

TITLE SIX - ZONING

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CHAPTER 1260

General Provisions and Definitions

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1260.01 PURPOSES.

The purpose of this Zoning Code is to regulate and restrict the use of land and buildings by dividing the City into districts; defining certain terms used therein; imposing regulations, prohibitions and special use restrictions governing the erection, construction and reconstruction of structures and buildings and lands to be used for business, industry, residence, social and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open space; regulating and limiting the density of population; establishing floor space requirements to ensure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings and structures through purchase, condemnation or otherwise; creating a Zoning Board of Appeals; defining and limiting the powers and duties of such Board; setting standards to guide actions of such Board; providing for administration of this Zoning Code and for amendments, supplements or changes thereto; providing for resolution of conflicts with the State Housing Code or other acts, ordinances or regulations; and providing penalties for violations of this Zoning Code.

(Res. 98-529A. Passed 12-21-98.)

1260.02 INTENT.

In accordance with the authority and intent of the Michigan Zoning Enabling, Act 110, of Public Acts of 2006, as amended (MCLA 125.3101 et seq.), the City desires to provide for the orderly development of the City, consistent with the City's Master Plan, or Comprehensive Development Plan, which is essential to the well-being of the City and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to meet the needs of the City's residents for food, fiber, energy and other natural resources, and for places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation

systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote the public health, safety and welfare of the residents, shoppers and workers in the City.

(Res. 98-529A. Passed 12-21-98; Res. 06-373A. Passed 11-6-06; Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

1260.03 SHORT TITLE.

This Title Six of Part Twelve-the Planning and Zoning Code, shall be known and may be cited as the "Zoning Ordinance of the City of Lincoln Park" or just the "Zoning Code."

(Res. 98-529A. Passed 12-21-98.)

1260.04 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Code to interfere with, abrogate or annul any law, ordinance, rule, regulation or permit previously adopted or issued and not in conflict with this Zoning Code, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, and likewise not in conflict with this Zoning Code, nor is it intended by this Zoning Code to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this Zoning Code imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas, than are imposed or required by other ordinances or agreements, the provisions of this Zoning Code shall control. However, where the provisions of the State Housing Code or other ordinances or regulations of the City impose requirements for lower heights of buildings or less percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the City under this Zoning Code, the provisions of the State Housing Code or other ordinance or regulation shall govern.

(Res. 98-529A. Passed 12-21-98.)

1260.05 CONFLICT OF LAWS.

Whenever any provision of this Zoning Code imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Zoning Code shall govern. If there exists a development plan under Act 344 of the Public Acts of 1945, as amended (MCLA 125.71 et seq.), or other State law, and the controls and restrictions contained therein are more restrictive than this Zoning Code, then the provisions of such development plan shall apply. Uses not expressly permitted are prohibited.

(Res. 98-529A. Passed 12-21-98; Res. 2010-268A. Passed 10-18-10.)

1260.06 COMPLIANCE REQUIRED.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, altered or maintained, and no new use or change of any building, structure or land, or part thereof, shall be made, used or maintained, except in conformity with this Zoning Code.

(Res. 98-529A. Passed 12-21-98.)

1260.07 SEPARABILITY.

This Zoning Code and the various chapters, sections, paragraphs and clauses hereof are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this Zoning Code shall not be affected thereby.

(Res. 98-529A. Passed 12-21-98.)

1260.08 RULES OF CONSTRUCTION; DEFINITIONS.

(a) The following rules of construction apply to the text of this Zoning Code:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- (4) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence". The word "lot" includes the words "plot" or "parcel".
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a "person" under the laws of Michigan.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - B. "Or" indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., "or" also means "and/or").
 - C. "Either ... or" indicates that the connected items, conditions, provisions or events may apply singly.
- (9) The terms "this Zoning Code" or "this Code" includes the Zoning Ordinance and any amendments thereto.

(10) The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

(11) Terms not defined in this chapter shall have the meaning customarily assigned to them.

(b) In addition, as used in this Zoning Code, the following words and terms shall have the following meanings:

ACCESS MANAGEMENT (ACCESS CONTROL): A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESS TO PROPERTY, REASONABLE: A property owner’s legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

ACT: The term “act” or “doing of an act” includes “omission to act.”

ADEQUATE LATERAL SUPPORT: The control of soil movement on a site as determined by accepted engineering standards.

ADULT DAY CARE FACILITY: A facility which provides daytime care for any part of a day, but less than twenty-four (24) hour care, for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home. Such facilities are not licensed; however, those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

ADULT FOSTER CARE FACILITY: A governmental or nongovernmental establishment that provides supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, for compensation, for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services. Such facilities are classified as follows:

(1) **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

(2) **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

(3) **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20), adults to be provided with foster care.

(4) **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT REGULATED USES OR SEXUALLY ORIENTED BUSINESSES:

(1) **Uses:** Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. Adult business use. “Adult business use” is specifically defined as follows:

1. **Adult Business:** means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, massage parlors, and nude modeling studios. (Res. 2018-99A. Passed 4-16-18. Eff. 5-2-18.)

2. **Adult Book Store:** means an establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes and novelty items 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, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment.

3. **Adult Cabaret:**

a. “Group A cabaret” means an establishment which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

b. “Group D cabaret” means an establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

4. **Adult Model Studio:** Any place where models who display “specified anatomical areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

5. **Adult Motion Picture Arcade or Miniature Motion Picture Theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” (as defined herein).

6. **Adult Movie Theater or Adult Live Stage Performing Theater:** An enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media having as a dominant theme materials 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. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

7. **Adult Outdoor Motion Picture Theater:** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

8. **Adult Personal Service Business:** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical professional;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gymnasiums, fitness centers and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;
- f. Hospitals, nursing homes, medical clinics, or medical offices;
- g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists; and
- h. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

9. **Adult Video Store:** An establishment having a substantial portion of its stock in trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

10. **Sexual Paraphernalia Store:** An establishment having a substantial portion of its stock in trade devoted to the distribution, display, or storage of instruments, devices, or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with, or related to "specified sexual activities" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

B. Special definitions. With respect to adult regulated uses or sexually oriented businesses, the following words and terms shall have the following meanings:

1. **Substantial Portion:** A use or activity accounting for more than twenty percent (20%) of any one (1) or more of the following: stock in trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

2. **Specified Anatomical Areas:** Portions of the human body defined as follows:

a. Less than completely and opaquely covered:

1. Human genitalia and pubic region;
 2. Buttock and anus; and
 3. Female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. **Specified Sexual Activities:** The explicit display of one (1) or more of the following:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
- c. Human sex acts, normal or perverted, actual or simulated including, but not limited to, human masturbation, oral copulation, sexual intercourse, or sodomy;
- d. Human excretory functions as part of, or as related to, any of the activities described above; and/or
- e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.

4. **Sexual Intercourse:** Includes fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body, or of any object, into the genital or anal opening of another's body.

5. **Sodomy:** Sexual bestiality.

6. **Buttock:** Includes the anus and perineum of any person.

7. **Massage Parlor:** An establishment wherein private massage is practiced, used or made available as a principal use of the premises.

8. **Massage:** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.

9. **Nude Modeling Studio:** Any building, structure, premises or a part thereof used primarily as a place which offers as its principal

activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

ALLEY: A secondary thoroughfare, less than thirty (30) feet in width, not intended for general traffic circulation, dedicated for the public use of vehicles and pedestrians and affording a secondary means of access to abutting property.

ALTERATIONS: "Alterations," as applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress; a change, addition, enlargement, or modification in construction or type of occupancy, whether by extending on a side or by increasing in height; or the moving from one location or position to another, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANIMAL, WILD OR EXOTIC: Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate, excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

ANTIQUE: A product that is sold or exchanged because of its high value, rarity, or unique vintage character, and is typically a minimum of 50 years of age or older. Antiques are not simply a product that is not new or old. (Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

ANTIQUE MALL: A building or part of a building under unified control of a licensed antique mall operator that is partitioned to provide spaces for the sale of antiques by antique dealers, for items such as clocks, lamps, rugs, furniture and collectibles, such as sports trading cards, records and the like, listed in a bona fide published collectible guidebook, with price guides. (Res. 2012-223A. Passed 7-16-12, effective 8-1-12.)

APARTMENT: A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT, ACCESSORY: (i.e. "mother-in-law" apartment) A single apartment unit contained within a single family home meeting the regulations of this Zoning Code.

APPEAL: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Zoning Code.

ARCHITECTURAL FEATURES: Any building, structure, or significant portion thereof, that is sufficiently distinctive or unusual in design or construction as to warrant the preservation and minimal alteration of its original form. "Architectural features" of a building include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AREA OF SHALLOW FLOODING: This means a designated AO zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: This is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

ARTERIAL STREET: A street defined in the Comprehensive Development Plan as a "major traffic route" and/or as an arterial or major street by the Michigan Department of Transportation, where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.

AUTOMOTIVE FUELING STATION: A place where engine fuels are offered for sale (stored only in underground tanks), excluding facilities for automotive repair or servicing, and with or without accessory space for the retail sale of automotive or general merchandise; however, such space shall be limited to one hundred (100) square feet of gross floor space.

AUTOMOTIVE REPAIR STATION: A place where, along with or without the sale of engine fuels, the following services may be carried out in a completely enclosed building: general repair, engine and transmission rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, steam cleaning, undercoating and rust proofing; overall painting and undercoating of automobiles; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing of automobiles on the premises overnight.

AUTOMOTIVE SERVICE CENTER/STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and includes the customary space and facilities for the installation of such commodities on or in such vehicles, including space for facilities for storage, minor repair or servicing, limited to the following: engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair, to include replacement, wheel balancing and alignment, but not recapping or regrooving; installation or replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing of automobiles on the premises overnight. Sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle types, or sales unrelated to service station uses, are not included.

AUTOMOBILE WASH ESTABLISHMENT: A building or portion thereof where automobiles or other vehicles are washed with the use of a chain conveyor and blower and having, as optional equipment, steam cleaning devices.

BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal, the area shall be counted as a basement.

BED AND BREAKFAST INN: Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade style consistent with the surrounding homes.

BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

BERM: A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BOARDING HOUSE OR TOURIST HOUSE: A building arranged or used for lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals, by pre-arrangement for definite periods (exceeding ten (10) days). A boarding house shall be distinguished from a hotel.

BOARD OF APPEALS: The Zoning Board of Appeals of the City of Lincoln Park.

BOAT: Boats, floats, rafts and the attached normal equipment to transport the same on highways.

BODY ART FACILITY: Any location that has complied with the licensing process as defined by the state (Section 13104 of P.A. 375 of 2010), at which an individual does one or more of the following: performs tattooing, performs branding, and/or performs body piercing. (Res. 2018-99A. Passed 4-16-18. Eff. 5-2-18.)

BREW PUB: A restaurant or tavern (as defined within this Zoning Code) licensed by the State of Michigan to produce and manufacture not more than five thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, in the manner provided for in MCLA 436.31b and 436.31c.

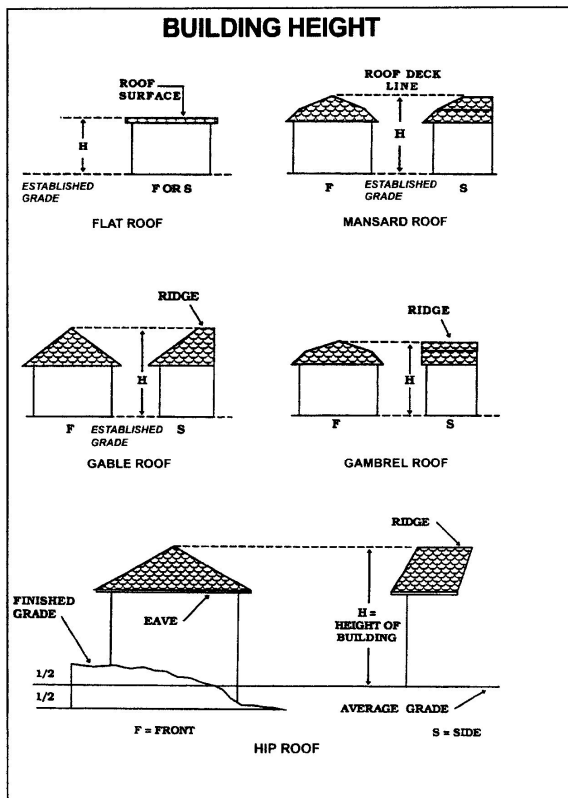
BUFFER ZONE: A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

BUILDABLE AREA: The space remaining on a lot after compliance with the minimum required setbacks of this Zoning Code.

BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for the shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses or other accessory structures.

BUILDING, ACCESSORY: A supplementary building or a portion of a main building, the use of which is incidental to, customarily found in connection with, devoted exclusively to, and subordinate to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging or sleeping quarters for human beings. "Accessory building" includes garages, garden equipment sheds, small greenhouses and swimming pools.

BUILDING HEIGHT: The vertical distance measured from the established grade of the building to the top of the highest roof beams of a flat roof, to the ridge line for mansard, gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.



(Res. 07-365A. Passed 11-5-07.)

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the main or principal use of the lot upon which the building is situated.

BUILDING PERMIT: The written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with this Zoning Code.

BUILDING SETBACK OR BUILDING LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Zoning Code. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

BUILDING SUPERINTENDENT: The Superintendent of the Building Department of the City or his or her authorized representative.

BUILD-TO LINE: An alignment that dictates the front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

BUILD-UP LINE: An alignment that dictates an average height to the cornice line or to the roof edge line on a street or space.

CANOPY TREE: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

CAPITAL IMPROVEMENTS PLAN: A Capital Improvements Plan (CIP) outlines a schedule of public expenditures over the ensuing six-year period. The CIP does not address all of the capital expenditures of the City, but provides for large, physical improvements that are permanent in nature, including the basic facilities, services, and installations needed for the functioning of the community.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

CEMETERY: Land used or intended to be used for burial of the human dead and dedicated for such purpose.

CERTIFICATE OF OCCUPANCY: No building or structure or use for which a building permit has been issued shall be occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy (CO) indicating his or her opinion that all the provisions of this Zoning Code are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Zoning Code.

CHIEF ADMINISTRATIVE OFFICIAL: The manager or other highest non-elected administrative official of the City.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

CHIEF ELECTED OFFICIAL: The Mayor.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

CHILD CARE ORGANIZATION: A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years and are licensed and regulated by the State under Act 116 of the Public Acts of 1973, as amended, and Act 218 of the Public Acts of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such child care organizations are classified below:

(1) **Child Care Center or Day Care Center:** A facility other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(2) **Child Caring Institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

(3) **Foster Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

(4) **Foster Family Group Home:** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

(5) **Family Day Care Home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

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

CHURCH: A building, the primary use of which is the regular assembly of persons for religious worship or services, together with accessory uses.

CITY COUNCIL: The duly elected or appointed City Council of the City of Lincoln Park.

CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one profession, such as a physician, dentist or the like. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CLUSTER HOUSING: A group of buildings, and especially houses, built close together to form relatively compact units on a sizable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation.

COCKTAIL LOUNGE (NIGHT CLUB): An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages

on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

CO-LOCATE OR CO-LOCATION: Any combination of growers, processors, and/or marihuana retail establishments that may operate as separate marihuana businesses at the same physical location. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

COMMERCIAL USE: "Commercial use" relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation therein of offices, or recreational or amusement enterprises.

COMMERCIAL VEHICLE: Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six thousand, five hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

(1) **Semitrailer:** "Semitrailer" means a trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. "Semitrailer" shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.

(2) **Truck Tractor:** "Truck tractor" means a commercial vehicle which is capable of attaching to and propelling semitrailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

(3) **Other Commercial Vehicles:** "Commercial vehicles" also includes any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. "Commercial vehicle" does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

COMMISSION; PLANNING COMMISSION: The City of Lincoln Park Planning Commission created by ordinance, being the agency designated to prepare a Zoning Code and to recommend amendments to such Code, in accordance with the authority of Section 2, of Act 285 of the Public Acts of 1931, as amended.

COMMON LAND: A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

COMMON OPEN SPACE: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

CONDOMINIUM: A system of separate ownership of individual units and/or multiple-unit projects according to Act 59 of the Public Acts of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

CONDOMINIUM ACT: Act 59 of the Public Acts of 1978, as amended.

CONDOMINIUM, CONTRACTIBLE: A condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with these Codified Ordinances and the Condominium Act.

CONDOMINIUM, CONVERSION: A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

CONDOMINIUM, CONVERTIBLE AREA: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Zoning Code and the Condominium Act.

CONDOMINIUM, EXPANDABLE: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Zoning Code and the Condominium Act.

CONDOMINIUM-GENERAL COMMON ELEMENT: The common elements other than the limited common elements intended for the common use of all co-owners.

CONDOMINIUM-LIMITED COMMON ELEMENT: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

CONDOMINIUM MASTER DEED: The condominium document recording the condominium project as approved by the City, including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

CONDOMINIUM-SITE CONDOMINIUM PROJECT: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Zoning Code.

CONDOMINIUM SUBDIVISION PLAN: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Act 59 of the Public Acts of 1978, as amended.

CONDOMINIUM UNIT SITE (i.e., SITE CONDOMINIUM LOT): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Zoning Code pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:

(1) **Front Yard Setback:** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen

(15) feet from the nearest pavement edge to the foundation of the unit.

(2) **Side Yard Setback:** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.

(3) **Rear Yard Setback:** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.

CONDOMINIUM UNIT: The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use, use as a time-share unit, or any other type of use.

CONFLICT OF INTEREST: A real or seeming incompatibility between one's private interests and one's public or fiduciary duties.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

CONVALESCENT HOME OR NURSING HOME: A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Act 139 of the Public Acts of 1956, as amended).

COUNTY BOARD OF COMMISSIONERS: The elected county board, as defined in MCL 125.3803.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

COURT: A yard, other than a required open space, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

CUL-DE-SAC: A dead-end public or private street which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DENSITY: The number of dwelling units situated on or to be developed per net or gross acre of land.

DETENTION FACILITY: A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

DEVELOPMENT: The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT: A portion of the City within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Zoning Code. This term is synonymous with the term "zone" or "zoning district."

DONATION BIN: A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provided, however, that the definition of donation collection bins shall not include trailers where personnel are present to accept donations. (Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

DRAINAGE WAYS AND STREAMS: Existing permanent or intermittent watercourses.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

DRIVE-THROUGH ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

DWELLING UNIT: A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place of one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Zoning Code and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed as part of a dwelling for area requirements.

DWELLING UNIT, ATTACHED: A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

DWELLING UNIT, DETACHED: A dwelling unit which is not attached to any other dwelling unit by any means.

DWELLING UNIT, EFFICIENCY APARTMENT: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

DWELLING UNIT, MANUFACTURED: A building or portion of a building designed for long-term residential use and characterized by all of the following:

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

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

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

A mobile home is a type of manufactured housing, which is defined as follows: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Zoning Code.

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

DWELLING, MULTIPLE: A building or portion thereof used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including homes.

DWELLING, ONE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. A one (1)-family dwelling is also known as a single-family dwelling.

DWELLING, TERRACE, ROW OR TOWNHOUSE: A free-standing building of not less than four (4) dwelling units arranged laterally, each with individual outside entrances and not more than two (2) stories in height. A dwelling unit, complete with utilities and sleeping quarters, may occupy one (1) or two (2) floors. Each dwelling unit, or units, when arranged vertically, shall comprise a section, and there shall be, as a minimum, a fireproof wall without doors, windows or other openings separating any two (2) sections from any other section or sections.

DWELLING, TWO-FAMILY DETACHED: A dwelling occupied by two (2) families, each provided with separate facilities for living accommodations, also known as a duplex dwelling.

DWELLING UNIT: Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in a single-family, two (2)-family or multiple-family residential area. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Zoning Code and shall comply with the provisions hereof relative to dwellings.

EASEMENT: A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

EFFICIENCY UNIT: A dwelling unit consisting of one (1) room, exclusive of a bathroom, kitchen, hallway, closet or dining alcove directly off the principal room providing not less than three-hundred-fifty (350) square feet of floor area.

ENTRANCE RAMP: A roadway used for access from a feeder road to a limited access highway.

ERECTED: Built, constructed, reconstructed, moved upon or any physical operation on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL PUBLIC SERVICE BUILDING: A building or structure principal or accessory to an essential public service.

ESSENTIAL PUBLIC SERVICE BUILDING STORAGE YARD: An outdoor storage area principal or accessory to an essential public service.

ESSENTIAL PUBLIC SERVICES: Those services as outlined below, which are designed and constructed to directly serve local users within the geographic boundaries of the City of Lincoln Park. The erection, construction, alteration or maintenance by public utilities or public authorities of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories in connection therewith, not including buildings, storage yards, or wireless communication facilities, as shall be reasonably necessary for the furnishing of adequate services by public utilities or public authorities, or for the public health, safety or general welfare. However, buildings which are primarily enclosures or shelters of the essential service equipment shall be permitted as authorized by law and other ordinances, the intent being to exempt such erection from the application of this Zoning Code. The City shall be notified in writing of any proposed construction and said public utility or public authority shall receive a permit after approval by Council.

EX OFFICIO MEMBER: In reference to the Planning Commission, an ex officio member is a member with full voting rights unless otherwise provided by the Charter of the City of Lincoln Park, who serves on the Planning Commission by virtue of holding another office, for the term of that other office.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

EXIT RAMP: A roadway used for access from a limited access highway to a feeder road.

FAMILY:

(1) An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one (1) or two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, nontransient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

FENCE: An accessory structure of definite height and location intended to serve as a physical barrier to property ingress or egress; a screen from objectionable vistas or noise; a marker; an enclosure in carrying out the requirements of this Zoning Code; or for decorative use.

FENCE, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Zoning Code.

FILLING: The depositing or dumping of any matter onto, or into, the ground, except common household gardening and general farm care.

FIREARM: An instrument which is capable of hurling a missile by means of exploding or burning powder.

FLEA MARKET, INDOOR: A permanent use consisting of sales activity conducted entirely in an enclosed building where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which non-perishable articles that are either handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by

businesses or individuals who are generally engaged in retail trade. (Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

FLEA MARKET, OUTDOOR: A temporary use consisting of sales activity where booths, tables, or tents may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which non-perishable articles that are either handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. (Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD HAZARD AREA: Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any given year.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, issued by the Federal Insurance Administration, that delineates both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

FLOOD PLAIN: Any land area susceptible to being inundated by water from any source. (See also **FLOOD** or **FLOODING**).

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

FLOOR AREA RATIO (FAR): The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four (4)-story, building covering one-half ($\frac{1}{2}$) of the lot. A FAR of 0.5 would allow floor space of one-half ($\frac{1}{2}$) the lot area, or a two (2)-story building covering one-quarter ($\frac{1}{4}$) of the lot.

FLOOR AREA, USABLE: That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

FOLDING TENT TRAILER: A folding structure of canvas or other material mounted on wheels and designed for travel and vacation use.

FOOD: As used in connection with restaurant facilities, includes frozen desserts and nonalcoholic beverages.

FRONTAGE ROAD: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one (1)-way or bidirectional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is not considered a frontage road.

GARAGE, COMMUNITY: An accessory building for the storage of non-commercial vehicles, with no public shop or service facilities in connection therewith.

GARAGE, PRIVATE: A garage for four (4) or fewer passenger motor vehicles, without provision for repairing or servicing such vehicles for profit.

GARAGE, PUBLIC: A building or structure for the storage or parking of more than four (4) passenger motor vehicles or motor-powered boats, or more than one (1) commercial motor vehicle, and in which provision may be made for the dispensing of gasoline, oil or similar products for the servicing of such vehicles. A public garage shall be classified according to its specific use in one of the following groups:

- (1) Group 1: A public garage in which provision is made for the care, storage, repair or painting of motor vehicles; or
- (2) Group 2: A public garage used exclusively for passenger vehicles that will accommodate not more than nine (9) passengers.

GARBAGE: Includes every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

GARDEN CENTER: An establishment engaged in the retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

GLARE: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls, established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

GRADE, AVERAGE: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, FINISHED: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

GRADE, NATURAL: The elevation of the ground surface in its natural state, before construction begins.

GREENBELT: A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission and the Building Superintendent and in compliance with the requirements of this Zoning Code.

GROSS LEASABLE AREA (GLA): The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

GROSS SITE AREA: The total area of a planned unit development site, including floodplains and water bodies.

HARMFUL INCREASE: This means an unnaturally high stage on a river, stream or lake that causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

HEDGEROW: A row of eight (8) or more trees having a four (4)-inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

HISTORICAL FEATURE, SIGNIFICANT: Any site or structure which is located in a designated local historic district or listed in the State or National Register of Historic Places.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. However, no article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation, and such occupation shall not require internal or external alterations or construction features, equipment, machinery, commercial vehicles or other vehicles not customarily used by members of the immediate family, outdoor storage of materials, equipment, machinery, and vehicles, signs not customarily in residential areas, or delivery of materials except by common ground carrier.

HOSPITAL: A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment, and operating under a license by the State Department of Public Health.

HOTEL: Any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy (dwelling units shall not exceed ten (10) percent), and in which one (1) or more of the following services are offered:

- (1) Maid service;
- (2) Furnishing of linen;
- (3) Telephone, secretarial, or desk service; and
- (4) Bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

HOUSING FOR THE ELDERLY: An institution other than a hospital or hotel which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

- (1) **Senior Apartments:** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.
- (2) **Elderly Housing Complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.
- (3) **Congregate or Interim Care Housing:** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- (4) **Dependent Housing Facilities:** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

HOUSEKEEPING UNIT: A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

HYPERMARKET: A retail store with more than sixty thousand (60,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.), and may have facilities for an outdoor garden center, an automotive repair center, an automotive fueling station, or a party store.

INDOOR RECREATION ESTABLISHMENT: A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

INDUSTRIAL USE: Any land or building occupied or used for manufacturing or processing purposes.

JEWELRY STORE: Shops that buy, sell, or repair new or used precious metals, jewels and gemstones, or reconstitute precious metals, jewels and gemstones they purchase into jewelry forms that are sold at retail on the premises. (Res. 2016-13A. Passed 2-1-16, effective 3-

JUNK: Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD: An open area where waste or used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.

KENNEL, COMMERCIAL: Any lot or premises on which three (3) or more dogs, cats or other household pets, six (6) months old or older, are either permanently or temporarily boarded for sale, breeding, boarding, or training purposes. Kennels shall also include any lot or premises where household pets are bred or sold.

