BC5 recreational vehicle sales	"	"	"	"	"	S	*	*	*	*	"	"	S	"
BC6 car washes	"	"	"	"	"	S	*	*	*	*	"	"	"	"
(BD)														
Nonshopper-Oriented Services														
BD1 printing and related services	"	"	"	"	*	*	*	*	*	*	"	"	"	S
BD2 funeral homes	"	"	"	"	S	"	*	*	"	"	"	"	"	"
BD3 animal (pet) care	"	"	"	"	S	"	*	*	*	*	"	"	"	S

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(FA) Light Industrial														
FA1 light industrial facilities	"	"	"	"	"	"	"	*	*	*	"	"	"	S
FA2 auto wrecking/junk yards	"	"	"	"	"	"	"	"	C	S	"	"	"	"
(FB) Heavy Industrial														
FB1 heavy industrial facilities	"	"	"	"	"	"	"	"	"	*	"	"	"	"

R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
----	----	----	----	----	----	----	----	----	----	----	----	----	----

facilities (7+)															
IB4 foster care facilities	S	S	S	S	S	"	"	"	"	"	"	"	"	"	"
(6-)															
IB5 day nurseries	"	"	C	C	*	"	*	"	"	"	"	*	"	"	"

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(MA) Primary Shopping Goods														
MA1 department stores	"	"	"	"	"	*	"	"	"	"	"	"	"	"
MA2 shoes	"	"	"	"	*	*	*	"	"	"	"	"	"	"
MA3 clothing stores	"	"	"	"	*	*	*	"	"	"	"	"	"	"
MA4 toys/hardware/variety	"	"	"	"	*	*	*	"	"	"	"	"	"	"
MA5 general merchandise	"	"	"	"	*	*	*	"	"	"	"	"	"	"
MA6 supermarkets (5,000+ sq. ft.)	"	"	"	"	"	*	*	"	"	"	"	"	"	"
MA7 furniture	"	"	"	"	"	*	*	"	"	"	"	"	"	"
MA8 appliances	"	"	"	"	"	*	*	"	"	"	"	"	"	"

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OP	PQ	PR	TI
(MB) Secondary Shopping Goods														
MB1 apparel and accessories	"	"	"	"	*	*	*	"	"	"	"	"	"	"
MB2 households and related	"	"	"	"	*	*	*	"	"	"	"	"	"	"

attached RB2 garden apartments (RC) High Density Residential RC1 elevator apartments RC2 senior citizen housing	"	"	*	*	S	"	"	"	"	"	"	"	"	"
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(RD) Transient Residential														
RD1 hotels	"	"	"	"	R	"	R	"	"	"	"	"	"	"
RD2 motels	"	"	"	"	"	"	R	"	"	"	"	"	"	"
RD3 rooming houses	"	"	C	r	r	"	"	"	"	"	"	"	"	"

	R1	R2	R3	R4	B1	B2	B3	B4	I1	I2	OS	PQ	PR	TI
(SA) Nonshopper-Oriented Goods														
SA1 construction trades and related	"	"	"	"	S	"	*	*	*	*	"	"	"	S
SA2 specialized equipment	"	"	"	"	S	"	*	*	*	*	"	"	"	S
SA3 workshop oriented services	"	"	"	"	S	"	*	*	*	*	"	"	"	S
SA4 rental equipment	"	"	"	"	S	"	*	*	*	*	"	"	"	S

SA5 heating/cooling services (SB) Low Hazard Storage	"	"	"	"	S	"	*	*	*	*	"	"	"	S
SB1 low hazard bulk goods	"	"	"	"	"	"	"	*	*	*	"	"	"	S
SB2 storage and transit services (SC) Moderate Hazard Storage	"	"	"	"	"	"	"	*	*	*	"	"	"	S
SC1 moderate hazard bulk goods	"	"	"	"	"	"	"	S	S	S	"	"	"	S
SC2 moderate hazard manufacturing (SD) Public Utility Facilities	"	"	"	"	"	"	"	"	S	S	"	"	"	S
SD1 public utility (no external)	S	S	S	S	S	S	*	*	*	*	"	S	S	S
SD2 public utility (with external)	"	"	"	"	"	"	"	"	*	*	"	S	S	S

Notes on Use Categories and Proposed Zoning Districts

" Use not permitted in that zoning district

* Use permitted by right in that zoning district

S Use requires site plan review by Planning Commission (approval mandatory if plans comply with all requirements)

C Conditional use; requires approval by Planning Commission after a public hearing

R Use group I restricted use; permitted if more than 1,500 feet from similar uses

r Use group II restricted use; permitted if more than 500 feet from similar uses

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EDITOR'S NOTE: Most of Part Twelve of these Codified Ordinances - the Planning and Zoning Code, including all of Titles Six through Twelve (the Zoning Code), was published after the initial publication of these Codified Ordinances (April 17, 1983). This Part Twelve, therefore, is separately indexed. The Subdivision Regulations (Title Four) are also indexed in the General Index in the Preliminary Unit of these Codified Ordinances.

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=off-street parking^1268.04(a)

=regulated uses^1272.02(b)(1)

(AB) SCHOOLS AND CHURCHES USE GROUP

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(BB) MUTUALLY ORIENTED CONVENIENCE SERVICES USE GROUP

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=off-street parking^{1268.04(b)}

(BC) MOTOR VEHICLE TRAFFIC-ORIENTED BUSINESSES USE GROUP

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(OC) CEMETERIES USE GROUP

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