LABORATORY: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

LANDMARK TREE: Any tree of stature standing alone in the open; or any tree which stands obviously apart from others within the immediate vicinity by size, form or species. Trees equal to or greater than the diameters shown below will generally be considered a landmark tree regardless of location:

<i>Common Name</i>	<i>Diameter in Inches at Four (4) Feet</i>
<i>Common Name</i>	<i>Diameter in Inches at Four (4) Feet</i>
American Hornbeam	8
Arborvitae	18
Ash	24
Basswood	24
Beech, American	18
Beech, Blue	8
Birch	18
Black Walnut	24
Catalpa	24
Cedar, Red	12
Chestnut	18
Crabapple/Hawthorne	8
Dogwood, Flowering	8
Elm	24
Fir	18
Ginkgo	18
Hackberry	24
Hemlock	18
Hickory	18
Honey Locust	24
Kentucky Coffeetree	18
Larch/Tamarack	12
London Plane, Sycamore	24
Maple	18
Oak	18
Pine	18
Redbud	8
Sassafras	18
Serviceberry	8
Spruce	18
Sweetgum	16
Tulip Popular	24
Wild Cherry	18
Witch Hazel	8

LEGISLATIVE BODY: The elected governing body of the City; in this case the Mayor and City Council for the City of Lincoln Park.
(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOCAL UNIT OF GOVERNMENT or LOCAL UNIT: A county or municipality; in this case the City of Lincoln Park.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

LODGING HOUSE: A building or portion thereof containing not more than five (5) guestrooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.

LOT: A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory building, or by any other use or activity permitted thereon, and includes the open spaces and yards required under this Zoning Code, having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. The owner of any number of contiguous lots may have as many of such contiguous lots considered as a single lot for the purpose of this Zoning Code as he or she so elects. In such case, the outside perimeter of such group of lots shall constitute the front, rear and side lot lines thereof. This latter parcel is then often referred to as a zoning lot. Specifically:

(1) **“Corner lot”** means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one-hundred thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this Zoning Code if the arc has a radius of less than one-hundred-fifty (150) feet and if the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one-hundred thirty-five (135) degrees.

(2) **“Double frontage lot”** means a lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where the majority of the buildings presently front.

(3) **“Interior lot”** means a lot other than a corner lot with only one (1) lot line fronting on a street.

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

LOT, NONCONFORMING: A lot of record which does not meet the dimensional requirements of this Zoning Code.

LOT AREA, GROSS: The net lot area plus one-half (½) the area of the right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Planning Commission.

LOT AREA, NET: The total horizontal area within the lot lines of a lot.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, and permanent swimming pools.

LOT DEPTH: The mean horizontal distance from the center of the front street line to the center of the rear lot line.

LOT FRONTAGE: The length of the front lot line.

LOT LINE: Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

(1) **Front Lot Line:** In the case of an interior lot abutting on one (1) public or private street, “front lot line” means the line separating the lot from such street right-of-way.

In the case of a corner or double frontage lot, “front lot line” means that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.

(2) **Rear Lot Line:** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.

(3) **Side Lot Line:** Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior lot line.

LOT OF RECORD: A lot, the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (registered and licensed in the State and likewise recorded on a file with the County.)

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

MAIN USE: The principal use to which any premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic-way for both the immediate Municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

MANUFACTURED OR MOBILE HOME: A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailers, trailer coaches, or travel trailers.

MANUFACTURED HOUSING SUBDIVISION: Individually-owned lots subdivided according to the provisions of Act 288 of the Public Acts of 1967, as amended, intended as a site for the placement for dwelling purposes of manufactured, mobile, modular or pre-manufactured homes.

MARIHUANA: All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. Marihuana does not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (ii) industrial hemp; or (iii) any other ingredient combined with Marihuana to prepare topical or oral administrations, food, drink, or other products. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA ACCESSORIES: Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA BUSINESS: A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, marihuana provisioning center, marihuana secure transporter, or any other type of marihuana establishment or facility licensed by LARA. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA GROWER: A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA PROCESSOR: A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA PROVISIONING CENTER: A licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers pursuant to the MMFLA. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA RETAILER: A licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to the public in accordance with the MRTMA. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA SAFETY COMPLIANCE FACILITY: A person licensed to test marihuana, including certification for potency and the presence of contaminants. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARIHUANA SECURE TRANSPORTER: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

MASSAGE THERAPIST (CERTIFIED): An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organizations.

MASTER (COMPREHENSIVE DEVELOPMENT) PLAN: The master plan(s), formerly known as the comprehensive development plan, including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the City of Lincoln Park, as well as the general location for streets, parks, schools, public buildings, and all physical development of the City of Lincoln Park, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Council.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

MEDICAL CLINIC: An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an outpatient basis only. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

MEDICAL MARIHUANA FACILITY: A facility where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of this chapter and/or State law. (Res. 2010-268A. Passed 10-18-10.)

MEDICAL USE OF MARIHUANA: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P. A. 2008, as amended. (Res. 2010-268A. Passed 10-18-10.)

MEZZANINE: An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

MICROBREWERY: A brewery licensed by the State of Michigan which produces and manufactures in total less than thirty thousand (30,000) barrels of beer per year, and which may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty thousand (30,000) barrel threshold, all brands and labels of a brewer whether brewed in this State or outside this State, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

MINIMUM OPEN SPACE REQUIREMENTS: In determining whether the "minimum open space requirements" in this Zoning Code have been met, the Building Superintendent shall consider and count any area of land owned by the developer adjacent to the property for which plans for the development of a building have been submitted to the Superintendent, which land lies between the outside edge of an easement for a County drain and the centerline of the drain proper. If the parcel to be so developed is dissected by any such drain, the Superintendent shall consider and count the entire area affected by the easement of the drain. However, such surface area shall not be utilized for permanent structures or any other improvements of the drain, and in no event shall the area lying within any such drain easement be considered or counted for more than twenty percent (20%) of the total minimum open space requirement of this Zoning Code.

MINIATURE OR SELF-STORAGE WAREHOUSE: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares.

MODULAR HOME: A dwelling which consists of prefabricated units transported to a site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or

mobile home, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Act 419 of the Public Acts of 1976, as amended.

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

MOTEL: A series of attached or semi-detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

MOTOR COURT: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation, catering primarily to the public traveling by motor vehicle.

MOTOR HOME PARK (TRAILER COURT): Any plot of ground upon which two (2) or more motor homes occupied for dwelling or sleeping purposes are located.

MOTOR HOME (TRAILER COACH): A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

MUNICIPALITY: The City of Lincoln Park.

MUNICIPAL PARK: A parcel of land that is used as a park and is operated under the supervision of the City.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of this Zoning Code.

NONCONFORMING BUILDING/STRUCTURE: A building or portion thereof lawfully existing on the effective date of this Zoning Code, or an amendment thereto, which does not conform to the provisions (e.g. setbacks, height, lot coverage, parking) of this Zoning Code in the zoning district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land on the effective date of this Zoning Code, or an amendment thereto, which does not conform to the use regulations of the zoning district in which it is located.

NURSERY: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Zoning Code does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL: (See also Child Care Center or Day Care Center) An establishment wherein three (3) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are, for remuneration, cared for. Such schools or centers need not have a resident family on the premises.

NURSING HOME, CONVALESCENT HOME OR REST HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Act 139 of the Public Acts of 1956, as amended.

NUISANCE FACTORS: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic.

OBSCURING SCREEN: A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

OCCUPANCY: The purpose for which a building or part thereof is used or intended to be used.

OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof or for which the exitway facilities have been designed.

OCCUPIED: Includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.

OFFSET: The distance between the center lines of driveways or streets across the street from one another.

OFF-STREET LOADING SPACE: A facility or space that permits the standing, loading or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress, plus on-site storage space for at least two (2) vehicles.

OPEN AIR BUSINESS USES: Includes the following:

- (1) The retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizers, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;
- (2) The retail sale of fruit and vegetables;
- (3) Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf courses, golf driving ranges, children's amusement parks and/or similar recreation uses;
- (4) Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, rental or repair services; and
- (5) The outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

OPEN SPACE: For the purposes of this Zoning Code, open space shall apply to the improved dedicated or reserved area to be used for leisure or active recreation purposes.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

OUTDOOR RECREATION ESTABLISHMENT: A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee, such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

OUTLOT: A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

PACKAGE DELIVERY LOCKER: A privately owned, affixed, lockable container used for personal pick-up and/or return of items delivered by such organizations as the US Postal Service, UPS, Amazon, and others. (Res. 2020-009A. Passed 1-21-20, Eff. 2-5-20.)

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

PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

PARTY STORE: A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

PAVEMENT OR HARD SURFACE: Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the City of Lincoln Park.

PAWNSHOP: An establishment primarily engaged in the loaning of money on the security or deposit of personal property or other valuable thing, pledged in the keeping of a pawnbroker, and conditional purchase or sale of such personal property. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking requirements. (Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

PICK-UP CAMPER: A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as temporary lodging for travel, recreational and vacation uses.

PLANNED COMMERCIAL CENTER: A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

PLANNED UNIT DEVELOPMENT: A form of land development and comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features, which may contain a mixture of housing units and nonresidential uses.

PLANNING COMMISSION: The Planning Commission for the City of Lincoln Park, as created pursuant to MCL 125.3811(1).

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

PLANNING JURISDICTION: The areas encompassed by the legal boundaries of the City of Lincoln Park, subject to MCL 125.3831(1).

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

PLAT: A map of a subdivision of land.

POPULATION: The population according to the most recent Federal decennial census or according to a special census conducted under section 7 of the Glenn Steil revenue sharing act of 1971, PA 140, MCL 141.907, as amended, whichever is more recent.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached. Porches enclosed with materials other than screening shall observe the established front setback line.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached. Open porches may not be enclosed with materials other than screening if such enclosure violates the established front setback line.

PRIMARY CAREGIVER OR REGISTERED PRIMARY CAREGIVER: A person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of Marijuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

PRINCIPAL USE: The main use to which any premises are devoted and the principal purpose for which the premises exist.

PRINCIPAL PERMITTED USE: A use permitted in each zoning district by right, subject to site plan review approval.

PRIVATE CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

PROPERTY LINES: The lines bounding a lot; the lot line.

PUBLIC NOTICE: A notice of the time, place and purpose of a public hearing, which notice, except where otherwise expressly provided in this Zoning Code, shall be published in a newspaper having a general circulation in the City not less than fifteen (15) days prior to the date of such hearing.

PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES, AND USES: Buildings, structures, and uses of governmental agencies and nonprofit organizations, including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries,

and community centers.

PUBLIC PARK: Any developed park, playground, beach, outdoor swimming pool, golf course, tennis court or other area intended for active recreational pursuits, within the jurisdiction and control of a government agency.

PUBLIC OPEN SPACE: Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a government agency.

PUBLIC SERVICE: Public service facilities within the context of this Zoning Code shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses, including essential public services.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing, under municipal or State regulations, to the public, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal services.

QUALIFYING PATIENT OR REGISTERED QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another State or other entity of the United States which identifies the person as a registered qualifying patient. (Res. 2020-320A. Passed 10-19-20, Eff. 11-4-20.)

RADIOACTIVE MATERIALS: Materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Wayne County Health Department regulations, whichever is determined to be applicable.

RECREATION LAND: Any publicly or privately owned lot or parcel that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

RECREATIONAL VEHICLE: Includes the following:

(1) **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

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

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

(4) **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.

(5) **Boats and Boat Trailers:** Includes boats, floats, rafts, and canoes, plus the normal equipment to transport them on the highway.

(6) **Other Recreational Equipment:** Includes snowmobiles, all terrain or special terrain vehicles, and utility trailers, plus the normal equipment to transport them on the highway.

REGIONAL SHOPPING CENTER: A group of commercial establishments, planned and developed as a unit, with a minimum gross leasable area of four-hundred thousand (400,000) square feet or greater, and with off-street parking provided on the property.

RESTAURANT, CARRY-OUT: 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 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 in the premises outside the restaurant building, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

RESTAURANT, DRIVE-IN: Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one (1) or both of the following characteristics:

(1) Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle either by a car-hop or by any other method that eliminates the need for the customer to exit the motor vehicle.

(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 allowed, encouraged or permitted.

RESTAURANT, FAST-FOOD: 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 either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both 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 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.

RESTAURANT, STANDARD: Any establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) 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; or

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

RETAIL STORE: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

RETAINING WALL: A permanent solid barrier of brick, stone, or other opaque material approved by the Building Superintendent, intended to enclose an area. For the purpose of this Zoning Code, all supporting members, posts, stringers, braces, pilasters or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted or colored in one (1) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted or designed thereon.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles, or for placement of public and semi-public utilities, and under the legal authority of the agency having jurisdiction over the right-of-way.

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

ROOMING UNIT: A room or group of rooms, from a single habitable unit used for living and sleeping, but not containing kitchen or eating facilities.

ROW HOUSE: A row of houses having at least one (1) sidewall in common with a neighboring dwelling, and usually uniform or nearly uniform plans, fenestration, and architectural treatment.

RUBBISH: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, etc.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn, used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extraterrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, television reception only satellite antennas (TVRO), and satellite microwave antennas.

SCHOOL, CHARTER (PUBLIC SCHOOL ACADEMY): A charter school or public school academy is a public school and a school district, and is subject to the leadership and general supervision of the State Board over all public education. A public school academy is authorized by the executive action of an authorizing body which may be the board of a school district, an intermediate school board, or the board of a community college or a state public university. A charter school shall not be organized by a church or other religious organization.

SCHOOL, HOME: Enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing and English grammar. The home school family may choose whether to operate as a nonpublic school. If a home school family chooses to operate as a nonpublic school, it must register with the Michigan Department of Education.

SCHOOL, NONPUBLIC: Any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the State. Nonpublic schools include private, denominational, and parochial schools.

SCHOOL, PUBLIC: A public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

SECONDHAND STORE: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail establishment engaged in selling donated used. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste. (Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Ownership of property may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Zoning Code, as the owner thereof so elects, and, in such case, the outside perimeter of such group of lots of record shall constitute the front, rear and side lot lines thereof.

SERVICE DRIVE: A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

SETBACK: The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines.

SETBACK, REQUIRED: The required minimum horizontal distance between a front, rear, or side lot line and a building line.

SETBACK, PARKING LOT: The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

SEXUALLY-ORIENTED BUSINESSES: (see ADULT REGULATED USES OR SEXUALLY ORIENTED BUSINESSES).

SIGN: A device for visual communication that is used to bring the subject to the attention of the public, but does not include flags, or other insignia of any government, fraternal or similar organization. A sign includes any device, structure, fixture or placard, which uses words, number, figures, graphic designs, logos, or trademarks. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs, which are visible from any public street, sidewalk, alley, park, public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. (Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

SITE PLAN: A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this Zoning Code and these Codified Ordinances.

SNOWMOBILE: Any motorized vehicle designed for travel primarily on snow or ice, steered by means of wheels, skis or runners.

SPECIAL LAND USE: A use of land which is permitted within a particular zoning district only if the applicable standards have been met and a site plan has been approved.

STABLE, PRIVATE: A stable for the keeping of horses for the use of the residents of the principal use, not including the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses, provided, however, that the capacity of a private

stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.

STABLE, PUBLIC: A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than ten (10) acres.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State pursuant to Act 218 of the Public Acts of 1979, as amended (MCLA 400.701 et seq.), or Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

STEEP SLOPES: Slopes with a grade of twelve percent (12%) or more.

STORY: That portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or, if there is no floor above, then the space between the floor and the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. Specifically:

(1) **Basement:** Counted as a story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.

(2) **Half-story:** That part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half (½) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

A mezzanine floor may be used in the definition of a full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

STREET: A street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles.

(Res. 08-361A. Passed 11-17-08, Eff. 12-3-08.)

STREET LINE (Right-of-Way Line): The dividing line between the street and a lot.

STRUCTURE: Any constructed or erected material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

SUBDIVISION: A subdivision as defined in the City of Lincoln Park Codified Ordinances.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however,

include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUPERMARKET: A retail store with more than twenty thousand (20,000) square feet of gross floor area, offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and which may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

SWIMMING POOL: Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

TAVERN (PUB): A restaurant licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

TEMPORARY USE OR BUILDING: A use or building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events.

TEMPORARY USES OR SEASONAL EVENTS: Seasonal outdoor events intended for a limited duration within any zoning district where such use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events. Garage sales for individual homeowners on their property are exempt from the regulations of this Zoning Code.

TENT: A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, not including those types of tents used solely for children's recreational purposes.

TERRACE HOME: One (1) of a row of houses situated on or near the top of a slope.

TRAVEL TRAILER: A portable nonmotorized vehicular unit primarily designed for travel and/or recreational usage, also containing facilities for overnight lodging. "Travel trailer" includes "fifth wheels," but not mobile homes. A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit and not exceeding two-hundred (200) square feet in area.

THOROUGHFARES, MAJOR: An arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or an equivalent term.

THOROUGHFARES, SECONDARY: An arterial street which is intended to serve as a trafficway serving primarily the immediate City area and serving to connect with major thoroughfares.

TOURIST HOME: Any dwelling used or designed in such a manner that certain rooms other than those used by the family, and occupied as a dwelling unit, are rented or let to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

TOWNHOUSES: A residential structure, or group of structures, each of which contains three (3) or more attached single family dwelling units with individual rear yards and or front yards designed as an integral part of each single family dwelling unit.

TRUCK STORAGE: An area used for the temporary storage of private trucks or trucks for hire.

TRUCK TERMINAL: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the City or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

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

(Res. 06-373A. Passed 11-6-06.)

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

USE, ACCESSORY: A use naturally and normally incidental to, subordinate to and devoted exclusively to, the main use of a premises.

USE, COMMERCIAL: The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services; the maintenance of offices or recreational or amusement enterprises; or garage or basement sales conducted on residential premises for more than six (6) calendar days during one (1) year.

USE, ILLEGAL NONCONFORMING: An existing use of land and structures on the effective date of this Zoning Code, considered a nuisance, damaging to abutting property or hazardous to persons. Such use shall be discontinued and abated.

USE, LEGAL NONCONFORMING: An existing use of land and/or structures on the effective date of this Zoning Code, which use does not conform to the uses specified as permitted in a district, but which is not construed by this Zoning Code to be a nuisance, damaging to abutting property or hazardous to persons.

UTILITY ROOM: A room in a dwelling, not located in the basement, the use of which is primarily for storage, for housing a heating unit or for laundry purposes.

VARIANCE: A modification of the literal provisions of this Zoning Code which is granted by the Zoning Board of Appeals when the strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted, or in situations or under circumstances where permitted by law. Hardships based solely on economic considerations are not grounds for a variance.

VETERINARY CLINIC OR HOSPITAL: An office of a duly licensed veterinary professional where diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock, and all other activities and rooming of animals are conducted within a completely enclosed building. A veterinary hospital may include outdoor boarding incidental to treatment.

WADING POOL: Any receptacle utilized for holding water, which has a water depth not exceeding two (2) feet.

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

WASTE RECEPTACLE STATION: Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED: Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

(1) Contiguous to an inland lake or pond, or a river or stream;

(2) Not contiguous to an inland lake, or pond, or a river or stream, and more than five (5) acres in size; or

(3) Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the State from pollution, impairment, or destruction and the Department has so notified the property owner.

WINE SHOP (SPECIALTY): A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises; however, not more than ten percent (10%) of the gross floor area shall be dedicated to the storage, display, and sale of beer.

WIRELESS COMMUNICATION FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

(1) **"Attached Wireless Communications Facilities (antennae)"** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

(2) **"Colocation"** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennae within the City.

(3) **"Wireless Communication Support Structures (Tower)"** shall mean structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

WOOD LOT: An area of one-fourth (1/4) acre or more containing eight (8) or more trees per one-fourth (1/4) acre, such trees having a four (4)-inch or greater diameter at a four (4)- foot height.

YARD: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code.

YARD, DOUBLE FRONT: An open space on corner lots (as defined in this Zoning Code) extending the full width of the lot which sides to the intersecting street. Both open spaces shall be considered front yards with setbacks as required in each particular zoning district.

YARD, FRONT: An open space extending the full width of the lot and of a depth measured horizontally at right angles to the front property line, lot line or right-of-way line.

YARD, REAR: An open space extending the full width of the lot and of a depth measured horizontally at right angles to the rear property line, lot line or right-of-way line, except as otherwise provided in this Zoning Code.

YARD, REQUIRED SIDE-REAR-FRONT: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code. This regulation shall not include eaves, provided that an eight (8)-foot height clearance is provided above the adjacent ground level.

YARD, SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line or right-of-way line.

YARD, SIDE-REAR-FRONT: A general term applied to the space on a lot or parcel containing a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

ZONING BOARD OF APPEALS: "Zoning Board of Appeals" or "Board" means the City of Lincoln Park Zoning Board of Appeals.

ZONING DISTRICT: (See DISTRICT.)

ZONING LOT: (See LOT.)

(Res. 98-529A. Passed 12-21-98.)

CHAPTER 1262

Administration, Application and Procedures, Enforcement and Penalty

- 1262.01 Overview.
- 1262.02 Building Official and other enforcement officials.
- 1262.03 Building permits.
- 1262.04 Certificate of occupancy.
- 1262.05 City Council.
- 1262.06 Planning Commission.
- 1262.07 Application and fees.
- 1262.08 Special land use approval.
- 1262.09 Amendments.
- 1262.10 Performance guarantees.
- 1262.11 Declaration of nuisance.
- 1262.12 Penalty.

1262.01 OVERVIEW.

The City Council or its duly authorized representative as specified in this chapter is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following City entities:

- (a) Building Official and other enforcement officials;
- (b) City Council; and
- (c) City Planning Commission.

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.02 BUILDING OFFICIAL AND OTHER ENFORCEMENT OFFICIALS.

(a) Overview. As specified throughout this chapter, certain actions necessary for the implementation of this chapter shall be administered by the Building Official and other City administrative officials, the City's Planning Consultant or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the chapter precisely as it is written

and shall not make changes or vary the terms of the chapter, unless otherwise expressly authorized herein.

(b) Responsibilities of the Building Official and Assistants. In addition to specific responsibilities outlined elsewhere in this chapter, and in addition to specific responsibilities related to enforcement and administration of the adopted Building Code, the Building Official or his duly authorized assistants shall have the following responsibilities:

- (1) Provide citizens and public officials with information relative to this chapter and related matters.
- (2) Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
- (3) Review all applications for site plan review, special land use review, and planned development, and take any action required under the guidelines in Chapters 1262, 1264, 1288, 1289, and 1296.
- (4) Forward to the Planning Commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this chapter, and other applications which must be reviewed by the Planning Commission.
- (5) Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
- (6) Forward to the City Council all recommendations of the Planning Commission concerning matters on which the City Council is required to take final action.
- (7) Periodically report to the Planning Commission on the status of City's zoning and planning administration.
- (8) Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and documents in an orderly fashion.
- (9) Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this chapter, and update this record as conditions affecting the nonconforming status of such uses changes.
- (10) Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
- (11) Issue building or other appropriate permits when all provisions of this chapter and other applicable ordinances have been complied with.
- (12) Issue certificates of occupancy in accordance with this chapter when all provisions of this chapter and other applicable ordinances have been complied with.
- (13) Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are and will remain in compliance with this chapter.
- (14) Investigate alleged violations of this chapter and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
- (15) Perform other related duties required to administer this chapter.

(c) Responsibilities of the Planner. In addition to specific responsibilities outlined elsewhere in this chapter, upon request from the City Council or other authorized City body or official, the City's Planner or shall have the following responsibilities:

- (1) Prepare and administer such plans and ordinances as are appropriate for the City and its environs, within the scope of the Michigan planning and zoning enabling acts.
- (2) Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
- (3) Advise and assist the City Council and be responsible for carrying out the directives of the City Council.
- (4) Provide citizens and public officials with information relative to this chapter and related matters.
- (5) Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
- (6) Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in Chapters 1262, 1288, 1289, and 1296.
- (7) At the request of the Planning Commission or City Council, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the City.
- (8) Perform other related duties required to administer this chapter.
- (9) Periodically report to the Planning Commission on the status of City's zoning and planning administration.
- (10) Perform other related duties required to administer this chapter.

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.03 BUILDING PERMITS.

(a) Required. No person shall commence excavation for or construction of any building or structure, or move an existing building, without first obtaining a building permit and a land use permit therefor from the Building Superintendent. No permits shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with this chapter showing that the construction proposed is in compliance with this Zoning Code, the Building Code and any applicable section of these Codified Ordinances. No plumbing, electrical, drainage or other permit shall be issued until the Superintendent has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to this Zoning Code. As used in this section, "alteration" or "repair" of an existing building or structure includes any changes in structural members; stairways; basic construction; type, kind or class of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the Building Code, the Housing Code, any applicable section of these Codified Ordinances, or this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) New Uses of Land. A building permit and a land use permit shall also be obtained for the new use of land, whether presently vacant or when a change in land use is proposed.

(c) New Uses of Buildings. A building permit and a land use permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

(d) Final Inspections. The recipient of any building permit or land use permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Superintendent immediately upon the completion of the work authorized by such permit for a final inspection.

(e) Land Use Permits. For those buildings and structures required obtain building permits, the building permit shall also serve as the land use permit. For those buildings and structures exempt from building permit requirements under Section 105 of the 2000 Michigan Building Code, or Section 105 of the 2000 Michigan Residential Code, a land use permit shall be obtained instead of a building permit. The following buildings and structures shall require and obtain a land use permit instead of a building permit:

- (1) Detached accessory buildings and structures with a floor area greater than 36 square feet;
- (2) Fences, screening walls, and retaining walls;
- (3) Paving with impervious surfaces such as asphalt and concrete, including all driveways, sidewalks, building approaches, foundations for accessory structures, patios, and other hard surfaces areas; and
- (4) Where permitted within this Zoning Code, water tanks, fuel oil tanks, and propane tanks.

(Res. 98-529A. Passed 12-21-98; Res. 03-152. Passed 3-31-03.)

1262.04 CERTIFICATES OF OCCUPANCY.

(a) Required. No person shall use or permit the use of any land, building or structure for which a building permit is required, or use or permit to be used any building or structure that was altered, extended, erected, repaired or moved, until the Building Superintendent has issued a certificate of occupancy stating that this Zoning Code has been complied with.

(b) Validity. The certificate of occupancy as required in the Building Code for new construction of or renovations to existing buildings and structures shall also constitute the certificates of occupancy as required by this Zoning Code.

(c) Existing Buildings. Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such uses of land, are in conformity with this Zoning Code.

(d) Temporary Certificates. Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided, further, that such portion of the building or structure is in conformity with this Zoning Code.

(e) Records. A record of all certificates of occupancy shall be kept in the office of the Superintendent, and copies of such certificates shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.

(f) Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot, when such accessory buildings or structures are completed at the same time as the principal use.

(g) Applications. Certificates of occupancy shall be applied for, in writing, to the Superintendent, on forms provided by the Superintendent, and shall be issued within five (5) days after the receipt of such application if it is found that the building, structure or part thereof, or that the use of land, is in accordance with this Zoning Code. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within such five (5)-day period.

(h) Nonconforming Buildings and Uses. See Section 1292.13, Certificates of Occupancy; Records, for provisions regarding certificates of occupancy for nonconforming buildings and uses.

(Res. 98-529A. Passed 12-21-98.)

1262.05 CITY COUNCIL.

The City Council shall have the following responsibilities and authority pursuant to this chapter.

(a) Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the City Council shall have the authority to adopt this chapter, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

(b) Review and Approval of Plans

- (1) City Council review and approval shall be required for all planned developments, in accordance with Chapter 1288.
- (2) City Council review and approval shall be required for all conditional rezonings, in accordance with Chapter 1289.

(c) Setting of Fees. In accordance with Section 1262.07 and Michigan Public Act 110 of 2006, as amended, the City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this chapter. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate City administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

(d) Approval of Planning Commission Members. In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council.

(e) Removal of Planning Commission Members. In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission may be removed by the Mayor and City Council for misfeasance, malfeasance, or nonfeasance (i.e. wrong doing, misconduct and failure to perform a duty), generally. Removal proceedings shall take place upon the filing of written charges with the City Clerk. Prior to taking any action to remove a member of the Planning Commission, the Mayor and Council shall conduct a public hearing any

such charges.

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.06 PLANNING COMMISSION.

The City Planning Commission shall have the following responsibilities and authority pursuant to this chapter.

(a) Creation. The City Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and as such, shall have all the powers and duties prescribed in Michigan Public Act 110 of 2006, as amended and Chapter 1220 of the City of Lincoln Park Code of Ordinances.

(b) Membership and Operation.

(1) Members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be in accordance with Act 33 of 2008, as amended.

(2) In accordance with Act 33 of 2008, as amended, the Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(c) Jurisdiction.

(1) Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the City Council.

(2) Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 1296.02. As provided for in Section 1296.02, the Planning Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

(3) Special Land Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Section 1262.08, and the Planning Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of special land use approval.

(4) Planned Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Chapter 1288. The Planning Commission shall be responsible for making a recommendation to the City Council to grant approval, approval with conditions, or denial of a Planned Development proposal.

(5) Conditional Rezoning. The Planning Commission shall be responsible for holding hearings and review of all applications for conditional rezoning in accordance with Chapter 1289. The Planning Commission shall be responsible for making a recommendation to the City Council to grant approval, approval with conditions, or denial of a Conditional Rezoning proposal.

(6) Formulation of a Master Plan. The Planning Commission shall be responsible for formulation and adoption of a basic plan (i.e., the City of Lincoln Park Master Plan) as a guide for the development of the City, in accordance with Michigan Public Act 33 of 2008, as amended.

(7) Review of Matters Referred by the City Council. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.

(8) Report on Operation of the Zoning Ordinance. In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall prepare an annual report to the City Council on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

(9) Annual Report and Budget.

A. In accordance with Section 19 of Michigan Public Act 33 of 2008, as amended, the Planning Commission shall prepare or have prepared an annual written report to the Mayor and City Council detailing the Commission's operations and status of planning activities. In the annual report the Planning Commission may make recommendations regarding actions by the Mayor and Council related planning and development

B. After preparing the Annual Report, the Planning Commission may prepare a detailed budget for review and approval of City Council.

(10) Capital Improvements Program. The Planning Commission shall annually prepare a capital improvements program of public structures and improvements, in accordance with Section 65(1) of Michigan Public Act 33 of 2008, as amended, unless the Commission is exempted from this requirement by charter or otherwise.

(11) Conflict of Interest. No member of the Planning Commission shall participate in any case which he/she has a financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by applicable law. No member of the staff or of any agency serving the Planning Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Commission in any case in which the staff member or agency has similar interest.

As soon as any Commission member, staff member, or any agency serving the Commission, becomes aware of a potential conflict of interest in any case to come before the Commission, he/she shall disclose the potential conflict of interest to the Planning Commission. The Commission member, staff member or agency shall be excused or disqualified following a majority vote of the Planning Commission upon determining that a conflict exists or could exist. The Secretary shall enter the circumstances into the record.

Where the Planning Commission has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, the Commission shall seek advice from the City Attorney. If the City Attorney advises that a conflict appears to exist based on circumstances reported and applicable law, the Planning Commission shall proceed to excuse or disqualify as provided herein.

1262.07 APPLICATIONS AND FEES.

(a) Applicability. The general procedures for processing of all requests for City action or review under the provisions of this chapter are described in this section. There are additional and more specific procedures and standards set forth in other parts of this chapter as follows:

<u>Procedure</u>	<u>Article or Section Number</u>
Site Plan Review	Section 1296.02
Special Land Use	Section 1262.06
Planned Development	Chapter 1288
Conditional Rezoning	Chapter 1289
Variances and Appeals	Chapter 1264
Amendments	Section 1262.09
Permits and Certificates	Sections 1262.03 and 1262.04
Temporary Uses	Section 1294.19

(b) Application Filing.

(1) Forms. Any person requesting any action or review under the provisions of this chapter shall file an application on the forms provided by the City. The information required on each form shall be typed or legibly written on the form or on separate sheets attached to the form.

(c) General Approval Process. The general approval process for site plan review, special land use, planned development, and rezoning applications shall be as follows:

(1) Optional Pre-Filing Conference. Applicants may request to meet with City staff, including any consultants designated by the City Council, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by City officials, staff, or consultants at such conferences shall constitute approval of any application.

(2) Processing and Review. All applications accepted by the City shall be submitted to all appropriate City staff and consultants for their review and recommendation, and shall be in writing. The application shall be submitted along with all recommendations, to the Planning Commission no later than thirty (30) days before the scheduled meeting date.

The staff and consultants may advise and assist the applicant in meeting Ordinance requirements but shall have no power to approve or disapprove any application, except as expressly provided elsewhere in this chapter, or in any way restrict an applicant's right to seek formal approval thereof.

(d) Planning Commission Action. The Planning Commission shall review all applications at a public meeting. The Planning Commission shall consider all recommendations of the staff and consultants.

(1) Decisions. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this chapter shall be approved, denied, or approved subject to conditions. The Planning Commission may table any such applications for further study or obtain additional information, but shall not unreasonably delay its final decision without the consent of the applicant. All decisions of the Planning Commission shall be in accordance with the purpose and intent of this chapter and all applicable standards and requirements set forth in this chapter.

(2) Recommendations. For those applications that the Planning Commission has been charged with the authority to review and make a recommendation to the City Council, the Planning Commission may recommend approval, denial, or approval subject to conditions. The Planning Commission may table any such applications for further study or to obtain additional information, but shall not unreasonably delay its recommendation without the consent of the applicant. All recommendations shall be in accordance with the purpose and intent of this chapter and all applicable standards and requirements set forth in this chapter.

(e) City Council Action. The City Council shall review all applications at a public meeting. The Council shall consider all recommendations of the staff, consultants and the Planning Commission. The Council may approve, deny, or approve subject to conditions, all applications it reviews. The Council may table any application for further study or to obtain additional information, but shall not unreasonably delay its final decision without the consent of the applicant. All decisions of the City Council shall be in accordance with the purpose and intent of this chapter and all applicable standards and requirements set forth in this chapter.

(f) Filing Fees.

(1) All applications shall be accompanied by a filing fee which shall be established by resolution of the City Council, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the City for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reporter services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application and shall deny any new permits.

(2) Any deposit toward the cost of any consultants shall be credited against the expense to the City of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the application.

(3) A schedule of the current filing fees and deposit requirements shall be made available in the office of the City Clerk and the Building Department.

(4) The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 1262.10.

(5) There shall be no fee in the case of application filed in the public interest by a municipal department or City Official.

(g) Public Hearing Process. This section shall present the basic provisions which shall apply to the following applications that require a public hearing:

- Amendments (including rezonings);
- Variances;
- Appeal of an Administrative Decision or Zoning Ordinance Interpretation;
- Planned Development; and
- Conditional rezoning.

(1) Public Notice. The following public notice procedure shall apply for any public hearing, in accordance with Michigan Public Act 110 of 2006, as amended:

A. Notice Contents. The notice shall contain the following information, where applicable:

1. A description of the nature of the application and the purpose of the public hearing;
2. A statement indicating the applicable sections of the Zoning Ordinance;
3. A legal description and, when known, the address of the property;
4. A statement of when and where the public hearing will be held;
5. A statement of when and where written comments can be sent concerning the application.

B. Newspaper Publication and Written Notification. The general requirements for newspaper publication and written notification shall be as indicated in the following chart:

Action Requested	Newspaper Publication Requirements	Written Notification Requirements
Adoption of a New Ordinance (A, H)	C	G
Ordinance Amendment (A, H)	C	G
Rezoning (A, H)	C (see also E)	E
Special Land Use (A)	C	D
Planned Development (A, H)	C	D
Conditional Rezoning (A, H)	C	D
Variance (B)	C	F
Appeal of an Administrative Decision or Zoning Ordinance Interpretation (B)	C	F

FOOTNOTES:

A. The Planning Commission must hold at least one public hearing.

B. The Zoning Board of Appeal must hold a public hearing.

C. Notices of public hearings must be published in a newspaper of general circulation within the City not less than 15 days prior to the date of the hearing.

D. Notices must be mailed to owners of the property that is the subject of the request and to the owners and occupants of all properties and structures within 300 feet of the subject site, including those outside of the City (in adjacent cities, villages or townships) if applicable. Notices must be mailed to each occupant of a single structure containing 4 or less dwelling units or other distinct spatial areas, which are owned or leased by different persons. For structures containing more than 4 dwelling units or other distinct spatial areas that are owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be responsible to post the notice at the primary entrance to the structure. Notices must be postmarked not less than 15 days prior to the date of the hearing.

E. If 10 or fewer adjacent properties are involved, notice must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including those outside of the City, if applicable. If 11 or more adjacent properties are involved, no additional notification is necessary and addresses may be omitted from the notice published in the newspaper. Notices must be postmarked not less than 15 days prior to the date of the hearing.

F. Notification of a variance (dimensional or use) request must be sent by mail to owners of the property that is the subject of the request and to the owners and occupants of all properties and structures within 300 feet of the subject site, including those outside of the City (in adjacent cities, villages or townships) if applicable. Notification of an ordinance interpretation or decision appeal need not be sent by mail to surrounding property owners and occupants unless the interpretation or decision appeal involves a specific parcel, in which case notification must be sent by mail to the owners and occupants of all property within 300 feet of the parcel involved in the appeal, including the owner of the parcel involved in the appeal. Notices must be mailed to each occupant of a single structure containing 4 or less dwelling units or other distinct spatial areas, which are owned or leased by different persons. For structures containing more that 4 dwelling units or other distinct spatial areas that are owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be responsible to post the notice at the primary entrance to the structure. Notices must be postmarked not less than 15 days prior to the date of the hearing.

G. Notice must be mailed to each electric, gas and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and each airport manager, that has registered its name and mailing address with the Clerk to receive such notice. Notices must be postmarked not less than 15 days prior to the date of the hearing.

H. A property owner may request by certified mail, addressed to the Clerk, that the City Council hold a public hearing to hear comments on a proposed ordinance provision (adoption of a new ordinance, ordinance amendment, rezoning, planned development or conditional rezoning). Newspaper publication and written notification requirements shall be made as set forth in this Section for the corresponding type

of proposed ordinance provision. It shall be the responsibility of the property owner requesting the public hearing to pay for the costs incurred by the City for notification of the public hearing.

(h) Disclosure of Interest. The full name, address, telephone number, and signature of the applicant shall be provided on the application. If the application involves real property in the City, the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application.

(1) Required Disclosure when Applicant is not Fee Owner. If the applicant is not the fee owner, the application should indicate interest of the applicant in the property, and the name and telephone number of all fee owners. An affidavit of the fee owner shall be filed with the application stating that the applicant has authority from the owner to make the application.

(2) Required Disclosure when Applicant is a Corporation or Partnership. If the applicant or fee owner is a corporation, the names and addresses of the corporation officers and registered agent shall be provided, and if a partnership, the names and addresses of the partners shall be provided.

(3) Required Disclosure when Applicant or Owner is a Land Trust. If the applicant or fee owner is a trust or a trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be provided.

(i) Records. The City shall keep accurate records of all decisions on all applications submitted pursuant to this chapter.

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.08 SPECIAL LAND USE APPROVALS.

(a) Purposes and Intent. In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive Zoning Ordinance is founded upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of such uses upon neighboring land, and of the public need for the particular use at the particular location. Such special uses fall into two categories:

- (1) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected with a public interest; and
- (2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The intent of this section is to provide regulations for uses which are essentially compatible with principal permitted uses in a given district, but which, by reason of the special nature of such uses or their particular location in relation to neighboring properties, require a stricter level of review by the City. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

(b) Authorization. The special approval of specific land uses and activities, as required under Sections 1268.03, 1270.03, 1272.03, 1274.03, 1276.03, 1278.03, 1280.03, 1282.03, 1284.03, and 1286.03, all titled uses permitted after special approval, may be authorized by the Planning Commission, provided that no application for special approval shall be acted upon by the Planning Commission until after a public hearing is held in accordance with Act 110 of the Public Acts of 2006, as amended, and a written report shall become a part of the record.

(c) Applications. An application for special approval for a land use shall be filed and processed in the manner prescribed for an application for site plan review in Section 1296.01, and shall be in accordance with the provisions of Section 1262.07, Application and Fees, and in such form and accompanied by such information as shall be established from time to time by the Planning Commission. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use.

(d) Notice of Request. Notice of a request for special approval of a land use shall be provided in accordance with the provisions of Section 1262.07(f).

(e) Hearings. The Planning Commission shall conduct a public hearing, subject to the provisions of Section 1262.07(f).

(f) Standards. No special approval shall be granted by the Planning Commission unless it finds the special use affirmatively meets the following criteria deemed applicable in each case:

- (1) The special use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto and for the City as a whole;
- (2) The special use is compatible and in accordance with the goals, objectives and policies of the City's Comprehensive Development Plan;
- (3) The special use is necessary for the public convenience at that location;
- (4) The special use is compatible with adjacent uses of land, and can be constructed, operated and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed;
- (5) The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (6) The special use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;
- (7) The special use will not cause injury to the value of other property in the neighborhood in which it is to be located;
- (8) The special use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance;
- (9) The special use is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable

site design standards for use in Section 1296.02; and

(10) The special use is related to the valid exercise of the City's police power and purposes which are affected by the proposed use or activity.

(Res. 98-529A. Passed 12-21-98.)

(g) Approval. The Planning Commission may deny, approve or approve with conditions any request for special approval of a land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(1) Prior to granting any special land use approval, the Planning Commission may impose any additional conditions or limitations as, in its judgment, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations and applicable regulations of this Zoning Code are met.

(2) Approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.

(3) A record of the decision or the reasons for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

(4) The Building Official shall make periodic investigations of developments authorized by special land use approval to determine continued compliance with all requirements imposed by the Planning Commission. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the Planning Commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as required by this section.

(h) Records. The conditions imposed with respect to the special approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted with conditions.

(i) Validity of Special Land Use Approval

(1) In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided in paragraph (2), below, the approval shall automatically become null and void and all rights there under shall terminate.

(2) Upon written application filed prior to the termination of the one (1) year period, the Building Official may authorize a single extension of the time limit for a further period of not more than one (1) year provided the Building Official or his or her designee finds that he or she approved site plan adequately represents the current conditions on and surrounding the site and provided the site plan conforms to the current Zoning Ordinance standards. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one (1) year extension.

(3) The granting of a special land use approval shall allow that particular use to be conforming on the subject property, as long as the standards of this section are maintained.

(4) Any use for which special land use approval has been granted and which ceases to continuously operate for a one (1) year period shall be considered abandoned and the special land use permit shall become null and void. The Building Superintendent may grant an extension of up to an additional twelve (12) months, upon written request from the property owner, upon finding the special land use adequately represents current conditions on and surrounding the site and provided the use will not adversely impact surrounding properties.

(Res. 2011-189A. Passed 8-15-11. Eff. 8-31-11.)

(5) No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(Res. 06-283A. Passed 7-31-06; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.09 AMENDMENTS.

(a) Initiation of Amendment. The City Council may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

(b) Application for Amendment. A petition for an amendment to the text of this chapter or an amendment to change the zoning classification of a particular property shall be commenced by filing a petition with the Building Department, on the forms provided by the Building Department and accompanied by the fees specified by City Council. The petition shall describe the proposed amendment and shall be signed by the applicant and property owner if different from the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

(1) Applicant's name, address, and telephone number.

(2) Scale, northpoint, and dates of submission and revisions.

(3) Zoning classification of petitioner's parcel and all abutting parcels.

(4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.

(5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.

(6) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.

(7) Location of existing drainage courses, floodplains, lakes and streams, and woodlots.

- (8) All existing and proposed easements.
- (9) Location of sanitary sewer or septic systems, existing and proposed.
- (10) Location and size of watermains, well sites, and building service, existing and proposed.
- (11) A sign location plot plan, in accordance with the Rezoning Sign Requirements contained in this chapter.

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

(1) The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public bearing and notice requirements set forth in Section 1262.07(f), and other applicable sections of Michigan Public Act 110 of 2006, as amended.

(2) If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall comply with the public notice and public hearing procedures set forth in Section 1262.07(f).

(d) Rezoning Sign Requirements.

(1) At least twenty-one (21) days prior to the public hearing before the Planning Commission, the applicant must, at his own expense, install rezoning signage on the property proposed for rezoning, in full public view along street or road frontages. The sign must be located along the property line of the right-of-way at the midpoint of the property width. A corner lot will require a sign for each road frontage. The location and content of the signage must be approved by the Building Department prior to installation. The signage must meet the following specifications:

- A. Black letters on white background
- B. Size: minimum four (4) feet (vertical) by minimum six (6) feet (horizontal)
- C. Sign facing must be exterior plywood, aluminum, or similar material
- D. Wording on the signage shall be as follows:
 - ZONING CHANGE PROPOSED (minimum 8" high letters)
 - A public hearing has been scheduled (minimum 4" high letters)
 - For more information call: (minimum 4" high letters)
 - Lincoln Park Building and Engineering Department (minimum 4" high letters)
 - (Building Department Telephone #) (minimum 4" high letters)
- E. Sign support system must be structurally sound.

(2) Rezoning signage must be removed within seven (7) days of adoption by the City Council, seven (7) days of withdrawal of the rezoning application by the applicant or seven (7) days of denial of the rezoning request by the City Council. Failure to remove signage within this period may require the removal of the signage by the City at the owner's expense and/or prosecution.

(e) Review Considerations. The Planning Commission and City Council shall at a minimum, consider the following before taking action on any proposed amendment:

- (1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- (2) Will the proposed amendment further the comprehensive planning goals of the City?
- (3) Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
- (4) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- (5) Will the amendment result in unlawful exclusionary zoning?
- (6) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- (7) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- (8) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
- (9) If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

(f) Action by Planning Commission. Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact, which it shall transmit to the City Council, together with the comments made at the public hearing, and its recommendations.

(g) Action by City Council. The City Council may hold additional hearings if the City considers it necessary. Notice of the public hearing shall be in accordance with Section 1262.07(f). Pursuant to Michigan Public Act 110 of 2006, as amended, the City Council may by majority vote of its membership:

- (1) Adopt the proposed amendment.
- (2) Reject the proposed amendment, or
- (3) Refer the proposed amendment back to the Planning Commission for further recommendation within a specified time period. Thereafter, the City Council may either adopt the amendment with or without the recommended revisions, or reject it.

(h) Notice of Record of Amendment Adoption

(1) Following adoption of an amendment by the City Council, one notice of adoption shall be filed with the City Clerk and one notice shall be published in newspaper of general circulation in the City within fifteen (15) days after adoption, as follows, in accordance with

Section 401(9) of Michigan Public Act 110 of 2006, as amended:

A. The required notice shall include the following information:

1. In the case of a newly adopted zoning ordinance, the required notice shall include the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the City of Lincoln Park."
2. In the case of an amendment to an existing zoning ordinance, the required notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
3. The effective date of the ordinance or amendment.
4. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

(2) A record of all amendments shall be maintained by the City Clerk and the Building Department. A master Zoning Map shall be maintained by the City Clerk and Building Department, which shall identify all map amendments by number and date.

(i) Notice of Intent to File Petition

(1) Within seven (7) days following the passage of a zoning ordinance, a registered elector residing in the zoning jurisdiction of the City may file with the City Clerk a notice of intent to file a petition, in accordance with Section 402 of Michigan Public Act 110 of 2006, as amended.

(2) Prior to final legislative action on an amendment to the zoning ordinance by City Council, a protest petition shall be presented to the City Council, in accordance with Section 403 of Michigan Public Act 110 of 2006, as amended.

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.10 PERFORMANCE GUARANTEES.

(a) Where in this Zoning Code there is delegated to Council, the Zoning Board of Appeals, or the Planning Commission the function of establishing certain physical site improvements including, but not limited, streets, access points, driveways, curbs, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, parking areas, utilities, and similar items, as a contingency to granting a zoning amendment, site plan approval, special approval, or variance, Council, the Board, or the Commission may, to ensure strict compliance with any regulation contained or required as a condition of the issuance of a permit, require the permittee to furnish a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond, to be deposited with the City Clerk, in an amount determined by Council, the Board, or the Commission, to be reasonably necessary to ensure compliance under this Zoning Code and to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public.

(b) The applicant shall submit an itemized estimate of the cost of the required improvements, the amount of which shall be 100% of the cost of installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies. Council, the Board, or the Commission shall review this estimate before fixing the amount of the performance guarantee. However, in fixing the amount of such performance guarantee, Council, the Board or the Commission shall take into account the size and scope of the proposed improvement project, the current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree and such other factors and conditions as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

(c) The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City may not require the deposit of the performance guarantee before the date on which the City is prepared to issue the permit. The City shall establish procedures under which a rebate of any cash deposit in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses. This section shall not be applicable to improvements for which a performance guarantee has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (MCLA 560.101 et seq.).

(Res. 98-529A. Passed 12-21-98; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.11 DECLARATION OF NUISANCE.

Uses of land and dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Zoning Code are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

(Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

1262.12 PENALTY.

Violations of the provisions in this chapter are Municipal Civil Infractions and subject to the penalty and sanctions described in Section 202.101. The imposition of the penalty and sanctions provided in Section 202.101 shall not preclude the initiation of appropriate legal action to restrain correct or abate a violation, to prevent illegal occupancy of a rental dwelling or dwelling unit or to stop an illegal act, conduct of a business or use of a structure.

(Res. 98-529A. Passed 12-21-98; Res. 04-66A. Passed 3-1-04; Res. 08-362A. Passed 11-17-08, Eff. 12-3-08.)

CHAPTER 1264

Zoning Board of Appeals

1264.01 Establishment.

1264.02 Composition; terms of office; qualifications; removals.

1264.03 Officers; Legal Counsel.

- 1264.04 Meetings; records.
- 1264.05 Appeals.
- 1264.06 General powers and duties.
- 1264.07 Administrative reviews.
- 1264.08 Interpretation of district boundaries.
- 1264.09 Variances.
- 1264.10 Quorum; vote required; limitations of powers.
- 1264.11 Conditions of appeals and variances.
- 1264.12 Effective period of orders.
- 1264.13 Appeals to Circuit Court.
- 1264.14 Applications and notices.
- 1264.15 Disposition and duration of approval.

1264.01 ESTABLISHMENT.

There is hereby established in and for the City a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Michigan Public Act 110 of 2006, as amended (MCLA 125.3601), in such a way that the objectives of this Zoning Code shall be observed, public safety secured and substantial justice done.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.02 COMPOSITION; TERMS OF OFFICE; QUALIFICATIONS; REMOVALS.

- (a) The Zoning Board of Appeals shall consist of five (5) members appointed by majority vote of City Council.
- (b) When the terms of the individual members of the Board expire, with not more than three (3) terms expiring in any one year, the City Council shall appoint a successor for a three (3)-year term from the date of expiration of the original member's term.
- (c) All members shall be registered voters of the City and shall be citizens of the United States, provided that no employee of or contractor for the City may serve simultaneously as a member of the Board.
- (d) One (1) regular member shall be appointed from the membership of the Planning Commission, and one (1) regular member may be a member of the Council, but shall not serve as chairperson. The Board and the Commission shall, at all times, have one (1) member in common.
- (e) After the initial appointment, each member shall hold office for a period of three (3) years or until his or her successor is appointed, except for members serving because of their membership on the Planning Commission or Council, and then the term shall be limited to the time they are members of those bodies. The Council may appoint a member to the ZBA for a term of less than three (3) years to provide for staggered terms. The Council shall appoint a successor within one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- (f) Members may be removed by the Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which they have a conflict of interest. Failure to disqualify oneself from a vote in which there is a conflict of interest constitutes malfeasance in office.
- (g) The Council may appoint not more than two (2) alternate members for the same term as regular members of the Board. An alternate member may be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board.

(Res. 98-529A. Passed 12-21-98; Res. 08-24A. Passed 1-28-08; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.03 OFFICERS; LEGAL COUNSEL.

The Chairperson, Vice Chairperson and Secretary of the Zoning Board of Appeals shall be elected annually by the members of the Board at the first meeting held in each calendar year. The City Attorney or his or her representative shall act as legal counsel for the Board and, subject to prior approval of the Mayor and Council, shall be present at meetings of the Board upon request.

(Res. 98-529A. Passed 12-21-98.)

1264.04 MEETINGS; RECORDS.

- (a) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or the Vice Chairperson in the absence of the Chairperson, or upon the written request of any two (2) members of the Board.
- (b) The Board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.
- (c) The Board may subpoena and require the production of books, papers, files and other evidence pertinent to the matters before it.
- (d) The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with Act 267 of the Public Acts of 1976, as amended (MCLA 15.261 et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976, as amended.
- (e) A writing prepared, owned, used, in the possession of or retained by the Board in the performance of an official function shall be made available to the public in compliance with Act 442 of the Public Acts of 1976, as amended (MCLA 15.231 et seq.).

(Res. 98-529A. Passed 12-21-98.)

1264.05 APPEALS.

(a) An appeal may be taken to the Zoning Board of Appeals by any person, officer, department, board or bureau affected by a decision of the Building Official concerning this Zoning Code. Such appeal shall be taken within sixty (60) days from the decision by filing with the Building Official and with the Board a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed.

(c) The Zoning Board of Appeals shall hold a public hearing and the Building Department shall provide written notice of the hearing of an appeal, variance, or interpretation, as set forth in Section 1262.07(F) of this chapter.

Fees for hearings before the Board shall be adopted by resolution of the Mayor and Council. Such fees shall be paid to the Building Department at the time notice of the appeal is filed.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.06 GENERAL POWERS AND DUTIES.

(a) As set forth in Section 603(1) of Public Act 110 of 2006, as amended, and herein, the Zoning Board of Appeals shall have the authority to hear and decide questions that arise in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and to hear and decide appeals from and review any administrative order, requirement decision, or determination made by an administrative official, Planning Commission or City Council. The Zoning Board of Appeals shall hear and decide upon matters referred to it as required in this chapter. Also, the Zoning Board of Appeals may adopt rules to govern its procedures sitting as a zoning board of appeals pursuant to Public Act 110 of 2006, as amended.

(b) The Zoning Board of Appeals shall not have the authority to alter or change the zoning district classification of any property, nor make any change in the text of this chapter. The Zoning Board of Appeal's shall not have the authority to hear and decide upon an appeal regarding a special land use or a planned development. Further, the Zoning Board of Appeals shall not grant any "non-use" or dimensional variance to any property located in a planned development zoning district, unless specifically authorized by the applicable recorded planned development agreement.

(c) The Zoning Board of Appeals shall have the authority to hear and decide upon mapping disputes and establish the boundary location in accordance with Section 1266.02(b) where disputes arise as to the location of the floodplain boundary or the limits of the floodway. The decision of the Board shall be based upon the most current floodplain studies issued by the Office of Federal Insurance and Hazard Mitigation. In cases where the Office of Federal Insurance and Hazard Mitigation information is not available, the Board shall reference the best available floodplain information.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.07 ADMINISTRATIVE REVIEWS.

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this chapter. The applicant shall request such appeal within sixty (60) days of the date of the order, refusal, requirement, or determination being appealed.

In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information, which had not been presented to the administrative official, council or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, council or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, council or commission breached a duty or discretion in carrying out this chapter.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.08 INTERPRETATION OF DISTRICT BOUNDARIES.

The Zoning Board of Appeals shall interpret this Zoning Code in such a way as to carry out the intent and purpose of the Master Plan, as shown upon the Zoning Map fixing the use districts accompanying and made part of this Zoning Code, where the street layout actually on the ground varies from the street layout as shown on the Map. In the case of any question as to the location of any boundary line between zoning districts, the Board shall interpret the Zoning Map after receiving a recommendation from the Planning Commission.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.09 VARIANCES.

(a) Dimensional or Non-Use Variances. The ZBA shall have authority in specific cases to authorize one (1) or more dimensional or "non-use" variances from the strict letter and terms of this chapter by varying or modifying any of its rules or provisions so that the spirit of this chapter is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the chapter.

Such authority shall be exercised in accordance with the following standards:

(1) The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:

A. Practical Difficulties. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

B. Substantial Justice. The variance will do substantial justice to the applicant as well as other property owners.

C. Unique circumstances. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

D. Preservation of property rights. The variance is necessary for the preservation and enjoyment of a substantial property right also possessed by other property owners in the same zoning district.

E. Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of this chapter will be observed and public safety and welfare secured.

F. Not self-created. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

G. More than mere inconvenience. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

H. Additional considerations. The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the chapter and may impose condition upon any variance granted based upon its findings under this subsection:

1. The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
2. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
3. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
4. The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
5. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

I. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

(b) Use Variances. The ZBA shall have authority, in specific cases, to establish a use of land that is otherwise prohibited in a zoning district so long as the spirit of the Zoning Ordinance is observed, public safety is secured and substantial justice is done. The ZBA may grant a use variance upon a finding of unnecessary hardship, subject to a two-thirds (2/3) majority vote of the members of the ZBA. A finding of unnecessary hardship shall require demonstration by the applicant of all of the following:

(1) The current Zoning Ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA shall find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.

(2) The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.

(3) The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the chapter and zoning district will be preserved and the essential character of the area will be maintained.

(4) The hardship is not the result of the applicant's actions. Under this standard, the ZBA shall determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

(c) In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request. The fact that a variance would increase the value of property or allow an owner to increase profits is not sufficient grounds for granting the variance.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.10 QUORUM; VOTE REQUIRED; LIMITATIONS OF POWERS.

(a) Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conducting of business. The concurring vote of three (3) members shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Superintendent, to decide any matter upon which the Board is required to pass by law or to effect any variation in the terms of this Zoning Code, provided that a majority vote of the members in attendance may adjourn any meeting to another date.

(b) The power or authority to alter or change this Zoning Code or the Zoning Map is reserved to the City Council in the manner provided by law.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.11 CONDITIONS OF APPEALS AND VARIANCES.

(a) Conditions. The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable or accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements.

(1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as whole.

(2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance, be

related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(4) Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

(5) The Board may require performance bonds to ensure compliance with any requirements deemed necessary for approving any variance (see Section 1262.10).

(b) In exercising the powers described in this chapter, the Board may reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Superintendent from whom the appeal is taken.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.12 EFFECTIVE PERIOD OF ORDERS.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building, an open air land use or a parking lot shall be valid for longer than twelve (12) months unless such use is established within this twelve (12) month period or a permit for such erection or alteration is obtained within this twelve (12) month period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of the permit. However, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within the above cited twelve (12) month period and such erection or alteration is started and proceeds to completion in accordance with such permit. The period of approval may be extended by the Board for up to twelve (12) months if the decision was in conjunction with a site plan for which approval has been extended by the Planning Commission or the Building Official.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.13 APPEALS TO CIRCUIT COURT.

(a) The decision of the Zoning Board of Appeals shall be final. However, a person having an interest aggrieved by this Zoning Code may appeal such decision to the Circuit Court. Upon appeal, the Court shall review the record and decision of the Board to ensure that the decision:

- (1) Complies with the Constitution and laws of the State;
- (2) Is based upon proper procedure;
- (3) Is supported by competent, material and substantial evidence on the record; and
- (4) Represents the reasonable exercise of discretion granted by law to the Board.

(b) If the Court finds that the record of the Board is inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board, the Court shall order further proceedings before the Board on conditions which the Court considers proper. The Board may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decisions shall be filed with the Court.

(c) As a result of the review required by this section, the Court may affirm, reverse or modify the decision of the Board.

(Res. 98-529A. Passed 12-21-98; Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

1264.14 APPLICATIONS AND NOTICES.

(a) Application. All applications to the ZBA shall be filed with the Building Department, on forms provided by the City, and shall be accompanied by the applicable fee established by resolution of the City Council. Applications shall include all plans, studies and other information and data to be relied upon by the applicant. Applications involving a request for a variance shall specify the requirements from which a variance is sought.

(b) Plot Plans. Applications involving a specific site shall be accompanied by a sketch which includes the following information, where applicable:

- (1) Applicant's name, address, and telephone number.
- (2) Scale, north point and dates of submission and revisions.
- (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
- (5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- (6) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- (7) Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- (8) All existing and proposed easements.
- (9) Location of sanitary sewer or septic systems, existing and proposed.
- (10) Location and size of watermains, well sites, and building service, existing and proposed.
- (11) Any additional information required by the Zoning Board of Appeals to make the determination requested herein.

Where an application requests a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 1296.01 shall satisfy the requirements of this section.

The Zoning Board of Appeals has the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

(c) Applications Involving an Appeal of Administrative Order. In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

(d) Consent of Property Owner Required. Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

(e) Notice. The City shall provide written notice of the hearing of an appeal, variance, or interpretation in accordance with the provisions in Section 1262.07(F) of the Zoning Ordinance.

(f) Stay of Proceedings. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed (with the exception of court proceedings already in process) unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

(g) Decision by the Zoning Board of Appeals. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement decision, or determination of an administrative official, board of commission made in the administration of this chapter, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this chapter, or to grant a "non-use" variance from the terms of this chapter; and a two-thirds (2/3) majority vote of the members of the ZBA is required to grant a use variance.

(Res. 08-363A. Effective 12-3-08.)

1264.15 DISPOSITION AND DURATION OF APPROVAL.

(a) ZBA Powers. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this chapter and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

(b) Decision Final. A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting and decision, as proposed under supervision of the secretary, shall constitute the written decision.

(c) Record of Proceedings. The City administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

(d) Appeal of a ZBA Decision. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of the county in which the property is located. An appeal of the decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. Appeals of decisions of the Zoning Board of Appeals shall be subject to the provisions of Section 606 of PA 110 of 2006, as amended.

(e) New Application for Variance. If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to re-consideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

(Res. 08-363A. Passed 11-17-08, Eff. 12-3-08.)

CHAPTER 1266

Districts Generally and Zoning Map

1266.01 Establishment of districts.

1266.02 Zoning Map.

1266.03 Zoning of streets and alleys.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of land development and establishment of district provisions, uniformity of regulations; designations; limitations - see M.C.L.A. Sec. 125.3201

Nonconforming uses or standards - see M.C.L.A. Sec. 125.3208

Interpretation of district boundaries - see P. & Z. 1264.09

1266.01 ESTABLISHMENT OF DISTRICTS.

For the purposes of this Zoning Code, the City is divided into ten (10) districts as follows:

- (a) Single Family Residential District (SFRD).
- (b) Multiple Family Residential District (MFRD).
- (c) Manufactured Housing Residential District (MHRD).
- (d) Community Service District (CSD).
- (e) Neighborhood Business District (NBD).
- (f) Municipal Business District (MBD).
- (g) Central Business District (CBD).
- (h) Regional Business District (RBD).
- (i) Light Industrial District (LID).
- (j) General Industrial District (GID).

(Res. 98-529A. Passed 12-21-98.)

1266.02 ZONING MAP.

(a) The boundaries of the districts are shown upon the map on file in the office of the City Clerk and made a part of this Zoning Code, which map is designated as the Zoning Map of the City. The Zoning Map and all notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if such Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

(b) Except where reference is shown on the Zoning Map to a street or other designated line by the dimensions shown on such Map, the district boundary lines follow lot lines or centerlines of streets or alleys, or such lines extended, and the corporate limits of the City as they existed at the time of the adoption of this Zoning Code.

(c) Where a district boundary line, as established in this Zoning Code or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Zoning Code, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within twenty-five (25) feet of the dividing district boundary line. The use so extended shall be deemed to be conforming.

(d) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals, after recommendation from the Planning Commission, in accordance with rules and regulations which may be adopted by it.

(Res. 98-529A. Passed 12-21-98.)

(e) The existing Zoning Map of the City is hereby repealed, and a new Zoning Map, which is on file in the Building Department, is hereby adopted.

(Res. 98-412A. Passed 9-28-98.)

1266.03 ZONING OF STREETS AND ALLEYS.

All street and alley rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street and alley rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(Res. 98-529A. Passed 12-21-98.)

CHAPTER 1268

Single Family Residential Districts (SFRD)

- 1268.01 Purposes.
- 1268.02 Principal permitted uses.
- 1268.03 Uses permitted after special approval.
- 1268.04 Site plan review.
- 1268.05 Area, height, bulk and placement requirements; performance standards.

CROSS REFERENCES

- Districts generally and Zoning Map - see P. & Z.Ch. 1266
- Off-street parking areas in Residential Districts - see P. & Z.1290.04, 1290.07
- Storage and parking of commercial and recreational vehicles in Residential Districts - see P. & Z.1294.07
- Front yards in Residential Districts - see P. & Z.1294.34
- Fences in Residential Districts - see B. & H.1448.03

1268.01 PURPOSES.

The Single Family Residential District (SFRD) is established as a district in which the principal use of land is for detached single-family dwellings. For the Single Family Residential District (SFRD), in promoting the general purpose of this chapter, the specific intent of this chapter is to:

- (a) Encourage the construction of and the continued use of land for detached single-family dwellings;
- (b) Prohibit business, commercial or industrial uses of land, and prohibit any other use which would substantially interfere with development or continuation of detached single-family dwellings in the district;
- (c) Encourage the discontinuance of existing uses that would not be permitted as new uses under this chapter; and
- (d) Discourage any land use which would generate traffic on minor or local streets, other than normal traffic generated by the residences on those streets.

(Res. 98-529A. Passed 12-21-98.)

1268.02 PRINCIPAL PERMITTED USES.

In a Single Family Residential District (SFRD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

- (a) Single-family detached dwellings.
- (b) Churches and other facilities normally incidental thereto, subject to site design standards in Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
- (c) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- (d) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit, and the storage of equipment and supplies in buildings under the control of such private schools or educational institutions, subject to site design standards in Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
- (e) Municipal, State or Federal administrative or service buildings.
- (f) Adult foster care family homes. (This subsection shall not apply to adult foster care facilities, licensed by a State agency, for the care and treatment of persons released from or assigned to adult correctional institutions. At least forty-five (45) days before licensing a residential facility herein described, the licensing agency shall notify Council or the designated agency of the City as to where the proposed facility is to be located in order to review the number of existing or proposed similar State licensed residential facilities whose property lines are within a one-thousand, five-hundred (1,500) foot radius of the property lines of the location of the applicant. Council shall, when a proposed facility is to be located within the City, give appropriate notification of the proposal to license the facility to those residents whose property lines are within a one-thousand, five-hundred (1,500) foot radius of the property lines of the proposed facility. A State licensing agency shall not license a proposed residential facility when another State licensed residential facility exists within the one-thousand, five-hundred (1,500) foot radius of the proposed location, unless elsewhere permitted by this Zoning Code, or when the issuance of the license would substantially contribute to an excessive concentration of State licensed residential facilities within the City.)

(This subsection shall not apply to State licensed residential facilities caring for four (4) or fewer minors. This subsection shall not apply to a State licensed residential facility licensed before March 31, 1977, or to a residential facility which was in the process of being developed and licensed before March 31, 1977, if approval for the same had been granted by Council.)
- (g) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section, subject to Section 1294.13, Accessory Buildings and Structures.
- (h) Off-street parking in accordance with Chapter 1290, Off-Street Parking and Loading, including off-street parking A areas.
- (i) Home occupations in which customers or patrons do not visit the site for the delivery of goods and services.

(Res. 98-529A. Passed 12-21-98.)

1268.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Single Family Residential District (SFRD), the following uses shall be permitted, subject to applicable site design standards in Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

- (a) Private, parks, country clubs, golf courses and golf driving ranges if in connection with a golf course or country club.
- (b) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations without open storage yards.
- (c) Nursery schools, day nurseries and child care centers.
- (d) Cemeteries.
- (e) Planned unit developments of a predominantly single-family residential character, in accordance with the standards of Chapter 1288, Planned Unit Developments.
- (f) Adult education facilities and athletic or community centers not operated for profit.
- (g) Home occupations in which customers or patrons visit the site for the delivery of goods and services.
- (h) Temporary buildings for uses incidental to construction work.

(Res. 98-529A. Passed 12-21-98.)

1268.04 SITE PLAN REVIEW.

For all uses in a Single Family Residential District (SFRD), other than single-family detached dwellings and accessory buildings and uses

thereto, a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review.

(Res. 98-529A. Passed 12-21-98.)

1268.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Single Family Residential District (SFRD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-529A. Passed 12-21-98.)

CHAPTER 1270

Multiple Family Residential Districts (MFRD)

1270.01 Purposes.

1270.02 Principal permitted uses.

1270.03 Uses permitted after special approval.

1270.04 Site plan review.

1270.05 Area, height, bulk and placement requirements; performance standards.

1270.06 Screening of parking lots.

CROSS REFERENCES

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Residential Districts - see P. & Z.1290.04,1290.07

Storage and parking of commercial and recreational vehicles in Residential Districts - see P. & Z.1294.07

Front yards in Residential Districts - see P. & Z.1294.34

Fences in Residential Districts - see B. & H.1448.03

1270.01 PURPOSES.

The Multiple Family Residential District (MFRD) is designed primarily for multiple family dwellings, including apartments, townhouses, attached single-family dwellings, and structures originally constructed for single-family residential purposes that have been divided into multiple units. It is designed to promote a harmonious mixture of detached and group housing and related educational, cultural and religious land uses in a basically residential environment.

The Multiple Family Residential District (MFRD) is also designed to permit a more intensive residential use of land with various types of multiple family dwellings. Such uses would generally be located adjacent to streets permitting good accessibility and should be separated from single-family neighborhoods. Various types and sizes of residential units, for ownership or rental, would be provided at planned locations in the community to meet the needs of the different age and family groups in the community.

(Res. 98-529A. Passed 12-21-98.)

1270.02 PRINCIPAL PERMITTED USES.

In a Multiple Family Residential District (MFRD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

(a) All principal permitted uses in the Single Family Residential District (SFRD) as set forth in Section 1268.02, Principal Permitted Uses, and subject to the terms and conditions therein.

(b) All uses permitted after special approval in the Single Family Residential District (SFRD), as set forth in Section 1268.03, Uses Permitted After Special Approval, and subject to the terms and conditions therein, except as otherwise provided in this chapter.

(c) Duplexes and attached single-family dwellings.

(d) Multiple family dwellings, including apartments, apartment houses, townhouses, terraces, efficiency units, and row houses, provided all such dwellings shall have at least one (1) property line abutting a regional or principal thoroughfare as established in the City's Master Plan or Comprehensive Development Plan, or have vehicular access to such a thoroughfare over streets which traverse or travel in districts zoned Multiple Family Residential District (MFRD).

(e) Private schools and educational institutions, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(f) Convalescent and nursing homes, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(g) Adult foster care group homes and congregate facilities, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(h) Tourist homes, boarding houses, rooming houses, lodging houses, and bed and breakfast inns, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(i) Community garages serving the principal residential building and containing space for not more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.

(j) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section.

(k) Off-street parking in accordance with Chapter 1290, Off-Street Parking and Loading.

(Res. 98-529A. Passed 12-21-98.)

1270.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Multiple Family Residential District (MFRD), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission, in accordance with the processing procedures of Section 1262.08, Powers of Council Re Special Approvals:

(a) Planned unit developments of a predominantly multiple-family residential character in accordance with the standards of Chapter 1288, Planned Unit Developments.

(b) Home occupations in which customers or patrons visit the site for the delivery of goods and services.

(c) Hospitals, except animal hospitals, hospitals or sanitariums for the care of contagious, mental, drug or liquor addict cases; medical clinics; medical office centers; and dental clinics.

(d) Convents, nurses homes and dormitories serving a use permitted in this chapter.

(e) Temporary buildings for uses incidental to construction work.

(Res. 98-529A. Passed 12-21-98.)

1270.04 SITE PLAN REVIEW.

For all uses in a Multiple Family Residential District (MFRD), other than single-family detached residences and accessory buildings and uses thereto, a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review.

(Res. 98-529A. Passed 12-21-98.)

1270.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Multiple Family Residential District (MFRD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-529A. Passed 12-21-98.)

1270.06 SCREENING OF PARKING LOTS.

Where required parking lots of any use permitted in a Multiple Family Residential District (MFRD) are erected such that the headlights of the cars in the parking lot will face into any residentially zoned property, a solid masonry wall or other barrier of material, a minimum of three (3) feet in height, shall be required along the parking lot boundary line facing the residentially zoned property.

(Res. 98-529A. Passed 12-21-98.)

CHAPTER 1272

Manufactured Housing Residential Districts (MHRD)

1272.01 Purposes.

1272.02 Principal permitted uses.

1272.03 Uses permitted after special approval.

1272.04 Required standards.

1272.05 Site plan review.

1272.06 Area, height, bulk and placement requirements; performance standards.

1272.07 Screening.

1272.08 Regulations applicable to manufactured housing units and mobile homes.

CROSS REFERENCES

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Residential Districts - see P. & Z.1290.04, 1290.07

Storage and parking of commercial and recreational vehicles in Residential Districts - see P. & Z.1294.07

Front yards in Residential Districts - see P. & Z.1294.34

Fences in Residential Districts - see B. & H.1448.03

1272.01 PURPOSES.

The purpose of the Manufactured Housing Residential District (MHRD) is to provide a district where manufactured housing developments and mobile home parks are allowed after special approval for additional variety in housing opportunities and choices in appropriate locations. Manufactured Housing Residential Districts (MHRD) are characterized by structures of a relatively high density which are replaced

periodically and dwelling units which are permitted by State law to exist without conforming to local codes and ordinances applicable to other dwelling units.

Because the Manufactured Housing Residential District (MHRD) possesses site characteristics similar to multiple-family residential development and because they typically develop with private streets and utility systems, thereby creating an interruption in the continuity of the local streets and utility systems, they are not compatible when located in an otherwise single-family area. Therefore, in this Zoning Code, Manufactured Housing Residential Districts (MHRD) are intended to be located so as to provide a transition of use between extensive nonresidential districts (Industrial and Business Districts) and other residentially zoned districts.

(Res. 98-529A. Passed 12-21-98.)

1272.02 PRINCIPAL PERMITTED USES.

In a Manufactured Housing Residential District (MHRD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

(a) All principal permitted uses in the Single Family Residential District (SFRD) as set forth in Section 1268.02, Principal Permitted Uses, subject to the terms and conditions therein.

(b) All uses permitted after special approval in the Single Family Residential District (SFRD), as set forth in Section 1268.03, Uses Permitted After Special Approval, and subject to the terms and conditions therein, except as otherwise provided in this chapter.

(c) All principal permitted uses in the Multiple Family Residential District (MFRD) as set forth in Section 1270.02, Principal Permitted Uses, subject to the terms and conditions therein.

(d) Manufactured housing developments and mobile home parks, in accordance with the standards of Section 1272.04, Required Standards, in addition to the applicable requirements of Act 243 of the Public Acts of 1959, as amended, and Act 96 of the Public Acts of 1987, as amended, provided that such developments meet the standards and conditions and all other provisions of this Zoning Code and other ordinances of the City.

(e) Off-street parking in accordance with Chapter 1290, Off-Street Parking and Loading.

(Res. 98-529A. Passed 12-21-98.)

1272.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Manufactured Housing Residential District (MHRD), the following uses may be permitted, subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) All uses permitted after special approval in the Multiple Family Residential District (MFRD), as set forth in Section 1268.03, Uses Permitted After Special Approval, and subject to the terms and conditions therein.

(b) Planned unit developments of a predominantly multiple-family residential character in accordance with the standards of Chapter 1288, Planned Unit Developments.

(c) Home occupations in which customers or patrons visit the site for the provision of goods and services.

(Res. 98-529A. Passed 12-21-98.)

1272.04 REQUIRED STANDARDS.

(a) Review Standards. In addition to the standards of this chapter, the Planning Commission and Council shall consider the following standards when considering an application for a manufactured housing development or a mobile home park. Wherever the standards and requirements of this chapter shall exceed State and Federal requirements, the standards of this chapter shall apply:

(1) Whether the proposal meets all the design standards of this chapter, other applicable local codes, regulations, and ordinances, and applicable State and Federal requirements.

(2) Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.

(3) Whether the traffic characteristics of the proposed development can be expected to create a hazard or cause traffic operations of adjacent public streets to result in an unacceptable level of service.

(b) General Requirements and Procedures.

(1) Land and/or buildings in a manufactured housing development or mobile home park may be used for manufactured or mobile homes located in a State-licensed manufactured or mobile home park, and any accessory buildings, structures, and uses.

(2) The parking of more than one (1) manufactured or mobile home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal, unless such parcel or parcels of land shall have been approved as a licensed manufactured or mobile home park under these Codified Ordinances.

(3) The "manufactured/mobile home park occupancy permit" shall be issued by the Building Superintendent only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. The Planning Commission shall require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six (6) months from the date of the request for the permit.

(4) All applications for manufactured housing developments or mobile home parks must be approved by Council, upon the recommendation of the Planning Commission, in accordance with the provisions of this chapter.

(c) Design Standards. All manufactured housing developments or mobile home parks shall be designed and developed in accordance with the following requirements:

(1) The minimum site size for a manufactured housing development or a mobile home park shall be ten (10) acres.

(2) All manufactured or mobile homes shall have a minimum width of twenty (20) feet across any horizontal surface, exclusive of carports or overhangs.

(3) The maximum height of manufactured or mobile homes shall be twenty (20) feet; accessory buildings shall not exceed fourteen (14) feet in height.

(4) Streets and sidewalks within a manufactured housing development or mobile home park shall meet the requirements of the Michigan Manufactured Housing Commission.

(5) Each manufactured or mobile home shall have two (2) off-street parking spaces which shall be paved and shall not obstruct access along required sidewalks.

(6) Each manufactured or mobile home lot, exclusive of streets, shall have a minimum size of four-thousand, five-hundred (4,500) square feet, and a minimum width of forty-five (45) feet, increased to fifty-five (55) feet for corner lots. The minimum area of such lots shall be calculated exclusive of streets, public sidewalks, other required facilities and common or recreation areas. Not more than one (1) manufactured or mobile home shall be parked on any one (1) lot, and no manufactured or mobile home shall be occupied by more than one (1) family.

(7) All manufactured or mobile homes and accessory buildings shall be set back a minimum of twenty-five (25) feet from any property line or public street right-of-way.

(8) The minimum setback between any part of any manufactured or mobile home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches, shall be fifteen (15) feet from the near (home side) edge of the sidewalk; the minimum setback from any rear lot line shall be ten (10) feet, from the side lot line on the entry side, fifteen (15) feet, and from the side lot line on the non-entry side, five (5) feet.

(9) Landscaping and screening along the right-of-way frontage and along adjacent property lines as required for multiple-family developments shall be in accordance with Section 1296.03, Landscaping Standards, of this Zoning Code. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree with a minimum caliper of two and one-half (2 ½) inches shall be provided for every two (2) lots, located to provide shade for manufactured housing development or mobile home park sites.

(10) A minimum of twenty-five percent (25%) of the total site area shall be developed as common open space in the form of greenbelts, buffer zones, and recreation space. A manufactured housing development or mobile home park shall include recreation space equal to three hundred (300) square feet for each manufactured or mobile home site. This recreation area shall have an average width of not less than half its average length, and shall be developed with recreational facilities and fields, and maintained by the management.

(11) All utilities shall be underground.

(12) All lots shall be provided with municipal public water and sanitary sewer service in accordance with the Michigan Public Health Code, and all manufactured or mobile homes shall be connected thereto. These shall be connected with an approved public water and sanitary sewer service system.

(13) The manufactured housing development or mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site stormwater detention or retention may be required where deemed necessary by the City Engineer.

(14) Containers for refuse storage screened by a six (6)-foot decorative masonry wall with a gate of opaque material shall be provided within one-hundred-fifty (150) feet of each manufactured or mobile home.

(15) A manufactured or mobile home sales lot shall not be permitted in conjunction with any manufactured housing development or mobile home park.

(Res. 98-529A. Passed 12-21-98.)

1272.05 SITE PLAN REVIEW.

For all uses in a Manufactured Housing Residential District (MHRD), other than single-family detached residences and accessory buildings and uses thereto, a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Applicants for manufactured housing developments and mobile home parks are encouraged to submit a preliminary site plan prior to submittal of the final site plan.

(Res. 98-529A. Passed 12-21-98.)

1272.06 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Manufactured Housing Residential District (MHRD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-529A. Passed 12-21-98.)

1272.07 SCREENING.

Protective screening shall be provided in accordance with Section 1294.28, Screening, between Manufactured Housing Residential Districts (MHRD) and all other zoning districts.

(Res. 98-529A. Passed 12-21-98.)

1272.08 REGULATIONS APPLICABLE TO MANUFACTURED HOUSING UNITS AND MOBILE HOMES.

Any manufactured housing unit or mobile home shall be permitted only if it complies with all of the following requirements:

(a) The manufactured or mobile home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Superintendent, to be in excellent

condition and safe and fit for residential occupancy.

(b) The manufactured or mobile home shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the City; provided, however, that where a dwelling unit is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the City, then, and in such event, such Federal or State standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Superintendent.

(c) The manufactured or mobile home shall be installed with the wheels removed; shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the Building Code for on-site constructed single-family dwellings; and its foundation and skirting shall fully enclose the chassis, undercarriage and towing mechanism.

(d) The manufactured or mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.

(e) A storage area within a building with an area of no less than one-hundred-twenty (120) square feet shall be provided. This storage area may consist of a basement, closet area, attic or attached garage in a principal building, or in a detached accessory building, which is in compliance with all other applicable provisions of this chapter pertaining to accessory buildings.

(f) Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the Building Code.

(g) The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.

(h) The dwelling unit shall have not less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.

(Res. 98-529A. Passed 12-21-98.)

CHAPTER 1274

Community Service Districts (CSD)

1274.01 Purposes.

1274.02 Principal permitted uses.

1274.03 Uses permitted after special approval.

1274.04 Site plan review.

1274.05 Area, height, bulk and placement requirements; performance standards.

1274.06 Screening.

CROSS REFERENCES

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Residential Districts - see P. & Z.1290.04, 1290.07

Storage and parking of commercial and recreational vehicles in Residential Districts - see P. & Z.1294.07

Front yards in Residential Districts - see P. & Z.1294.34

Fences in Residential Districts - see B. & H.1448.03

1274.01 PURPOSES.

The purpose of the Community Service District (CSD) is to provide adequate space for the development of uses and services that are critical for the vitality and well-being of residential neighborhoods by preserving such areas already devoted to such uses. These uses include, but are not limited to, schools, parks and playgrounds, churches, and senior housing. These uses are necessary for residential neighborhoods to function properly and should be located within them. However, such uses must adhere to the character and design patterns of the established neighborhoods by emphasizing pedestrian accessibility over automobile accessibility.

(Res. 98-340A. Passed 9-21-98.)

1274.02 PRINCIPAL PERMITTED USES.

In a Community Service District (CSD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

- (a) Churches, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
- (b) Child care centers, nursery schools, day nurseries, and adult day care centers (not including dormitories or any type of overnight care).
- (c) Public parks, playgrounds, athletic fields, and recreation centers.
- (d) Public or private schools, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
- (e) Senior housing and housing for the elderly, including convalescent and nursing homes, and adult foster care group homes and

congregate facilities subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(f) Off-street parking in accordance with Chapter 1290, Off-Street Parking and Loading.

(Res. 98-340A. Passed 9-21-98.)

1274.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Community Service District (CSD), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council, after recommendation from the Planning Commission, in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) Adult education facilities and athletic or community centers not operated for profit.

(b) Cemeteries.

(c) Municipal, State or Federal administrative or service buildings.

(d) Private, parks, country clubs, golf courses and golf driving ranges if in connection with a golf course or country club.

(e) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations without open storage yards.

(f) Planned unit developments of a predominantly single-family residential character, in accordance with the standards of Chapter 1288, Planned Unit Developments.

(g) Single-family detached dwellings and home occupations.

(Res. 98-340A. Passed 9-21-98.)

1274.04 SITE PLAN REVIEW.

For all uses in a Community Service District (CSD), other than single-family detached residences and accessory buildings and uses thereto, a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review.

(Res. 98-340A. Passed 9-21-98.)

1274.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Community Service District (CSD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1290.31, Performance Standards, and 1290.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

1274.06 SCREENING.

Where required parking lots of any use permitted in a Community Service District (CSD) are erected such that the headlights of the cars in the parking lot will face into any residentially zoned property, a solid masonry wall or other barrier of material, a minimum of three (3) feet in height, shall be required along the parking lot boundary line facing the residentially zoned property, unless the Planning Commission determines such wall or barrier will serve no adequate purpose.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1276

Neighborhood Business Districts (NBD)

1276.01 Purposes.

1276.02 Principal permitted uses.

1276.03 Uses permitted after special approval.

1276.04 Site plan review; screening.

1276.05 Area, height, bulk and placement requirements; performance standards.

1276.06 Required conditions.

CROSS REFERENCES

Registration of businesses - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Waiting areas for drive-through facilities in Business Districts - see P. & Z.1290.03

Off-street parking areas in Business Districts - see P. & Z.1290.05

Dwellings in Business Districts - see P. & Z.1294.10

Fences in Business Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1276.01 PURPOSES.

The Neighborhood Business District (NBD) is intended to permit retail business and service uses which are needed to serve an immediate neighborhood's nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic or late hours of operation, are prohibited. The intent of the District is also to encourage the concentration of neighborhood business areas that harmonize with the character of surrounding uses to the mutual advantage of both consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal, strip, business development along major thoroughfares. The intended potential customer base for these uses are the residential neighborhoods immediately adjacent to a Neighborhood Business District (NBD).

(Res. 98-340A. Passed 9-21-98.)

1276.02 PRINCIPAL PERMITTED USES.

In a Neighborhood Business District (NBD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

- (a) Offices and business services, including the following:
 - (1) Business, professional or governmental offices.
 - (2) Financial institutions, including banks, savings and loan association offices, credit unions, automated teller machines, and loan production offices.
 - (3) Post offices or postal stations.
 - (4) Professional services, such as insurance, real estate, legal, financial, and similar or allied professions.
 - (5) Uses similar to the uses set forth in this subsection.
- (b) Medical offices, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, including the following:
 - (1) Offices for a doctor, physician, osteopath, optometrist, dentist, chiropractor or certified massage therapist, or for similar or allied professions.
 - (2) Immediate care medical centers and industrial health clinics that do not require separate or additional security personnel.
 - (3) Medical laboratories and testing/research establishments.
 - (4) Veterinary clinics and animal grooming, provided all activities are conducted within an enclosed building.
- (c) Clothing services, including the following:
 - (1) Laundry agencies.
 - (2) Self-service laundry and dry cleaning establishments.
 - (3) Dry cleaning establishments using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, and using cleaning fluid which is nonexplosive and nonflammable.
 - (4) Dressmaking shops.
 - (5) Millinery shops.
 - (6) Tailor, pressing, and alteration shops.
 - (7) Shoe repair shops.
- (d) Equipment services, including the following:
 - (1) Radio or television shops.
 - (2) Electrical appliance and electronic equipment shops.
 - (3) Recorded music shops.
 - (4) Jewelry and watch repair shops.
 - (5) Uses similar to the uses set forth in this subsection.
- (e) Food services (excluding drive-in type businesses), the business of which shall be conducted entirely within an enclosed building, including, but not limited to, the following:
 - (1) Groceries, including beer, wine and liquor, fruit, vegetables, meat, dairy products and baked goods, confections, or similar commodities for consumption off the premises, provided no more than ten percent (10%) of the gross floor area is used for the storage and/or display of beer, wine, and liquor. Such food products may be prepared on the premises as an accessory use if they are sold at retail prices on the premises.
 - (2) Restaurants, taverns and brewpubs (as defined by the Michigan Liquor Control Commission) with up to four (4) billiard tables or other amusement games or devices.
 - (3) Delicatessens.
 - (4) Coffee houses.
 - (5) Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, for all uses listed in the subsection, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
 - (6) Specialty wine shops.

(7) Uses similar to the uses set forth in this subsection.

(f) Personal services, including the following:

- (1) Barber shops.
- (2) Beauty shops and hair stylists.
- (3) Child care centers.
- (4) Copy centers.
- (5) Health salons, spas, and gymnasiums.
- (6) Tanning salons.
- (7) Photographic studios.
- (8) Uses similar to the uses set forth in this subsection.

(g) Retail services and retail stores generally with less than twenty thousand (20,000) square feet of gross floor area, including the following:

- (1) Antique shops.
- (2) Apparel shops.
- (3) Automobile and other vehicle parts stores, excluding facilities for servicing automobiles or other vehicles.
- (4) Drugstores and pharmacies.
- (5) Flower and plant shops, excluding greenhouses.
- (6) Gift shops.
- (7) Hardware, paint and wallpaper stores.
- (8) Household appliance stores.
- (9) Newsdealers and book stores, excluding adult book stores.
- (10) Stationery stores.
- (11) Variety stores.
- (12) Video rentals and sales stores.

(h) Essential public services, public and semi-public institutional buildings, structures, and uses, including public parks, but excluding churches, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(i) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section, including:

(1) Signage that conforms with Chapter 1476, Sign Code. (Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

(2) Garages to be used exclusively for the storage of commercial and/or passenger motor vehicles which are to be used in connection with a business permitted and located in a Neighborhood Business District (NBD).

(j) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.

(Res. 98-340A. Passed 9-21-98.)

(k) Apartments located on the second story of a building only, which existed prior to the effective date of this section, provided that all public utilities are available, and all units shall have at least one (1) living room and one (1) bedroom. Business and office uses may occupy a building used for residential uses, provided that no such business or office use may be located on the same floor as that which is used for residential purposes.

(Res. 99-417A. Passed 9-7-99.)

1276.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Neighborhood Business District (NBD), the following uses may be permitted, subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

(b) All establishments with drive-through service windows.

(c) Shopping centers with less than twenty thousand (20,000) square feet of gross floor area, containing uses permitted in this chapter.

(d) Any service establishment of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator or building contractor, and similar establishments that require retail outlets, except that no outdoor storage of equipment or materials shall be permitted.

(e) Automotive service centers without fueling stations, provided that no outside storage of vehicles shall exceed a period of twenty-four (24) hours.

(f) Temporary buildings for uses incidental to construction work.

(g) Uses similar to the principal permitted uses provided in Section 1276.02, Principal Permitted Uses, after the Planning Commission has

determined that such uses are in harmony with the character of the District and the purpose and intent of the Comprehensive Development Plan of the City.

(h) Secondhand stores.

(Res. 98-340A. Passed 9-21-98; Res. 01-231. Passed 4-9-01; Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

1276.04 SITE PLAN REVIEW; SCREENING.

For all uses in a Neighborhood Business District (NBD), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a Neighborhood Business District (NBD), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1276.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Neighborhood Business District (NBD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

1276.06 REQUIRED CONDITIONS.

The following conditions are required for all uses in a Neighborhood Business District (NBD):

(a) Unless otherwise permitted in this chapter, all business, service or processing shall be conducted wholly within a completely enclosed building.

(b) All lighting in connection with permitted business uses shall be so arranged as to reflect away from adjoining residence buildings or residentially zoned property, and shall be no greater than ten (10) foot candles at any point upon the lot, and no greater than one (1) foot candle along any lot line.

(c) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be sold at retail on the premises where produced and/or processed.

(d) Where a new or expanded land use occurs in a Neighborhood Business District (NBD), after the effective date of this Zoning Code, which new or expanded land use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1278

Municipal Business Districts (MBD)

1278.01 Purposes.

1278.02 Principal permitted uses.

1278.03 Uses permitted after special approval.

1278.04 Site plan review; screening.

1278.05 Area, height, bulk and placement requirements; performance standards.

CROSS REFERENCES

Registration of businesses - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Waiting areas for drive-through facilities in Business Districts - see P. & Z.1290.03

Off-street parking areas in Business Districts - see P. & Z.1290.05

Dwellings in Business Districts - see P. & Z.1294.10

Fences in Business Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1278.01 PURPOSES.

The Municipal Business District (MBD) is intended to permit a wider range of business and entertainment activities than those permitted in the Neighborhood Business District (NBD). The permitted uses are intended to provide businesses and services usually found in major business areas along major streets or regional thoroughfares or near freeway access ramps. These uses generate large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent residential areas. The intended potential customer base for these uses is the entire Municipality, and not just the immediate residential neighborhoods.

(Res. 98-340A. Passed 9-21-98.)

1278.02 PRINCIPAL PERMITTED USES.

In the Municipal Business District (MBD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

(a) All uses permitted in the Neighborhood Business District (NBD), subject to the terms and conditions therein, excluding apartments.

(Res. 99-417A. Passed 9-7-99.).

(b) Adult day care and foster care facilities, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(c) Any service establishment of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator or building contractor, and similar establishments that require retail outlets, except that no outdoor storage of equipment or materials shall be permitted.

(d) Assembly halls.

(e) Automobile, truck, motorcycle, trailer, recreational vehicle or boat showrooms, excluding the outdoor storage or display of sales products.

(f) Bus or railroad passenger stations.

(g) Business recreation uses, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, including the following:

(1) Indoor theaters.

(2) Bowling alleys.

(3) Dance halls.

(4) Skating rinks.

(h) Business schools or private schools operated for a profit, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(i) Business service establishments, such as office machine and typewriter repair, printing, and blueprinting.

(j) Commercial outdoor and indoor recreational establishments, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(k) Commercial schools and training centers, including art and dance studios, music and voice schools, and business schools, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(l) Churches, temples, and similar places of worship, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(m) Commercial greenhouses, nurseries, and garden centers less than one-thousand (1,000) square feet, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(n) Drive-through service establishments, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(o) Funeral homes, undertaking establishments or mortuaries, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(p) Government buildings and uses.

(q) Hotels, motels, and bed and breakfast inns.

(r) Physical culture facilities, such as gymnasiums, reducing salons and beauty schools.

(s) Printing and publishing establishments, including newspaper offices and publishers.

(t) Private clubs, lodge halls, and similar assembly buildings.

(u) Public utility offices, telephone exchanges and public utility substations within a completely enclosed building (not necessarily roofed), subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(v) Retail businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building of less than sixty-thousand (60,000) square feet of gross floor area.

(w) Shopping centers with less than sixty-thousand (60,000) square feet of gross floor area, containing uses permitted in this chapter.

(x) Supermarkets with less than sixty-thousand (60,000) square feet of gross floor area.

(y) Theaters and cinemas.

(z) Veterinary hospitals and clinics (excluding the outdoor use of property for pens, boarding, or other similar uses), subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(aa) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section, including:

(1) Signage that conforms with Chapter 1476, Sign Code. (Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

(2) Garages to be used exclusively for the storage of commercial and/or passenger motor vehicles which are to be used in connection with a business permitted and located in a Municipal Business District (MBD).

(3) Drive-through service windows.

(bb) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.

(cc) Antique mall less than twenty thousand (20,000) square feet in area; subject to the site design standards of Section 1296.02, Site

Design Standards for Uses Permitted after Special Approval.

(Res. 98-340A. Passed 9-21-98; Res. 2012-223A. Passed 7-16-12, effective 8-1-12.)

1278.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Municipal Business District (MBD), the following uses may be permitted, subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) All principal uses after special approval in a Neighborhood Business District (NBD), as set forth in Section 1276.03, Uses Permitted After Special Approval.

(b) Automobile and other vehicle wash establishments.

(Res. 98-340A. Passed 9-21-98.)

(c) Automotive fueling stations with or without the following accessory uses:

(1) Convenience stores and/or restaurant with or without drive through service of no more than two thousand, five hundred (2,500) square feet each; or

(2) An automobile service center or repair station.

An automotive fueling station with a convenience store and/or a restaurant with or without drive-through service shall not have as an accessory use an automobile service center or repair station.

(Res. 99-416A. Passed 9-7-99; Res. 08-40. Passed 1-28-08.)

(d) Automotive repair stations, provided any outdoor storage of vehicles is screened in accordance with the standards of Section 1294.28, Screening.

(e) Building and lumber supply or contracting firms, including landscape construction services, with incidental outside storage of equipment and materials on the same lot.

(f) Cocktail lounges and nightclubs, including those with more than four (4) billiard tables or other amusement devices.

(g) Colleges or universities.

(h) Commercial greenhouses, nurseries, and garden centers exceeding one-thousand (1,000) square feet of floor area.

(i) Drive-in restaurants or other drive-in establishments serving food and/or beverages.

(j) Mechanical amusement device arcades, pinball parlors and pool or billiard halls.

(k) New or used mobile home, excavation equipment, machinery or farm implement sales; new or used motor vehicle or recreational vehicle sales or rentals, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, wherein motor vehicles or recreational vehicles are stored or displayed outside of completely enclosed buildings.

(l) Open air business uses.

(m) Party stores.

(n) Storage garages.

(o) Veterinary hospitals and clinics with outdoor pens, boarding, or other similar uses.

(p) Uses similar to the principal permitted uses of Section 1278.02, Principal Permitted Uses, and not listed elsewhere in this Zoning Code as a principal permitted use or a special approval use.

(q) Wholesale stores.

(r) Antique malls at least twenty thousand (20,000) square feet in area.

(s) Secondhand stores.

(Res. 98-340A. Passed 9-21-98; Res. 2012-223A. Passed 7-16-12, effective 8-1-12; Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

1278.04 SITE PLAN REVIEW; SCREENING.

For all uses in a Municipal Business District (MBD), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a Municipal Business District (MBD), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1278.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Municipal Business District (MBD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Regulations.

(Res. 98-340A. Passed 9-21-98.)

Central Business Districts (CBD)

- 1280.01 Purposes.
- 1280.02 Principal permitted uses.
- 1280.03 Uses permitted after special approval.
- 1280.04 Site plan review; screening.
- 1280.05 Development standards.
- 1280.06 Area, height, bulk and placement requirements; performance standards.

CROSS REFERENCES

- Registration of businesses - see B.R. & T.Ch. 866
- Districts generally and Zoning Map - see P. & Z.Ch. 1266
- Waiting areas for drive-through facilities in Business Districts - see P. & Z.1290.03
- Off-street parking areas in Business Districts - see P. & Z.1290.05
- Dwellings in Business Districts - see P. & Z.1294.10
- Fences in Business Districts - see B. & H.1448.04
- Commercial Code - see B. & H.Ch. 1486

1280.01 PURPOSES.

The Central Business District is designed and intended to promote the development of a pedestrian oriented and accessible central commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the District and shall not have an adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The Central Business District is further designed and intended to:

- (a) Encourage innovative, neotraditional commercial/mixed use developments.
- (b) Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking.
- (c) Extend greater opportunities for traditional community living, working, housing and recreation to all citizens and residents of the City.
- (d) Encourage a more efficient use of land and of public services, and to reflect changes in technology of land development, by directing new development in a traditional pattern of mixed use and varied commercial styles.
- (e) Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.
- (f) Discourage the development of drive-through facilities, which contribute to traffic congestion.
- (g) Discourage the development of separate off-street parking facilities for each individual use, and encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses.
- (h) Prohibit uses that do not deal directly with consumers and are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automotive service and repair stations, automotive fueling stations, automobile parts retail stores, automobile washes, new and used motor vehicle sales or service establishments, drive-in restaurants, restaurants with drive-through facilities, and businesses with drive-through facilities (such as, but not limited to, banks, credit unions, pharmacies, etc.).
- (i) Promote the creation of urban places which are oriented to the pedestrian, thereby promoting citizen security and social interaction.
- (j) Promote developments where the physical, visual and spatial characteristics thereof are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in coherent overall development patterns and streetscape.
- (k) Discourage commercial and business uses that create objectionable noise, glare or odors.
- (l) Encourage development of an urban "Main Street" with mixed land uses and shared parking.

(Res. 98-340A. Passed 9-21-98.)

1280.02 PRINCIPAL PERMITTED USES.

In the Central Business District (CBD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

- (a) All principal permitted uses and uses permitted after special approval in the Neighborhood Business District (NBD), excluding drive-through establishments, subject to the conditions therein.
- (b) Apartments, provided that all public utilities are available and that all units shall have at least one (1) living room and one (1) bedroom, except that five percent (5%) of the units may be of an efficiency apartment type, and not more than twenty-five percent (25%) may be of one (1)-bedroom units, or fifty percent (50%) in a mixed-use building.

Business and office uses may occupy a building used for residential uses, provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential use.

- (c) Bus or railroad passenger stations.
 - (d) Business schools and colleges.
 - (e) Business establishments which perform services on the premises such as, but not limited to, banks, savings and loans and credit unions (not including drive-through branches); insurance offices, real estate offices and travel agencies; and pedestrian oriented automated teller machine facilities.
 - (f) Churches, temples, and similar places of worship.
 - (g) Clubs, fraternal organizations, and lodge halls.
 - (h) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
 - (i) Government buildings and uses.
 - (j) Medical offices, including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet of gross floor area.
 - (k) Hotels, motels, and bed and breakfast inns.
 - (l) Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of subsection (w) hereof.
 - (m) Newspaper offices and publishers, and commercial printers.
 - (n) Offices of an executive, administrative or professional nature, with up to ten-thousand (10,000) square feet of gross floor area.
 - (o) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.
 - (p) Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
 - (q) Outdoor theaters, plazas, parks, and public gathering places.
 - (r) Personal service shops, provided that each occupies a total usable floor area of not more than four-thousand (4,000) square feet, including, but not limited to, such uses as repair shops (watches, radio, television, shoe, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers, and dry cleaning pickup stations.
 - (s) Public, quasi-public, and institutional uses, such as municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks, civic centers, and fraternal organizations.
 - (t) Retail businesses which supply commodities on the premises, of under ten-thousand (10,000) square feet, such as, but not limited to, groceries, meats, fruits and produce, dairy products, baked goods, candies, and other specialty food products (such products can be produced on the premises as an accessory use, provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, videos (rentals and sales), gifts and souvenirs, furniture, and hardware. Retail sales may be conducted outdoors on sidewalks, provided:
 - (1) At least five (5) feet of sidewalk width is unobstructed for pedestrian traffic.
 - (2) All equipment and merchandise is kept indoors during non-business hours.
 - (u) Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstery, printing, photographic-reproducing, radio, and home appliance and establishments of similar character, subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities, and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
 - (v) Restaurants (excluding drive-in restaurants and those with drive-through facilities), taverns, brewpubs (as defined by the Michigan Liquor Control Commission) and cocktail lounges, where the patrons are served while seated within the building occupied by such establishment.
 - (w) Residential dwellings, provided the following conditions are met:
 - (1) Single-family detached dwellings shall meet the requirements for the Single Family Residential District (SFRD). The minimum distance between buildings shall be ten (10) feet. Front building setbacks shall equal the average setback line of the block. Building setback to any side property line shall be thirty (30) feet, except where adjacent to single-family residential property. Driveways, parking and walls may be within the setback, as long as a ten (10)-foot greenbelt area is placed between the property line and any improvement.
 - (2) Multiple housing dwelling units and attached single-family units (i.e. cluster housing, duplexes and townhouses) shall meet the requirements of the Multiple Family Residential District (MFRD) and/or cluster housing option as modified herein.
- In a multiple-family development within the Central Business District (CBD), the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand, two-hundred (1,200). If such multiple housing is within a mixed-use building, a factor of eight-hundred (800) shall apply, pursuant to the following: Business, commercial, office, and warehouse uses may occupy a building used for residential uses, provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for a business, commercial, office, or warehouse use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential use. Warehouse uses must be related to a business, commercial, or office use located elsewhere within the same building.
- (x) Theaters, assembly halls, community centers, or similar places of assembly, when conducted completely within enclosed buildings.
 - (y) Veterinary clinics and animal grooming, provided all activities are conducted within an enclosed building, with up to ten-thousand (10,000) square feet of gross floor area.

(Res. 98-340A. Passed 9-21-98.)

1280.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Central Business District (CBD), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

- (a) Antique malls.
- (b) Child care centers, nursery schools, day nurseries, and adult day care centers (not including dormitories or any type of overnight care). Reduced outdoor play space may be allowed by the Planning Commission upon a showing that alternative indoor space is available and that at least thirty-five (35) square feet of outdoor space per child is available either on-site or on nearby available open space or publicly dedicated park land, provided that safe pedestrian access is afforded across any intersecting road and that appropriate security is provided.
- (c) Commercial parking lots and structures.
- (d) Essential public services and buildings within an enclosed building in keeping with the character of the surrounding area and this zoning district.
- (e) Indoor recreational centers, including mechanical amusement device arcades, pinball parlors and pool or billiard halls.
- (f) Mortuaries and funeral homes.
- (g) Open air business uses, unless otherwise permitted in Section 1280.02, Principal Permitted Uses.
- (h) Self-service laundromats.
- (i) Senior housing and housing for the elderly.
- (j) Uses similar to the principal permitted uses provided in Section 1280.02, Principal Permitted Uses, after the Planning Commission has determined that such uses are in harmony with the character of the District and the purpose and intent of the Comprehensive Development Plan of the City.
- (k) Antique malls.
- (l) Body art facilities.

(Res. 98-340A. Passed 9-21-98; Res. 2012-223A. Passed 7-16-12. Eff. 8-1-12; Res. 2018-99A. Passed 4-16-18. Eff. 5-2-18.)

1280.04 SITE PLAN REVIEW; SCREENING.

For all uses in a Central Business District (CBD), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a Central Business District (CBD), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1280.05 DEVELOPMENT STANDARDS.

Except as otherwise noted, buildings and uses in the Central Business District (CBD) shall comply with the following requirements:

- (a) Building Entrances. All buildings shall have at least one public entrance that faces the street. Rear entrances are permitted only if there is a primary entrance from the main street.
 - Doors measuring seven (7) and eight (8) feet high are strongly suggested. Doors measuring six (6) feet, eight (8) inches high shall have a glass transom with a minimum height of twelve (12) inches.
 - (b) Facade Design. All building facades that face a street shall conform with the requirements of Section 1296.04, Standards for Architecture and Building Materials, and with the following design criteria:
 - (1) Fenestration. All facades visible from the street must be glazed with transparent glass, with the following requirements:
 - A. First floor: minimum sixty percent (60%) of facade, seventy percent (70%) maximum.
 - B. Second floor: minimum thirty percent (30%) of facade, sixty percent (60%) maximum.
- Glazing on first floor (retail space) to occur between two (2) feet, six (6) inches (minimum) and eight (8) feet (maximum) above sidewalk. First floor height shall be twelve (12) foot minimum. Blank, windowless walls are prohibited.
- Vertical window orientation shall have a ratio of one (1) wide to two (2) high minimum, and shall be consistent with adjacent buildings. Each shutter to be mounted on either side of a window shall be equal to one-half (½) of the width and one (1) times the height.
- (2) Building materials. Buildings are to be constructed from permanent materials that will weather handsomely over time, such as brick, stone, masonry, or other natural materials. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
 - (3) Exterior colors. Exterior colors shall be compatible with the colors on adjacent buildings, subject to review and approval by the Planning Commission. Proposed colors shall be specified on the site plan. Bright or fluorescent colors are prohibited. Samples of building materials and colors are required at the time of site plan review for review and approval of the Planning Commission. Site plan reviews may be tabled for lack of building samples.
- (c) Side or Rear Facade Design. Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:
 - (1) Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kickplate or

sill level of the first floor. The cornice shall terminate or cap the top of a building wall, and may project out horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and other details. The middle section of a building may be horizontally divided at the floor, lintel, or sill level with belt or string courses.

(2) Waste receptacle and service areas shall be completely screened with a decorative masonry wall as approved by the Planning Commission.

(3) Open areas shall be landscaped with lawn, ground cover, ornamental shrubs and trees. On every site involving new development or redevelopment, foundation plantings adjacent to the building shall be provided. The species and design shall meet the requirements of Section 1296.03, Landscaping Standards, of this Zoning Code.

(d) Awnings. Awnings shall be permitted on buildings as follows:

(1) All awnings must be made from canvas fabric or similar water-proofed material, rather than metal, aluminum, plastic, or rigid fiberglass.

(2) All awnings shall be attached directly to the building, rather than supported by columns or poles.

(3) In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

(e) Lighting. Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture, shall be prohibited, except where historic-style lighting is used that is compatible with existing historic-style lamps approved by the Planning Commission.

Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of one (1)-foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of two (2)-foot candles, measured five (5) feet above the surface.

(f) Parking. Parking and parking lot design shall comply with the standards set forth below, in addition to the provisions of Chapter 1290, Off-Street Parking and Loading, and Section 1296.03, Landscaping Standards, of this Zoning Code.

(1) No new parking lot shall be created, nor shall any existing parking lot be expanded in front of a building, unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:

A. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site; or

B. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one (1) or more parking lots on adjoining parcels.

If the Planning Commission determines that a new parking lot must be created or an existing parking lot must be expanded, the parking lot shall be located to the rear of the building (unless the conditions set forth in paragraphs (f)(1)A. and B. hereof are satisfied), on the interior of the lots, accessed by means of common driveways, preferably from side streets or lanes. Such parking lots shall be small in scale where possible, and interconnected with commercial parking lots on adjacent properties. Cross-access easements for adjacent lots with interconnected parking lots shall be required, in language acceptable to the City Attorney. Common, shared parking facilities are encouraged, wherever possible.

(2) Parking located in front or on the side of a building shall be screened from the road with one (1) of the following: a thirty-six (36) inch decorative masonry or stone wall; a forty-eight (48) inch ornamental fence; or a thirty-six (36) inch evergreen hedge in accordance with Section 1296.03, Landscaping Standards.

(3) In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Chapter 1290, Off-Street Parking and Loading, of this Zoning Code.

(4) Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.

(g) Landscaping. Landscaping shall comply with the provisions of Section 1296.03, Landscaping Standards, of this Zoning Code, in addition to the standards below:

(1) On every site involving new development or redevelopment, street trees with a minimum caliper of two and one-half (2 ½) inches shall be provided at twenty-five (25) foot intervals. Any of the following street trees with a minimum caliper of two and one-half (2 ½) inches shall be planted within the road right-of-way at twenty-five (25) foot intervals: Norway Maple, Red Maple, Green Ash, Bradford Pear, or Little Leaf Linden, subject to review and approval by the Planning Commission.

(2) On every site involving new development or redevelopment, a landscape plan shall be submitted for review and approval. The landscape design shall complement the character of the downtown.

(3) Lots for apartment and non-residential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial or residential uses shall be designed with textured paving, landscaping and street furniture.

(h) Building Setback. Buildings shall be built at lot lines with no setbacks, or the average setback of other buildings on the block, as determined by the Planning Commission.

(i) Building Height. The minimum height of all buildings shall be two (2) stories and twenty-eight (28) feet. Both stories shall contain habitable commercial, office, or residential space.

(j) Building Mass. Buildings located at gateways entering the Central Business District shall mark the transition into and out of the downtown in a distinct fashion, using massing, additional height, contrasting materials and architectural embellishments to obtain this effect. Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front facades visibly exposed to the street. The Planning Commission may require additional height and architectural embellishments, such as corner towers, relating to their location.

(k) Service Access. A service alley or designated loading space shall be reserved at the rear of the building.

(l) Sidewalk Displays. Sidewalk displays shall be permitted directly in front of an establishment, provided at least five (5) feet of clearance is maintained along pedestrian circulation routes.

(1) Display cases shall be located against the building wall and shall not be more than two (2) feet deep. The display area shall not exceed fifty percent (50%) of the length of the store front.

(2) Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.

(3) Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

(m) Courtyards and Plazas. Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three (3) sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure.

(Res. 10-65A. Passed 4-19-10. Eff. 5-5-10)

(n) Mechanical Equipment. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames, or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models which provide a sense of transparency, in light colors, are encouraged. Other types of security devices fastened to the exterior walls are prohibited.

(Res. 98-340A. Passed 9-21-98; Res. 10-65A. Passed 4-19-10. Eff. 5-5-10.)

1280.06 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Central Business District (CBD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.34, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1282

Regional Business Districts (RBD)

1282.01 Purposes.

1282.02 Principal permitted uses.

1282.03 Uses permitted after special approval.

1282.04 Site plan review; screening.

1282.05 Area, height, bulk and placement requirements; performance standards.

CROSS REFERENCES

Registration of businesses - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Waiting areas for drive-through facilities in Business Districts - see P. & Z.1290.03

Off-street parking areas in Business Districts - see P. & Z.1290.05

Dwellings in Business Districts - see P. & Z.1294.10

Fences in Business Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1282.01 PURPOSES.

The Regional Business District (RBD) is intended to permit a wider range of business and entertainment activities than those permitted in any other business or commercial district within the City. The permitted uses are intended to be similar to those permitted in the Municipal Business District (MBD) in that they are usually found in major business areas along major streets or regional thoroughfares or near freeway access ramps, generate large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent areas. However, the Regional Business District (RBD) is intended to permit uses of a larger size and scale than those found in any other business or commercial district. The intended potential customer base for these uses is the entire Municipality, along with the surrounding communities throughout the southeastern Michigan region.

(Res. 98-340A. Passed 9-21-98.)

1282.02 PRINCIPAL PERMITTED USES.

In the Regional Business District (RBD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

(a) All uses permitted in the Neighborhood Business District (NBD), Municipal Business District (MBD) and Central Business District (CBD), subject to the terms and conditions therein, excluding all residential uses.

(b) All establishments with drive-through service windows.

(c) Automobile and other vehicle wash establishments.

(Res. 98-340A. Passed 9-21-98.)

(d) (1)Automotive fueling stations, including those combined with food services, restaurants and/or convenience stores, of no more than five thousand (5,000) square feet.

(2)Automotive fueling stations and automobile service centers/stations, without accessory or combined food services, restaurants and/or convenience stores.

(Res. 99-416A. Passed 9-7-99.)

(e) Building and lumber supply or contracting firms, including landscape construction services, with incidental outside storage of equipment and materials on the same lot.

(f) Child care centers, nursery schools, day nurseries, and adult day care centers (not including dormitories or any type of overnight care).

(g) Colleges or universities.

(h) Commercial greenhouses, nurseries, and garden centers exceeding one-thousand (1,000) square feet of floor area.

(i) Drive-in restaurants or other drive-in establishments serving food and/or beverages.

(j) Essential public services and buildings within an enclosed building.

(k) Hypermarkets.

(l) Indoor recreational centers.

(m) Mortuaries and funeral homes.

(n) Retail businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building of more than sixty-thousand (60,000) square feet of gross floor area.

(o) Self-service laundromats.

(p) Senior housing and housing for the elderly.

(q) Shopping centers with more than sixty-thousand (60,000) square feet of gross floor area, containing uses permitted within this chapter.

(r) Temporary buildings for uses incidental to construction work.

(s) Veterinary hospitals and clinics with outdoor pens, boarding, or other similar uses.

(t) Wholesale stores.

(u) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.

(v) Indoor flea markets, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted after Special Approval. (Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

(w) Antique malls less than twenty thousand (20,000) square feet in area, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted after Special Approval.

(Res. 98-340A. Passed 9-21-98; Res. 2012-223A. Passed 7-16-12, effective 8-1-12; Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

1282.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Regional Business District (RBD), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) (1) Automotive fueling stations and automobile service centers/stations, including those combined with food services, restaurants and/or convenience stores.

(2) Automotive repair stations, provided that any outdoor storage of vehicles is screened in accordance with the standards of Section 1294.28, Screening.

(Res. 99-416A. Passed 9-7-99.)

(b) Cocktail lounges and nightclubs.

(c) Hospitals, including animal hospitals and hospitals or sanitariums for the care of contagious acute, mental, drug or liquor addict cases and long term-acute care; and medical clinics; medical office centers; and dental clinics.

(d) Mechanical amusement device arcades, pinball parlors, and billiard and pool halls.

(e) New or used motor vehicle or recreational vehicle sales or rentals, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, wherein motor vehicles or recreational vehicles are stored or displayed outside of completely enclosed buildings.

(f) Open air business uses, unless otherwise permitted in Section 1282.02, Principal Permitted Uses.

(g) Party stores.

(h) Storage garages.

(i) Uses similar to the principal permitted uses of Section 1282.02, Principal Permitted Uses, herein and not listed elsewhere in this Zoning Code as a principal permitted use or a special approval use.

(j) Antique malls at least twenty thousand (20,000) square feet in area.

(k) Secondhand stores.

(Res. 98-340A. Passed 9-21-98; Res. 08-381A. Passed 12-15-08; Res. 2012-223A. Passed 7-16-12, effective 8-1-12; Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

1282.04 SITE PLAN REVIEW; SCREENING.

For all uses in a Regional Business District (RBD), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a Regional Business District (RBD), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1282.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Regional Business District (RBD), area, height, bulk and placement requirements and performance standards, unless otherwise specified, shall be as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1284

Light Industrial Districts (LID)

1284.01 Purposes.

1284.02 Principal permitted uses.

1284.03 Uses permitted after special approval.

1284.04 Site plan review; screening.

1284.05 Area, height, bulk and placement requirements; performance standards.

1284.06 Open storage areas.

CROSS REFERENCES

Registration of industry - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Industrial Districts - see P. & Z.1290.06

Dwellings in Industrial Districts - see P. & Z.1294.10

Fences in Industrial Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1284.01 PURPOSES.

In the Light Industrial District (LID), the intent is to permit certain industries which are of a light manufacturing, research, warehousing and wholesaling character to locate in planned areas of the City, whose physical effects are restricted to the District and in no manner affect in a detrimental way any of the surrounding districts or uses. The Light Industrial District (LID) is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, or to be used in an industrial operation at another location, shall not be permitted in the LID. In order that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects.

(Res. 98-340A. Passed 9-21-98.)

1284.02 PRINCIPAL PERMITTED USES.

In a Light Industrial District (LID), any of the following uses are permitted when the manufacturing, compounding or processing is conducted entirely within a completely enclosed building:

(a) Wholesale and Warehousing. The sale, at wholesale, or the warehousing, of automotive equipment; dry goods and apparel; groceries and related products; raw farm products, except livestock; electrical goods; hardware, plumbing and heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings; and any commodity, the manufacture of which is permitted in this District.

(b) Industrial Establishments.

(1) Assembly, fabrication, manufacture, packaging or treatment of food products (excluding butchering and animal slaughtering); candy;

pharmaceuticals; drugs; cosmetics and toiletries; hardware and cutlery; musical instruments; optical goods; toys; novelties; electrical instruments and appliances; electronic instruments and devices; electronic consumer products; pottery and figurines or other ceramic products using only previously pulverized clay and kilns fired only by electricity or natural gas; apparel and leather goods; textile goods; and furniture and fixtures.

(2) Assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings, such as automobile fenders or bodies), shell textiles, wax, wire, wood (excluding power saw and planing mills) and yarns.

(3) Bakeries (wholesale).

(4) Buffing, polishing or electric plating, excluding heat treating furnaces.

(5) Central dry cleaning plants and laundries.

(6) Research or testing laboratories.

(7) Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing; printing or forming of box, carton and cardboard products; and bookbinding, printing, publishing or engraving.

(c) Utility Buildings. Public and private utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, municipal utility pumping stations, lines, easements, installations and facilities.

(d) Public Buildings. Public buildings and service uses not dealing directly with the general public on an individual basis.

(e) Automotive Repair Facilities. Automotive and other vehicle repair or service facilities and parking garages and lots, provided any outdoor storage of vehicles is screened in accordance with the standards of Section 1294.28, Screening, if the facility abuts any residentially or commercially zoned property.

(f) Wireless Communication Facilities. All wireless communication facilities, including radio and television towers.

(g) Accessory Buildings. Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section.

(h) Off-Street Parking and Loading. Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.

(Res. 98-340A. Passed 9-21-98.)

1284.03 USES PERMITTED AFTER SPECIAL APPROVAL.

In a Light Industrial District (LID), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approvals:

(a) Recreational vehicle storage yards, provided such yards are screened in accordance with the standards of Section 1294.28, Screening, if the yard abuts any residentially or commercially zoned property.

(b) The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial use and are in keeping with the intent of the Light Industrial District (LID):

(1) Automotive service centers/stations.

(2) Barber and beauty shops.

(3) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building.

(4) Motels.

(c) Truck, bus, and railroad terminals.

(d) Truck tractor and trailer sales, display, rental and repair.

(e) Adult business uses, such as adult bookstores, adult movie theaters, adult cabarets (Group A and Group D), adult personal service businesses, massage parlors and nude modeling studios, subject to the requirements set forth in Section 1294.33, Adult Business Uses.

(f) Commercial indoor recreational establishments provided that such use can be accommodated without unnecessarily detracting from the basic industrial character of the district.

(g) Antique malls.

(h) Indoor flea markets.

(i) Pawn shops.

(Res. 98-340A. Passed 9-21-98; Res. 02-155A. Passed 3-25-02; Res. 2012-223A. Passed 7-16-12, effective 8-1-12; Res. 2012-259A. Passed 8-20-12, effective 9-5-12; Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

1284.04 SITE PLAN REVIEW; SCREENING.

For all uses in a Light Industrial District (LID), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a Light Industrial District (LID), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1284.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a Light Industrial District (LID), area, height, bulk and placement requirements and performance standards, unless otherwise specified,

are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

1284.06 OPEN STORAGE AREAS.

In a Light Industrial District (LID), all manufacturing activities shall be conducted within an enclosed building. However, the external storage of materials shall be permitted, provided that the storage area is visually screened from all streets and adjoining commercial and residential properties with a decorative masonry wall and with a planted screen at least five (5) feet in height and at least eighty percent (80%) solid. Such wall shall be of such design, constructed of such material and maintained in such manner as shall be in keeping with the character of the area. In instances where the Building Superintendent determines that any wall required by Section 1294.28, Screening, will satisfy any portion of this open storage screening requirement, the Superintendent may waive such applicable portion of this open storage screening requirement.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1286

General Industrial Districts (GID)

1286.01 Purposes.

1286.02 Principal permitted uses.

1286.03 Uses permitted after special approval.

1286.04 Site plan review; screening.

1286.05 Area, height, bulk and placement requirements; performance standards.

1286.06 Open storage areas.

CROSS REFERENCES

Registration of industry - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Industrial Districts - see P. & Z.1290.06

Dwellings in Industrial Districts - see P. & Z.1294.10

Fences in Industrial Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1286.01 PURPOSES.

The intent of the General Industrial District (GID) is to permit general industrial uses to be located in desirable areas of the City, which uses are primarily of an intensive manufacturing, assembling, compounding, processing, packaging, assembly, treatment, and fabricating character, including large-scale or specialized industrial operations requiring good access by roads and/or railroads, and needing special sites, or public and utility services. Reasonable regulations apply to users in this District so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the City.

(Res. 98-340A. Passed 9-21-98.)

1286.02 PRINCIPAL PERMITTED USES.

In a General Industrial District (GID), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

(a) All principal permitted uses in the Light Industrial District (LID) as set forth in Section1284.02, Principal Permitted Uses, subject to the terms and conditions therein.

(b) All uses permitted after special approval in the Light Industrial District (LID) as set forth in Section1284.03, Uses Permitted After Special Approval, subject to the terms and conditions therein.

(c) Assembly and/or manufacture of motor vehicles, motor vehicle bodies or automotive engines; cigars and cigarettes; electrical fixtures; batteries and other electrical apparatus and hardware; transmission and gear manufacturing; universal joints; and propeller shaft manufacturing.

(d) Business machine manufacturing.

(e) Cold storage plants.

(f) Commercial ice manufacturing.

(g) Docks, wharves or boathouses.

(h) Electroplating.

(i) Heat treating.

(j) Metal stamping, pressing and buffing plants.

(k) Millwork lumber and power saw and planing mills.

- (l) Microbreweries.
- (m) Nut, bolt or screw manufacturing.
- (n) Pharmaceutical products manufacturing.
- (o) Plastering and polishing shops, painting and sheet metal shops, tire vulcanizing and recapping shops, undercoating and rustproofing shops, welding shops, automotive repair shops, grinding shops, machine rebuilding establishments and spray painting establishments.
- (p) Railroad freight stations or sidings.
- (q) Steel fabrication.
- (r) Wineries.
- (s) Wireless communication facilities, including radio and television towers.
- (t) Any other uses similar to the principal permitted uses set forth in this section.
- (u) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section.
- (v) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.
- (w) Adult bookstores, adult motion picture theaters, adult cabarets (Group A and Group D), adult personal service businesses, massage parlors and nude modeling studios, provided that the same shall not be located within five-hundred (500) feet of a Residential District. This prohibition shall be waived if the person applying for the waiver files with the Planning Commission a petition which indicates approval of the proposed use by at least fifty-one percent (51%) of the persons owning, residing or doing business within a radius of five-hundred (500) feet of the location of the proposed use. Petitioners shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made.

(Res. 98-340A. Passed 9-21-98.)

1286.03 USES PERMITTED AFTER SPECIAL APPROVAL

In a General Industrial District (GID), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approval:

- (a) Breweries, distilleries, canning factories and chemical plants.
- (b) Central station lights or power plants.
- (c) Junkyards and scrapyards.
- (d) Kennels.
- (e) Mining, excavating or other removal of sand, earth, minerals or other materials naturally found in the earth.
- (f) Open storage yards of building and construction contractors, equipment and supplies and lumberyards.
- (g) Outdoor theaters.

(Res. 98-340A. Passed 9-21-98.)

- (h) Marihuana establishments:
 - (1) Marihuana Retailer establishments;
 - (2) Medical Marihuana Provisioning Centers;
 - (3) Marihuana Secured Transporter establishments;
 - (4) Marihuana Grower facilities;
 - (5) Marihuana Primary Caregiver facilities;
 - (6) Marihuana Processing establishments; and
 - (7) Marihuana Safety Compliance facilities.

- (i) Pawn shops

(Res. 2020-320A. Passed 10-19-20, effective 11-4-20.)

1286.04 SITE PLAN REVIEW; SCREENING.

For all uses in a General Industrial District (GID), a site plan shall be submitted for review and approval in accordance with Section 1296.01, Site Plan Review. Where a new or expanded use occurs in a General Industrial District (GID), after the effective date of this Zoning Code, which new or expanded use abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 1294.28, Screening.

(Res. 98-340A. Passed 9-21-98.)

1286.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS; PERFORMANCE STANDARDS.

For a General Industrial District (GID), area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in Sections 1294.31, Performance Standards, and 1294.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

1286.06 OPEN STORAGE AREAS.

Required front yard and side yard setbacks adjacent to street frontage shall not be used for the external storage of materials.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1288

Planned Unit Developments

1288.01 Intent.

1288.02 Qualifying conditions.

1288.03 Application review procedure and authorization.

1288.04 Residential development standards.

1288.05 Mixed-use development standards.

CROSS REFERENCES

Registration of industry - see B.R. & T.Ch. 866

Districts generally and Zoning Map - see P. & Z.Ch. 1266

Off-street parking areas in Industrial Districts - see P. & Z.1290.06

Dwellings in Industrial Districts - see P. & Z.1294.10

Fences in Industrial Districts - see B. & H.1448.04

Commercial Code - see B. & H.Ch. 1486

1288.01 INTENT.

(a) The intent of this chapter is to provide, through the use of the planned unit development (PUD) concept, an added degree of flexibility in the density, placement, bulk and interrelation of buildings and uses within Single-Family Residential Districts (SFRD), Multiple-Family Residential Districts (MFRD), Neighborhood Business Districts (NBD), Municipal Business Districts (MBD), Central Business Districts (CBD), and Regional Business Districts (RBD), and the implementation of new design concepts so as to encourage a more efficient and innovative use of land and public services and the preservation of natural features through the use of a unified, flexible, planning approach, while at the same time maintaining adequate amounts of light, air, access and required open space and facilitating the economical provisions of public services and utilities. To further this intent, the respective district regulations may be waived by Council, as part of a PUD, after recommendation of the Planning Commission and as provided for in this chapter. The general boundaries of any PUD approved by Council shall be indicated on the Zoning Map as information for zoning purposes.

(Res. 98-340A. Passed 9-21-98.)

(b) The planned unit development shall not be used for the sole purpose of avoiding the requirements for dimensional variances involving uses that would already be permitted in the underlying zoning district(s).

(Res. 06-284A. Passed 7-31-06.)

1288.02 QUALIFYING CONDITIONS.

The following provisions shall apply to all planned unit developments:

(a) A planned unit development may be applied for in any zoning district. A planned unit development application shall require a rezoning by way of an amendment to this chapter upon the recommendation of the Planning Commission and approval by City Council.

Adequate public health, safety, and welfare protection mechanisms shall be designed into the planned unit development to ensure the compatibility of varied land uses both within and outside the development for any land use or mix of land uses authorized in this chapter, which may be included in a planned unit development.

(b) A planned unit development zoning classification may only be approved in conjunction with an approved planned unit development site plan.

(c) The planned unit development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.

(d) The proposed type and density of use shall not: result in an unreasonable increase in the use of public services, facilities and utilities; create a demand that exceeds the capacity of utilities; and place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.

(e) The proposed development shall not have an adverse impact upon the City's Comprehensive Development Plan. Notwithstanding this requirement, the City may approve a planned unit development proposal that includes uses or residential density which are not called for in the Comprehensive Development Plan, provided that the City Council, upon receiving a recommendation from the Planning Commission, determines that such a deviation from the Comprehensive Development Plan is justified in light of the current planning and development objectives of the City.

However, upon approval of a planned unit development, the Planning Commission shall initiate action where necessary to amend the Comprehensive Development Plan or Master Plan so that the future land use map designation is consistent with the approved planned development.

(f) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

(g) The proposed development shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to: woodlands, wetlands, rolling topography, natural drainage courses, etc. Planned developments shall comply with the City's Tree Protection Ordinance.

(h) The proposed development shall either: be under single ownership or control such that there is a single person or entity having responsibility for assuring completion of the project in conformity with this chapter, or if there is more than one (1) owner or entity with an interest in the project, then there shall be a commitment in writing by each owner and/or entity to work in unison to complete the project in complete conformity with this chapter.

The applicant(s) shall provide legal documentation of single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Building Department.

(Res. 06-284A. Passed 7-31-06.)

1288.03 APPLICATION REVIEW PROCEDURE AND AUTHORIZATION.

The application process for a planned unit development involves a two (2)-step process including a pre-application conference and final site plan review by the Planning Commission and recommendation to City Council. The following procedure shall be followed when applying for planned unit development approval:

(a) Pre-Application Meeting.

In order to facilitate review of a planned unit development proposal in a timely manner, the applicant may request an informal pre-application meeting as outlined in Section 1296.01(d)(1)A. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. For planned unit development proposals located within the boundaries of the DDA, a pre-application meeting is required as outlined in Section 1296.01(d)(1)B.

The applicant shall present at such a conference or conferences, at minimum, a conceptual plan of the proposed planned development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the City shall upon request provide information concerning Zoning Code procedures and standards.

(b) Planning Commission Review. Planned unit development projects shall undergo a two (2)-step plan review and approval process by the Planning Commission, preliminary and final review, with a final decision by City Council.

(1) Preliminary PUD review. Planned unit development projects are required to undergo a preliminary review process by the Planning Commission in order to facilitate a complete and thorough review prior to final approval. This requirement is deemed necessary because planned unit development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of City residents. The information required for preliminary review shall be provided according to the requirements of subsection (g) below and Section 1296.01(f).

(2) Final PUD review. Upon completion of the preliminary review, a final PUD application, plan and draft planned unit development agreement shall be submitted to the Building Superintendent for review by the Planning Commission. The final planned unit development site plan shall include all the information outlined in subsection (h) below and Section 1296.01(f) and shall include the preliminary plan.

A public hearing on the final planned unit development shall be held by the Planning Commission. Notice of the hearing date shall be in the form of one (1) notice published in a newspaper of general circulation in the City, plus a notice sent by mail or by personal delivery to owners of property for which approval is being considered, to all persons for whom real property is within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days prior to the hearing date. If the name of the occupant is not known, the term "occupant" may be used in making notification.

After the public hearing, the Planning Commission shall make a recommendation to City Council of approval, approval with modifications or conditions or denial of the planned unit development, as represented by the final planned unit development plan and accompanying materials. The Planning Commission shall prepare a report stating its conclusions on the planned unit development request, the basis for its recommendation, the recommendation, and any conditions relating to an affirmative recommendation.

(c) City Council Review. Following receipt of the Planning Commission's report and approved meeting minutes, the application shall be placed on the City Council's next available meeting agenda. The City Council shall review the final plan and proposed planned unit development agreement, together with the findings of the Planning Commission and the approved Planning Commission minutes, and, reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the City Council shall approve, approve with conditions, or deny a planned unit development proposal in accordance with the guidelines described previously in this chapter. However, if the City Council determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the Council may table the case to a subsequent meeting and/or remand the case to the Planning Commission for further review. Planned unit development approval results in an amendment to the Zoning Code, and a notice of adoption shall be posted pursuant to the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, Section 202. If a plan is approved subject to conditions, then all such conditions shall be addressed prior to execution of the planned development agreement. Denial of a final plan by the City Council terminates the approval process.

(1) Planned development agreement. If the City Council approves the planned unit development proposal, the City and applicant shall execute the planned unit development agreement, which shall be recorded in the office of the Wayne County Register of Deeds. Final approval of the planned unit development plan shall become effective upon recording of the agreement evidence of the recorded agreement shall be submitted to the City, whereupon the designation on the Zoning Map will be changed to "PUD."

(2) Effect of approval.

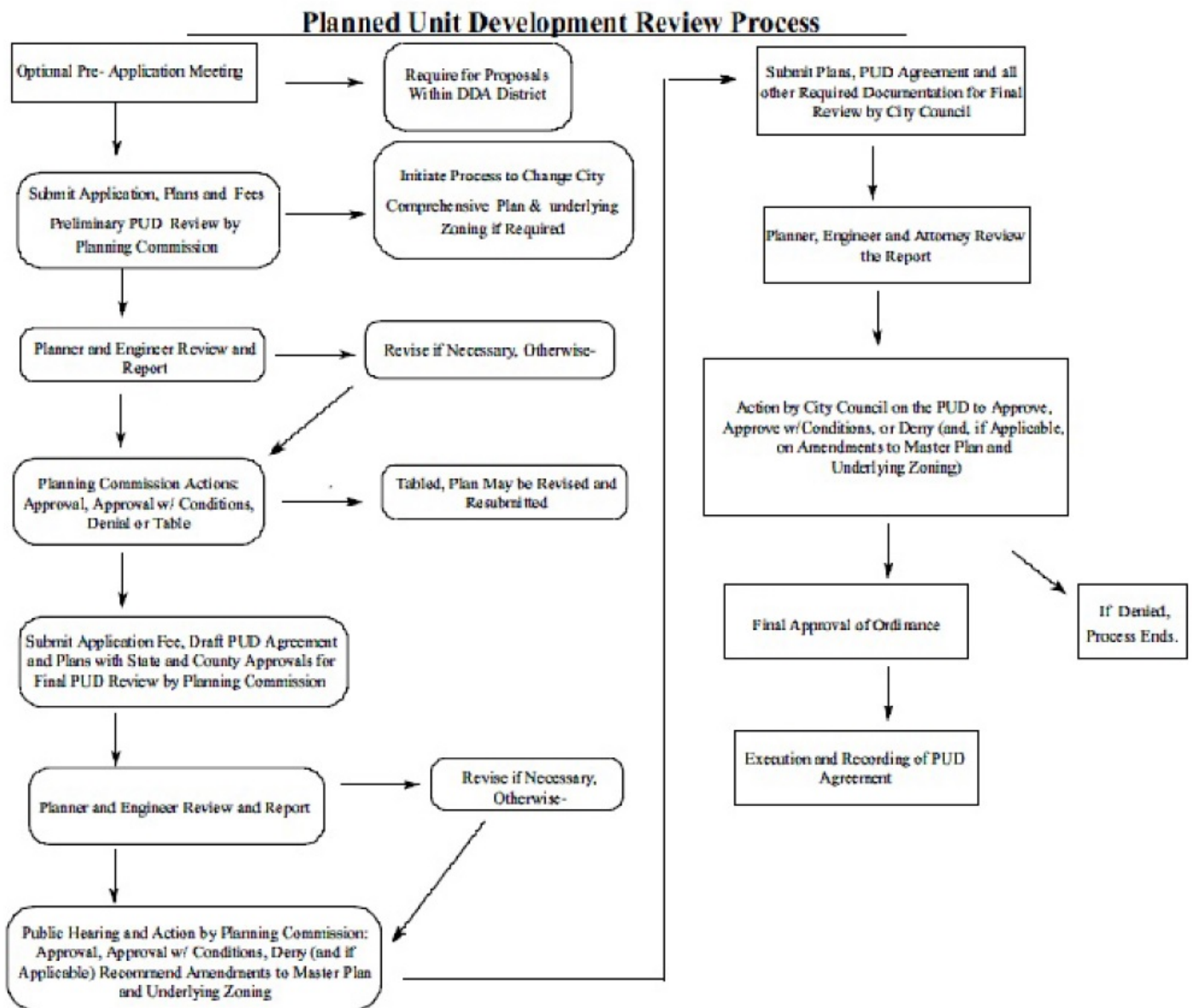
A. Approval of a planned unit development proposal shall constitute an amendment to the Zoning Code. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published by the City in accordance with the requirements set forth in this chapter.

B. Each action taken with reference to a planned unit development shall be duly recorded in the minutes of the Planning Commission or City Council as appropriate. The grounds for the action taken shall also be recorded in the minutes.

C. Approval of a planned unit development application by Council confers on the applicant and any subsequent owners of the planned unit development property the right to utilize the property included as part of the approved planned unit development in accordance with the overall density, dwelling unit mix and final plan of the approved planned unit development. However, for the total planned unit development or for each portion of the planned unit development, if staging of development is planned, a site plan review is required for each phase in accordance with Section 1296.01, prior to the issuance of building permits, and for any portion of the planned unit development having an approved site plan, in accordance with said Section 1296.01, the approved site plan shall take precedence over the approved planned unit development preliminary concept plan for the area of the approved site plan.

D. Council may cause to have a planned unit development agreement prepared and may require the execution thereof by the applicant, which documents involve the City and are required as a result of the conditions contained in the planned unit development or the site plan approvals in a planned unit development area.

E. The Building Superintendent shall inspect the development at each stage to ensure reasonable compliance with the conditions of the approved planned unit development or approved site plans, as applicable.



(d) Standards for Approval of Final Planned Unit Development Plan Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed planned unit development.

(1) The Planning Commission and City Council shall use the standards for approval of Sections 1296.01, 1296.03, and 1296.04, and any adopted development guidelines, in reviewing the final PUD site plan. Council or the Commission may also utilize the standards for approval of Section 1296.02, should such standards be deemed necessary by Council or the Commission.

(2) The applicant must demonstrate in writing that the proposed planned unit development:

A. Is consistent with the goals of the City's adopted Comprehensive Development Plan's Future Land Use map or other map; and/or,

B. Includes areas indicated in the City's adopted Comprehensive Development Plan as having significant natural, historical, and architectural features; and/or

C. Will provide a complementary mixture of uses or housing types, or clustering of units to preserve common open space, in a design not possible under the underlying zoning district dimensional regulations; and/or

D. Will achieve a higher quality development than is otherwise possible with the regulations for the underlying zoning district. It is not the intent of the planned unit development to circumvent the requirements of the underlying zoning district.

(3) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one that could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.

(4) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Council may reduce the required number of parking spaces.

(5) All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of City ordinances, unless modified by the City Council.

(6) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

(7) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.

(8) Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.

(9) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided.

(10) Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

(11) The uses proposed shall be consistent with the City's Comprehensive Development Plan or an approved overall planned unit development concept plan.

(12) Sidewalks shall be provided.

(13) Planned unit developments shall front onto a paved major thoroughfare or collector road (as designated in the City's Comprehensive Development Plan) or state trunkline, and the main means of access to the development shall be via the major thoroughfare, collector road, or state trunkline.

Individual residential dwelling units in a planned unit development shall not have direct access onto a major thoroughfare, collector road, or state trunkline. The planned development should be designed so that through-traffic, including traffic generated by nonresidential uses within the planned development, is discouraged from traveling on residential streets.

(14) Stormwater detention or retention shall be provided as required by Wayne County.

(15) The Planning Commission shall take into account the following considerations, which may be relevant to a particular project: thoroughfare, drainage; utility design and capacity of the utility systems; road capacity; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.

Council shall prepare a report stating its conclusions on the planned unit development request, the basis for its decision, the decision, and any conditions relating to an affirmative decision.

(e) Completion of Site Design.

(1) Obtaining a building permit. Following final approval and recording of a planned development, a building permit may be obtained for the entire project or specific phases provided that:

A. Final site plan, condominium, or subdivision plat approval for the project or phase, as applicable, has been obtained in accordance with Section 1296.01(e)(4)C.;

B. The engineering plans for the project or phase, as applicable, have been approved by the City Engineer and Building Superintendent; and

C. All applicable City, County, and State permits have been obtained.

(2) Expiration and extension of approval.

A. Construction shall commence on at least one (1) phase of the project within twenty-four (24) months of final approval. However, the developer may seek subsequent twelve (12) month extensions of approval by submitting a written request to the Building Department prior to the expiration date. Extension of approval is not required for an uncompleted project where there is ongoing construction.

B. A request for extension shall be reviewed first by the Building Superintendent, who shall make a recommendation to the Planning Commission. The Planning Commission may grant an extension of up to twelve (12) months upon finding that the approved plan represents current conditions on and surrounding the site.

C. If construction has not commenced and a request for extension has not been received within twenty-four (24) months, the Planning Commission may initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

(3) Maintenance of the property. The owner of the property for which approval has been granted shall maintain the property in accordance with the approved planned development plan on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved planned development shall be deemed in violation of the Zoning Code and shall be subject to the penalties appropriate for such violation.

(4) Expansion or conversion. Prior to expansion or conversion of a planned development project to include additional land, plan review and approval shall be required pursuant to the requirements in this chapter.

(5) Modifications or revision of approved planned unit development.

A. General revisions. Approved final plans for a planned unit development may be revised in accordance with the procedures set forth in this section.

B. Minor changes. Notwithstanding paragraph A. above, minor changes may be permitted by the Building Superintendent or his or her designee, subject to a finding that:

1. Such changes will not adversely affect the initial basis for granting approval.

2. Such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in Section 1288.01.

(f) Performance Guarantee. A performance guarantee shall be deposited with the City to insure faithful completion of improvements, in accordance with Section 1262.09.

(g) Requirements for Preliminary Review by Planning Commission. It is required that the following information be provided prior to preliminary review, pursuant to paragraph (b)(1) hereof. The absence of any requested information may limit the extent to which the Planning Commission can comment on the proposal:

(1) The name, address and telephone number of:

A. All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

B. All engineers, attorneys, architects or registered land surveyors associated with the project.

C. The developer or proprietor of the planned development project.

(2) The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.

(3) The area of the land (in acres) on which the planned development project will be developed.

(4) An overall preliminary land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development project using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.

(5) The preliminary land use plan shall also show the following information:

A. A general location map.

B. The vehicular circulation system planned for the proposed development.

C. The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.

D. The approximate layout of dwelling units, parking, open space, and recreation/park areas.

E. Landscaped screening proposed along the perimeter of the development.

(6) Approximate number of non-residential buildings and residential units proposed to be developed on the subject parcel. For residential developments, an analysis shall be provided to determine the number of units that could be developed on the property under conventional zoning.

(7) Topographic survey and soils inventory based on the Wayne County Soils Survey.

(8) General locations and approximate dimensions of wetland areas, floodplains, and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

(9) A description of the proposed sewage treatment and water supply systems. Plans should be sufficiently detailed to demonstrate compliance with the City's Utility Ordinance.

(10) Proposed storm water management and drainage system.

(11) A map showing existing zoning designations for the subject property and all land within one quarter (1/4) mile.

(12) A map and written explanation of the relationship of the proposed planned development to the City's Comprehensive Development Plan for Future Land Use.

(13) Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.

(14) An analysis of the traffic impact of the proposed planned development on existing and proposed streets.

(15) Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety (e.g., provide a list of developments completed by the applicant in the past ten (10) years, with a description of the project, number of units, and time required to complete).

(16) A general schedule for completing the planned development, including the phasing or timing of all proposed public and private improvements.

(h) Requirements for Final Review. In addition to the requirements in Section 1296.01 and applicable information specified on the site

plan checklist, the following information shall be included on, or attached to, all planned unit development plans submitted for final review:

- (1) All preceding information required for conceptual review.
- (2) A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:
 - A. Locations and setbacks of each structure and use in the development.
 - B. Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
 - C. The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
 - D. The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
 - E. The proposed layout of parking areas, open space, and recreation/park areas.
 - F. Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.
- (3) The precise number of non-residential and residential units to be developed on the subject parcel.
- (4) An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail (as determined by the City Engineer) to indicate the impact of the project on surface water and groundwater.
- (5) Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
- (6) A complete description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
- (7) Storm water and drainage system details.
- (8) Location of bike paths and sidewalks along roads and elsewhere within the development.
- (9) A specific schedule for completing the planned development, including the phasing or timing of all proposed improvements.
- (10) Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 1296.01.
- (11) Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final planned unit development approval. Where construction is not proposed to begin immediately or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the City engineering standards, and shall at minimum include the following:
 - A. Engineering plans for all roads, drive aisles, and paved areas.
 - B. Site drainage plans, including retention and/or detention areas.
 - C. Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
 - D. Plans for controlling soil erosion and sedimentation during construction.
- (12) Following approval of a planned unit development proposal and an amendment to the Zoning Code per paragraph (c)(2) hereof, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
- (13) A draft planned unit development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the City, and upon which approval of the planned unit development proposal will be based. The planned unit development agreement shall, at minimum, include the following:
 - A. A description of the land that is subject to the agreement.
 - B. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
 - C. History of the review procedures and action taken by the Planning Commission or City Council.
 - D. List of all plans, documents, and other materials submitted by the applicant.
 - E. Review and explanation of all special provisions agreed to by the applicant and City during the course of review of the planned unit development proposal.
 - F. An explanation of all public improvements to be undertaken by the applicant or the City in conjunction with the proposed planned unit development project.
 - G. Description of any required dedications and permits.
 - H. Confirmation that the proposed development is consistent with applicable City ordinances and planning objectives.
 - I. Duration of the planned unit development agreement, along with terms under which a termination date may be extended by mutual agreement.

J. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned unit development agreement.

K. Extent to which the planned unit development plan may be modified subject to administrative approval, Planning Commission approval, or City Council approval.

L. Copies of permits and the conditions of approval received from local, county, or state agencies have jurisdiction over any aspect of the project.

(i) Project Design Standards. Proposed planned unit developments that satisfy the qualifying conditions in Section 1288.02 shall comply with the following project design standards:

(1) Location. A planned unit development may be approved in any location in the City, subject to review and approval as provided for herein.

(2) Permitted uses. Any land use authorized in this chapter may be included in a planned unit development as a principal or accessory use, provided that:

A. The predominant use on the site, based on acreage, shall be consistent with the uses specified for the parcel on the City's Future Land Use Map and Zoning Map. Where the predominant uses are not consistent, prior to planned unit development approval an amendment to the Future Land Use Map may be required, as noted in subsection (f) hereof, and an amendment to the Zoning Map may be required, as noted in item E., below.

B. There shall be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area.

C. Residential, neighborhood commercial, office, and public uses may be developed together in a planned unit development, provided the uses are compatible and complementary, demonstrating good site design and planning principles.

D. The mix of uses and the arrangement of those uses within a planned unit development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

E. Where the existing underlying zoning district is residential, nonresidential uses may be permitted as a part of a planned unit development provided that such nonresidential uses occupy a maximum of twenty percent (20%) of the buildable acreage of the site, subject to the following conditions:

1. The mix of uses must be consistent with the planned uses on the Future Land Use Map.

2. An amendment to the Zoning Map to change the underlying zoning (see definition of "underlying zoning" in Section 1260.08) shall be required prior to final planned unit development approval if more than twenty percent (20%) of the acreage in a residential planned unit development is proposed to be occupied by nonresidential uses.

3. For the purposes of this paragraph (i)(2), nonresidential may include, but is not limited to: commercial, office, research, public (e.g., library, post office, municipal facilities), and recreational.

(Res. 06-284A. Passed 7-31-06.)

1288.04 RESIDENTIAL DEVELOPMENT STANDARDS.

The following regulations and standards shall apply to any proposed residential planned unit development (PUD) and shall be incorporated into any proposed preliminary sketch plan and/or final PUD plan:

(a) Overall PUD Density. The total number of dwelling units shall not exceed a density of seven (7) dwelling units per acre in a Single Family Residential District (SFRD), or twenty (20) dwelling units per acre in a Multiple Family Residential District (MFRD), exclusive of the following:

(1) Those areas deemed undevelopable by the Planning Commission;

(2) Existing or proposed rights-of-way of major streets, as indicated on the City's Comprehensive Development Plan; and

(3) Those areas to be dedicated for public use or private use and not primarily intended for residents of the PUD, except that public streets, other than as set forth in paragraph (A)(2) hereof, and public parkland donated to and accepted by the City, are allowable areas for calculation of dwelling unit density.

(b) Densities per Type of Development Area. For areas of detached single-family housing, the density, lot sizes and other developmental provisions of the Single Family Residential District (SFRD) shall apply; for areas for uses other than detached single-family housing, the density, lot sizes and other development provisions of the Multiple Family Residential District (MFRD) shall apply; for areas mixing detached single-family housing with other types of housing, appropriate density, lot sizes and developmental provisions shall be determined by the Planning Commission, considering the requirements of such districts. However, the overall density of the PUD shall not exceed that specified in subsection (a) hereof.

(c) Dwelling Unit Mix. At least fifty percent (50%) of the total dwelling units shall be in detached single-family housing.

(d) Open Spaces and Recreation Areas. At least ten percent (10%) of the total PUD acreage shall be in open space and recreation area. However, undevelopable areas, as determined in paragraph (a)(1) hereof, may not be counted as part of the minimum open space and recreation area requirement. No individual area intended to satisfy the requirements of this subsection shall be less than three (3) acres in size.

Any portion of a PUD proposal for site plan review must include at least ten percent (10%) of its acreage in open space and recreation space, except in instances where previously approved site plans within the PUD include sufficient acreage in excess of the ten percent (10%) requirement to satisfy the deficiencies of the proposed site plan, provided that the Planning Commission is satisfied that the use of the recreation and open space is available to the affected parties.

(Res. 98-340A. Passed 9-21-98.)

1288.05 MIXED-USE DEVELOPMENT STANDARDS.

The following regulations and standards shall apply to any proposed mixed-use planned unit development (PUD) located in the Central Business District (CBD):

(a) **Mixed-use PUD Density:** The Planning Commission may determine the overall residential density (dwelling units per acre) in mixed-use developments located in the Central Business District based upon:

- (1) If higher densities will encourage more efficient use of land, encourage innovative, neo-traditional commercial/mixed residential use developments.
- (2) If public parking, shared parking, or parking structures are available and within walking distance of the subject site.
- (3) If higher residential densities will create a lively social environment and support an economically viable downtown.
- (4) If the proposed project will extend greater opportunities for housing options in the downtown.
- (5) If the proposed project will help to reduce excessive sprawl.
- (6) If good site design, building materials, architectural appearance and sound planning principals are followed.
- (7) If it does not result in an adverse impact on adjacent properties or the downtown in general.

(b) **Height/Stories:** The Planning Commission may waive the height and story limitations of the Central Business District if the proposed building is: 1) architecturally significant; 2) results in a higher quality development; 3) is located near a major intersection and 4) encourages a more efficient and innovative use of land.

(Res. 08-382A. Passed 12-15-08.)

CHAPTER 1289

Conditional Rezoning

- 1289.01 Intent.
- 1289.02 Definitions.
- 1289.03 Authorization and eligibility.
- 1289.04 Approval of rezoning with rezoning conditions.
- 1289.05 Procedure for application, review and approval.
- 1289.06 Effect of approval.
- 1289.07 Amendment of CR agreement.
- 1289.08 Recordation of CR agreement.
- 1289.09 Fee.

CROSS REFERENCES

Subdivision regulations - see P. & Z.Ch. 1264

Districts generally and zoning map - see P. & Z.Ch. 1266

Development permits for flood hazard areas - see B. & H.1450.11

1289.01 INTENT.

The Planning Commission and City Council have recognized that, in certain instances, it would be an advantage to both the City and property owners seeking rezoning if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this chapter to provide an election to property owners in connection with the submission of petitions seeking the amendment of this chapter for approval of a rezoning with conditions, per MCL 125.286i. This is to accomplish, among other things, the objectives of the Zoning Code through a land development project review process based upon the site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(Res. 06-285A. Passed 7-31-06.)

1289.02 DEFINITIONS.

The following definitions shall apply in the interpretation of this chapter:

(a) **Applicant** shall mean the property owner, or a person acting with the written and signed authorization of the property owner to make application under this chapter.

(b) **Rezoning conditions** shall mean conditions proposed by the applicant and approved by the City as part of an approval under this chapter, including review and recommendation by the Planning Commission, which shall constitute regulations for an in connection with the development and use of property approved with a rezoning condition in conjunction with a rezoning. Such rezoning conditions shall not authorize uses or developments of greater intensity or density and which are not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the CR Agreement), and may include some or all of the following:

- (1) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features shown on the CR Plan.
- (2) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular

development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation and the like.

- (3) Preservation of natural resources and/or features.
- (4) Facilities to address drainage/water quality.
- (5) Facilities to address traffic issues.
- (6) Preservation of open space.
- (7) A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on behalf of the City in the event the property owner(s) fail(s) to timely perform after notice.
- (8) Signage, lighting, and landscaping of and/or building materials for the exterior of some or all structures.
- (9) Permissible uses of the property.
- (10) Preservation of historic buildings/structure to preserve the history of the City of Lincoln Park.
- (11) Donation of land for open space, using a land conservancy or other means, to protect the open space for future generations.
- (12) Paving, making substantial improvements to, or funding of improvements to major City roads where the entire City benefits.
- (13) Construction and/or donation of community buildings where the need has been identified and defined by the City.
- (14) Provide usable and contiguous open space amounting to at least forty percent of the site, using the concept of clustering.
- (15) Added landscaping, above and beyond what is required by City ordinance.
- (16) Reclamation and re-use of land, where previous use of land causes severe development difficulties, or has caused blight.
- (17) Installation of streetscape on an arterial road, beyond what is required by ordinance, and where compatible with City guidelines concerning trees, streetlights, and landscaping.
- (18) Drain and drainage improvements, beyond what is required by ordinance, using best management practices.
- (19) Providing monuments or other landmarks to identify City boundaries.
- (20) Such other conditions as deemed important to the development by the applicant.

(c) CR Agreement shall mean a written agreement approved and executed by the City and property owner, incorporating a CR Plan, and setting forth rezoning conditions, conditions imposed pursuant to MCL 125.286i and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with rezoning conditions. Terms may include the following:

(1) Agreement and acknowledgment that the rezoning with rezoning conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the CR Agreement and, further agreement and acknowledgment that the conditions and CR Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City.

(2) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the CR Plan and CR Agreement.

(3) Agreement and understanding that the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

(4) Agreement and understanding that, if a rezoning with rezoning conditions becomes void in the manner provided in this chapter, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

(5) Agreement and understanding that each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with rezoning conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

(d) CR Plan shall mean a plan of the property which is the subject of a rezoning with rezoning conditions, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the CR Plan shall be determined by the applicant, subject to approval of the City Council after recommendation by the Planning Commission.

(Res. 06-285A. Passed 7-31-06.)

1289.03 AUTHORIZATION AND ELIGIBILITY.

(a) A property owner shall have the option of making an election under this chapter in conjunction with a submission of a petition seeking a rezoning. Such election may be made at the time of the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this chapter for approval of a conditional rezoning that would establish site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with rezoning conditions pursuant to MCL 125.286i which would represent a legislative amendment of the Zoning Code.

(b) In order to be eligible for the proposal and review of a rezoning with rezoning conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and in a CR Agreement to be prepared) which are, in material respects, equally or more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, such as set forth in Section 1289.02(b)(1) through (20).

(Res. 06-285A. Passed 7-31-06.)

1289.04 APPROVAL OF REZONING WITH REZONING CONDITIONS.

Pursuant to MCL 125.286i, the City Council, following public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with rezoning conditions requested by a property owner.

(a) Required Information. As an integral part of the conditional rezoning, the following shall be reviewed and may be approved:

(1) CR Plan. A CR Plan, with such detail and inclusions proposed by the applicant and approved by the City Council in accordance with this chapter, following recommendation by the Planning Commission. The CR Plan shall not replace the requirement for Site Plan review and approval, or subdivision or condominium approval, as the case may be.

(2) Statement of rezoning conditions. Rezoning conditions, as defined for purposes of this chapter, which shall be required by the City Council following recommendation by the Planning Commission. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the CR Agreement).

(3) CR Agreement. A CR Agreement, which shall be prepared by the City Attorney and the applicant (or designee) and approved by the City Council, and which shall incorporate the CR Plan and set forth the rezoning conditions, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of CR Agreement, above).

(b) Zoning Map Designation. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Conditional Rezoning". The Zoning Map shall specify the new zoning district plus a reference to "CR" (for example, the district classification for the property might be RM-1 Low-Rise Multiple Family with CR, Conditional Zoning, with a zoning map designation of RM-1/CR) and use of the property so classified and approved shall be restricted to the permission granted in the CR Agreement, and no other development or use shall be permitted.

(c) Use of Property. The use of the property in question shall, subject to subsection (i) below, be in total conformity with all regulations governing development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

(1) Development and use of the property shall be subject to the more restrictive requirements shown or specified on the CR Plan, and/or in the other conditions and provisions set forth in the CR Agreement, required as part of the conditional rezoning approval, and such CR Plan and conditions and CR Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Code.

(d) Review and Approval Criteria. The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, rezoning conditions, and CR Agreement:

(1) Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the requested zoning change, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a conditional rezoning.

(2) Sufficient conditions shall be included on and in the CR Plan and CR Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with rezoning conditions; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

(e) Expiration. Unless extended by the City Council for good cause, the rezoning with rezoning conditions shall expire following a period of two years from the effective date of the rezoning unless construction on the development of the property pursuant to the required permits issued by the City commences within such two year period and proceeds diligently and in good faith as required by ordinance to completion.

(1) In the event the development has not commenced, as defined above, within two years from the effective date of the rezoning, the conditional rezoning, and the CR Agreement shall be void and of no effect. The property owner may apply to the City Council for a one year extension one time. The request must be submitted to the City Clerk before the two-year time limit expires. The property owner must show good cause as to why the extension should be granted.

(2) If development and/or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development and/or actions shall constitute a nuisance per se. In such cases, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the City may withhold, or following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

(f) City Action Upon Expiration. If the rezoning with rezoning conditions becomes void in the manner provided in above, then the City shall rezone the property in accordance with the Zoning Code procedures. Until such a time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(Res. 06-285A. Passed 7-31-06.)

1289.05 PROCEDURE FOR APPLICATION, REVIEW AND APPROVAL.

(a) Pre-application Meeting. Prior to the time of making application for a conditional rezoning, the applicant shall schedule a pre-application submission meeting with the City Community Development Director, the City Planner, the City Engineer, the City Building Superintendent, the City Attorney, or their designees, for a preliminary review of the application for conditional rezoning and so that the applicant has a thorough understanding of the process. The applicant shall pay the City's costs and expenses incurred for this meeting.

(b) Offer of Conditions. At the time of making application for amendment of this chapter seeking a rezoning of property, or at least a later time during the process of City consideration of such rezoning a property owner may submit an application for approval of a conditional rezoning to apply in conjunction with the rezoning.

(c) Application. The application, which may be amended during the process, shall include a CR Plan proposed by the applicant and shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not

permitted in the district proposed by the rezoning.

(d) Notice of Public Hearing. The proposed rezoning with rezoning conditions, together, shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment to the Zoning Code.

(e) Planning Commission Recommendation. Following the public hearing and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed rezoning with rezoning conditions.

(f) City Council Action. Upon receipt of the recommendation of the Planning Commission, the City Council shall commence deliberations on the proposed rezoning with rezoning conditions. If the City Council determines that it may approve the rezoning with rezoning conditions, the City Council shall specify tentative conditions and direct the City Attorney to work with the applicant in the development of a proposed CR Agreement.

(Res. 06-285A. Passed 7-31-06.)

1289.06 EFFECT OF APPROVAL.

Approval of the CR Plan and Agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR Plan and after recordation as set forth in Section 1289.08. Approval of the usual site plan shall be required before any improvements to the property may be undertaken.

(Res. 06-285A. Passed 7-31-06.)

1289.07 AMENDMENT OF CR AGREEMENT.

Amendment of a CR Agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with rezoning conditions.

(Res. 06-285A. Passed 7-31-06.)

1289.08 RECORDATION OF CR AGREEMENT.

A rezoning with rezoning conditions shall become effective following publication in the manner provided by law, and, after recordation of the CR Agreement, whichever is later.

(Res. 06-285A. Passed 7-31-06.)

1289.09 FEE.

The applicant for a rezoning with rezoning conditions shall pay as a fee the City's costs and expenses incurred by the City in the review of any preparation of documents for a rezoning with rezoning conditions. An escrow shall be established in an amount specified by City Council resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

(Res. 06-285A. Passed 7-31-06.)

CHAPTER 1290

Off-Street Parking and Loading

1290.01 Off-street parking generally.

1290.02 Number of spaces required.

1290.03 Waiting areas for drive-through facilities in Business Districts.

1290.04 Off-street parking A areas; Residential Districts adjoining Business or Industrial Districts.

1290.05 Off-street parking B areas; Business Districts.

1290.06 Off-street parking C areas; Industrial Districts.

1290.07 Parking in Residential Districts.

1290.08 Parking space layout and design.

1290.09 Off-street loading generally.

1290.10 Access management and driveway standards.

1290.11 Private road standards.

CROSS REFERENCES

Parking for handicapped persons - see M.C.L.A. Sec. 257.942a; TRAF.462.11, 494.10

Parking on school property - see TRAF.460.01

Parking in shopping centers - see TRAF.462.04

Parking generally - see TRAF. Ch.490

Municipal parking lots - see TRAF. Ch.494

Parking lots for drive-in restaurants - see B.R. & T.818.05, 818.06

Off-street parking and loading - see P. & Z. 1264.08(b)

Screening of parking lots in Residential Districts - see P. & Z.1270.06, 1272.07, 1274.06

1290.01 OFF-STREET PARKING GENERALLY.

In all zoning districts, off-street parking requirements for the storage and parking of motor vehicles for the use of occupants, employees and patrons of buildings hereafter erected, altered, enlarged or extended, and for changes in use of a property or building, shall be provided as prescribed in this chapter. Such space shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformity with this chapter. The determination of the required spaces and the regulation thereof shall be governed by the following regulations:

(a) Area Requirements. For the purpose of this chapter, three-hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including an access aisle, except that the standard shall be three-hundred twenty-five (325) square feet where parking is perpendicular (ninety (90) degrees) to the access aisle, and except that two-hundred (200) square feet of lot area which has direct means of ingress to and egress from an alley or street may also be deemed a parking space.

(b) Fractional Units. In computing units of measurement to determine the number of required spaces, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) space.

(c) Loading Spaces. Loading spaces shall not be construed as supplying off-street parking space.

(d) Location of Spaces.

(1) The off-street parking facilities required for single and two (2)-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron or garage located not closer than three (3) feet from any street lot line. The parking strip or driveway width may not exceed the width of the garage, and not more than one (1) of the required parking spaces may be provided in the required front yard.

(2) The off-street parking facilities required for all other uses shall be located on the lot or on property within three-hundred (300) feet of the permitted use requiring such off-street parking. Such distance shall be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the off-street parking facility shall not be separated from the building to be served by a major thoroughfare as designated in the City's Master Plan or Comprehensive Development Plan.

(e) Similar Uses. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned and is similar shall apply, as determined by the Planning Commission.

(f) Existing Spaces. Off-street parking existing on the effective date of this Zoning Code which serves an existing building or use shall not be reduced to a size less than that required under this chapter.

(g) Seating Allocation. In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this chapter.

(h) Collective Use of Spaces. Nothing in this chapter shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided that, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table of off-street parking requirements set forth in Section 1290.02, Number of Spaces Required. The required number of parking spaces for the uses calculated individually may be reduced by up to twenty percent (20%) if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at different periods of the day and there is the potential for a patron to visit two (2) or more uses.

(i) Joint Use of Spaces. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments lying within five-hundred (500) feet of a church, measured along lines of public access, which theaters, stadiums, etc., are not normally used between 6:00 a.m. and 6:00 p.m. on Sundays and are made available for other parking, may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of a church. There shall be a written agreement between all parties concerned where this arrangement is permitted.

(j) Irrevocable Use. All required off-street parking spaces shall be stated in an application for a building permit and shall be reserved irrevocably for such use. Required off-street parking spaces shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change. The use of required parking spaces for material storage, refuse storage and receptacles, for storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance, is expressly prohibited.

(k) General Conditions. Except when land is used as storage space in connection with the business of an automotive service center/station or automotive repair center, the time limits for parking in off-street parking areas shall prevail as specified under Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts, paragraphs (b)(10) and (b)(13) hereof. It is the purpose and intention of this subsection that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed or intended to provide, and no person shall permit, the storage or parking on open land of unregistered or unlicensed cars, wrecked or junked cars, or the creation of a junkyard or a nuisance in such area.

(l) Restriction of Parking on Private Property. No person shall park any motor vehicle on any private property, or use such private property as parking space, without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. A complaint for a violation of this subsection shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

(m) Exemptions. All uses located within designated areas containing Municipal off-street parking facilities are exempt from the requirements in this chapter. Exempt parking areas containing such Municipal off-street parking facilities are shown on an illustration entitled "Exempt Parking Areas," on file in the office of the City Clerk, and more specifically described as follows:

(1) Area A includes all land within an area from a point of beginning at the centerline of Southfield Road and West Electric Avenue northwest to the centerline of O'Connor Avenue; thence northwest to the centerline of Fort Street; thence northeast to the centerline of Euclid Avenue; thence northwest approximately two hundred (200) feet to the centerline of the alley; thence southwest to the centerline of O'Connor Avenue; thence northwest to the alley located approximately three-hundred twenty-five (325) feet from the centerline of Fort

Street; thence southwest to the southerly line of Lot 65 of Elmwood Park Subdivision; thence westerly along such line to the centerline of Fort Park Boulevard; thence southwest to the centerline of Southfield Road; thence east-southeast to the point of beginning.

(2) Area B includes the land area formed by Lots 96 through 100, the alley northeast of Lot 112 and Lot 113 in the Lincoln Park Subdivision No. 1; and Lots 116 through 118 in the Main Fort Street Subdivision No. 2.

(3) Area C includes the land area formed by Lots 7 through 12 and Lots 52 through 117 of the Elmwood Manor Subdivision.

(4) Area D includes the land area formed by Lots 257 through 275 of the Washington Park Subdivision; Lots 231 through 234, Lots 292 through 295 and Lots 315 through 327 of the Parkhurst No. 1 Subdivision, including the vacated abutting street; and that portion of Chandler Avenue having been vacated south of London Avenue.

(5) Area E includes the land area formed by Lots 44 through 50 of the Frederick-Roberts-McKenney Realty Company's Subdivision; Lots 43 through 49 of the Homeville Subdivision; Lots 46 through 52 of the Robinwood Subdivision; and the alley and adjacent parking area north of such described properties for an approximate distance of forty-five (45) feet from the edge of the parcel line.

(6) Area F includes the land area at the point of beginning along Euclid Avenue one hundred forty-three (143) feet; thence southwest seven hundred ninety-five (795) feet more or less to the southerly boundary line of Quandt Park; thence ninety (90) degrees southeast to the centerline of Dix Avenue; thence northeast along the centerline of Dix Avenue to the point of beginning. (Res. 2019-041A. Passed 2-19-19. Eff. 3-6-19.)

(n) Exceeding Number of Spaces Required. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than twenty percent (20%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

(o) Parking Space Deferment. Where an applicant can demonstrate that the required number of parking spaces is excessive, the Planning Commission may approve a lesser number of required parking spaces, provided that an area of sufficient size to meet the parking space requirements of this section is retained as open space, and the applicant agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Building Superintendent. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout.

(p) Units of Measurement.

(1) Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.

(2) Where the floor area measurement is specified as gross leaseable floor area (GLA), parking requirements shall apply to all internal building areas, excluding the floor area used for incidental service and storage, mechanical equipment rooms, heating/cooling systems, lavatories, and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leaseable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.

(3) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

(Res. 98-340A. Passed 9-21-98.)

(q) Waiver or Modification of Standards for Special Situations The Planning Commission may reduce or waive the number of off-street parking and/or loading spaces required for a specific use, provided they determine that no good purpose would be served by providing the required number of such spaces. In making such a determination to reduce or waive the requirements for off-street parking and/or loading spaces of this chapter, the following may be considered:

(1) Extent that existing off-street parking and/or loading spaces can effectively accommodate the parking and loading needs of a given use.

(2) Extent that existing on-street parking and/or loading spaces can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.

(3) Existing and proposed building placement.

(4) Location and proximity of municipal parking lots and/or public alleys.

(5) Agreements for parking and/or loading spaces with adjacent or nearby property owners.

(Res. 01-427A. Passed 7-2-01.)

1290.02 NUMBER OF SPACES REQUIRED.

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings, or changes in use, as specified in Section 1290.01, Off-Street Parking Generally, shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts; 1290.05, Off-Street Parking B Areas; Business Districts; 1290.06, Off-Street Parking C Areas; Industrial Districts; or 1290.07, Parking in Residential Districts, as may be applicable.

Use	Number of Spaces
(a) Residential	
One-family and two-family dwellings	Two (2) for each dwelling unit.
Multiple-family dwellings	One and one-half (1½) per each efficiency or one (1)-bedroom dwelling unit, and two (2) per each unit with two (2) or more bedrooms.
Senior citizens housing	One (1) for every two (2) dwelling units.

(b) Institutional	
Auditoriums, assembly halls, and outdoor arenas	One (1) for every three (3) seats or six (6) feet of benches.
Child care centers	Two (2) plus one (1) space for each eight (8) children of licensed authorized capacity.
Churches, temples or synagogues	One (1) for every three (3) seats based on maximum seating capacity in the main place of assembly therein.
Elementary and junior high schools	One (1) for each teacher, employee and administrator in addition to the requirements of the auditorium or assembly hall.
Government offices	One (1) space for every one-thousand (1,000) square feet of gross floor area.
Homes for the aged and convalescent homes	One (1) for every three (3) beds or two (2) rooms, whichever is less, and one (1) for each employee on duty based upon maximum employment shift.
Hospitals	One (1) for every two (2) beds, and one (1) for each employee on duty based upon maximum employment shift.
Libraries, museums and noncommercial art galleries	One (1) for every two-hundred (200) square feet of gross floor area, less the area devoted to book and art storage, utility rooms and lavatories.
Private clubs, dance and union halls, fraternal orders, civic clubs, lodge halls, or similar uses	One (1) for every three (3) persons allowed within the maximum occupancy load as established by City, County or State, Fire, Building or Health Codes.
Public recreation centers	Five (5) for every one-thousand (1,000) square feet of gross floor area.
Senior high schools	One (1) for each teacher, employee and administrator and one for every ten (10) students, in addition to the requirements of the auditorium or assembly hall.
(c) Business and Commercial	
Antique malls	One (1) for every two hundred-fifty (250) square feet of gross floor area. (Res. 2012-223A. Passed 7-16-12, effective 8-1-12.)
Automobile wash establishments (automatic)	Two (2), plus one (1) for each employee and manager, plus a minimum of sixteen (16) for cars waiting to be washed for each conveyor system, plus one (1) upon exiting each conveyor system, plus two (2) for post-wash detailing.
Automobile and truck sales, with or without automotive service and/or repair facilities	One (1) for every four hundred (400) square feet of gross floor area of the sales room, plus one (1) for each employee on duty based upon maximum employment shift, plus spaces required for any automotive service and/or repair facilities.
Automobile wash establishments (self-service)	Two (2) for cars waiting to be washed for each car wash bay, plus one (1) upon exiting each bay.
Automotive service stations	One (1) for each employee, plus one (1) for the owner and/or manager, plus two (2) for each service bay.
Beauty parlors or barber shops	Three (3) for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) for each additional chair.
Beauty schools	One (1) for every forty (40) square feet of gross floor area, less the area devoted to storage, utility rooms or lavatories.
Carry-out restaurants	One (1) for each one-hundred-fifty (150) square feet of gross floor area, with a minimum of six (6).
Convenience store, with or without automotive fuel service	One (1) for every one-thousand (1,000) square feet of gross floor area, plus spaces required for automotive fuel service. The Planning Commission may permit each fuel pump space to count as one-half (½) of a required parking space.

Drive-in and drive-through restaurants (see also Section 1290.03)	One (1) for every two (2) seats in an established seating plan area, plus one (1) for every fifteen (15) square feet of usable customer area other than in an established seating plan area, plus one (1) for every two (2) employees based upon maximum employment shift, plus one (1) for every outside customer automobile service stall area, plus required vehicle stacking spaces.
Dry cleaners	Two (2) for every one-thousand (1,000) square feet of gross leaseable floor area.
Equipment repair	One (1) for every one-thousand (1,000) square feet of gross leaseable floor area.
Fast-food restaurants without drive-in or drive-through service	One (1) for each one-hundred (100) square feet of gross floor area, with a minimum of twenty-five (25).
Furniture and appliance establishments; household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair shops; laundries; hardware and home improvement stores; machinery sales establishments; and other similar uses	Four (4) for every one-thousand (1,000) square feet of gross leaseable floor area.
Hypermarket	Five (5) for every one-thousand (1,000) square feet of gross leaseable floor area.
Indoor flea markets	One (1) for every two hundred-fifty (250) square feet of gross floor area. (Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)
Laundromats	One (1) for each three (3) washing or drying machines.
Mortuary establishments and funeral homes	One (1) for every seventy-five (75) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms.
Motels, hotels or other commercial lodging establishments	One (1) for each occupancy unit, plus one (1) for each employee, plus spaces for any dining rooms, restaurants, cocktail lounges, ballrooms or meeting rooms, based upon maximum occupancy code.
Open air business establishments, except as listed in paragraph (c)(16) hereof	One (1) for every five-hundred (500) square feet of lot area for retail sales and retail uses.
Recreational vehicle sales and service establishments, trailer sales and rentals, boat showrooms	One (1) for every four-hundred (400) square feet of gross floor area of the sales room.
Restaurants, except as otherwise specified herein	One (1) for each one-hundred (100) square feet of gross floor area intended for use by customers and patrons of the establishment, plus one (1) for every two (2) employees based upon the anticipated maximum employment shift.
Retail stores, except as otherwise specified herein (includes marijuana retailers and provisioning centers)	One (1) for every two-hundred-fifty (250) square feet of gross floor area.
Service establishments, except as otherwise specified herein	Two (2) for every one-thousand (1,000) square feet of gross leaseable floor area.
Shopping centers or clustered commercial centers with less than 60,000 square feet of gross leaseable floor area	Four (4) for every one-thousand (1,000) square feet of gross leaseable floor area, plus spaces for a supermarket or hypermarket, if included.
Shopping centers or clustered commercial centers with 60,000 square feet or more of gross leaseable floor area	Five (5) for every one-thousand (1,000) square feet of gross leaseable floor area, plus spaces for a supermarket or hypermarket, if included.
Studios, dance, health, music and other similar places of instruction and recreation	One (1) for every forty (40) square feet of gross floor area, less the area devoted to storage, utility rooms and lavatories.
Supermarkets	Four and one-half (4½) for every one-thousand (1,000) square feet of gross leaseable floor area.
Video rental establishments	Fifteen (15) for every one-thousand (1,000) square feet of gross leaseable floor area, with a minimum of eight (8).
(d) Offices	

General business offices; professional offices of lawyers, architects, engineers, planners, accountants or other professions	Three and one-half (3½) for every one-thousand (1,000) square feet of gross floor area.
Drive-through financial institutions (banks, savings and loan offices, credit unions) (see also Section 1290.03)	Five (5) for every one-thousand (1,000) square feet of gross floor area, plus two (2) for every automated teller machine and waiting space equivalent to four (4) for each drive-through window.

Immediate care medical facility	Two (2) for each examination room, plus one (1) space for each laboratory or recovery room, plus one (1) space for each employee on duty based upon maximum employment shift.
Financial institutions (banks, savings and loan offices, credit unions)	Five (5) for every one-thousand (1,000) square feet of gross floor area, plus two (2) for every automated teller machine.
Medical offices and professional offices of doctors, dentists, or similar professions; medical centers or clinics	Seven (7) for every one-thousand (1,000) square feet of gross floor area.
Veterinary clinics or hospitals	Four (4) for every one-thousand (1,000) square feet of gross floor area.

(e) Recreation and Entertainment

Amusement establishments, including video and pinball arcades, pool and billiard hall, etc.	One (1) for every fifty (50) square feet of gross floor area.
Banquet centers and halls	One (1) for every three (3) persons allowed within the maximum occupancy load as established by City, County or State, Fire, Building or Health Codes.
Batting cages	One (1) for every cage, plus one (1) for each employee.
Bowling alleys	Four (4) for each bowling lane, plus required parking for any bar, restaurant or assembly space attached to a bowling alley.
Golf courses	Four (4) for every hole (or two (2) for every hole if a par-three course), plus one (1) for each employee.
Health, fitness, and exercise centers	Five (5) for every one-thousand (1,000) square feet of gross leaseable floor area, plus spaces required for any pools, tennis courts, etc.
Marinas, public or private	One (1) for each boat or ship.
Miniature golf courses and driving ranges	One (1) for each hole or tee, plus one (1) for each employee.
Skateparks	One (1) space for every one-thousand two-hundred (1,200) feet of gross leaseable floor area.
Skating rinks (roller and ice)	Six (6) for every one-thousand (1,000) square feet of gross floor area.
Stadium sports areas or similar places of assembly	One (1) for every three (3) seats or six (6) feet of bench.
Swimming pools	One (1) for every four (4) persons of maximum occupancy.
Tennis or racquet clubs	Four (4) for each court, plus one (1) for each employee. If a spectator area is provided, one (1) space for every three (3) seats shall be required.
Theaters and auditoriums (indoor)	One (1) for every four (4) seats, based on maximum seating capacity in the main place of assembly therein, plus one (1) for every two (2) employees.
Theaters (drive-in)	One (1) per each vehicle, plus a ten percent (10%) reservoir of the total vehicle capacity.

(f) Industrial

Automotive repair centers	One (1) for every five-hundred (500) square feet of gross floor area (does not include storage of wrecked or repaired vehicles).
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Industrial establishments, including manufacturing, research and testing, laboratories, creameries, bottling works, printing, plumbing or electrical workshops.	One (1) for every five-hundred (500) square feet of gross floor area, or one (1) per every one and one-half (1½) employees, computed on the basis of the greatest number of persons employed at any one period during the day or night, whichever is greater.
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Marihuana growing facility, marihuana safety compliance facility, marihuana processing establishment or marihuana secured transporter establishment.	One (1) for every employee on peak shift, one (1) for every one thousand (1,000) square feet of gross floor area for facilities/establishments over five thousand (5,000) square feet.
Self-storage warehouses	Six (6).
Wholesale establishments	One (1) for every one-thousand seven-hundred (1,700) square feet of gross floor area, or one (1) for each employee, computed on the basis of the greatest number of persons employed at any one (1) period during the day or night.

(g) **Barrier-Free Parking Requirements.** Within each parking lot, signed and marked barrier-free spaces measuring twelve (12) feet in width shall be provided at a convenient location, in accordance with the following table. Barrier-free parking space requirements shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

<i>Total Spaces</i>	<i>Barrier-Free Spaces Required</i>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
over 400	12, plus 2 for every 250 or fraction thereof over 400

(Res. 98-340A. Passed 9-21-98; Res. 02-156A. Passed 3-25-02; Res. 2012-223A. Passed 7-16-12, effective 8-1-12; Res. 2012-259A. Passed 8-20-12, effective 9-5-12; Res. 2020-320A. Passed 10-19-20, effective 11-4-20.)

1290.03 WAITING AREAS FOR DRIVE-THROUGH FACILITIES IN BUSINESS DISTRICTS.

(a) As used in this section, "off-street waiting space" or "stacking space" means an area ten (10) feet wide by twenty-four (24) feet long that does not include the use of any public space, street, alley or sidewalk. Such area shall be located entirely within a Neighborhood Business District (NBD), Municipal Business District (MBD), or Regional Business District (RBD).

(b) On the same premises with every building or structure, or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided, unless otherwise specified within this Zoning Code, off-street waiting spaces in accordance with the following table:

Automotive repair or service station	= One (1) per service bay
Automotive fueling station	= Two (2) per fuel pump island
Convenience store drive-through	= Two (2) per service window
Drive-through financial institution	= Four (4) per service window
Drive-through food service	= Ten (10) per service window
Dry cleaning drop-off station	= Two (2) per service window
Automatic car wash	= Sixteen (16) per wash line, plus one (1) upon exit
Self-service car wash	= Two (2) per wash bay, plus one (1) upon exit

(Res. 98-340A. Passed 9-21-98.)

1290.04 OFF-STREET PARKING A AREAS; RESIDENTIAL DISTRICTS ADJOINING BUSINESS OR INDUSTRIAL DISTRICTS.

(a) Off-street parking A areas may be permitted in all residential districts following site plan approval in accordance with Section 1296.01, Site Plan Review. However, off-street parking A areas may be approved only when it is reasonably indicated that business or industrial property in adjoining or adjacent areas is unavailable or impractical for the development of an off-street parking facility.

Notice of a request for site plan approval of an off-street parking A area shall be sent by mail or by personal delivery to the owners of property within three-hundred (300) feet of the boundary of the property in question, and to all the occupants of all structures within three-hundred (300) feet, except that the notice shall be given not less than five (5) days and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the request;

- (2) Indicate the property which is the subject of the request;
- (3) State when and where the request will be considered; and
- (4) Indicate when and where written comments will be received concerning the request.

(b) Off-street parking A areas shall be considered a conditional accessory use to adjoining business property, and, as such, the same shall be used for customer vehicle parking of such adjoining business only. Further, penetration of residential property for the establishment of off-street parking A areas shall not exceed one-hundred twenty-five (125) feet measured at right angles from the residential property line adjoining a Business or Industrial District, except as may be provided in an officially adopted community development plan or project, and shall be subject to the following requirements:

- (1) No repairs or service to vehicles and no display of vehicles for purposes of sale shall be carried on or permitted upon such premises.
- (2) All land between the boundaries of the parking facility and the barriers referred to in paragraph (b)(7) hereof, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris and shall be landscaped to conform with the requirements of this Zoning Code.
- (3) The parking surface, and all required access drives and maneuvering aisles, shall be covered with a pavement of concrete or plant-mixed bituminous material and shall be graded and drained to the storm sewer so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property.
- (4) Off-street parking A areas shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained.
- (5) When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent residential areas. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than fifteen (15) feet above the parking surface.
- (6) Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining lots and the parking area. The depth of the front yard or setback line from the street, as established for houses in any block in any given residential area, shall be continued and made applicable to parking space in such residential area. No person shall use the space between such setback line and the sidewalk for the parking of motor vehicles. However, the barrier described in this paragraph (b)(7) shall be located on the setback line as required in this paragraph.
- (7) Whenever such parking area adjoins residential property and/or a residential street or alley, a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, shall be erected and maintained between the required yard space and the area to be used for parking. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. A greenbelt, berm, or buffer strip as defined in Section 1296.03(d), Landscaping Standards, shall also be installed along with the required wall. Bumper guards of a type described in Section 1290.05(k), Off-Street Parking B Areas; Business Districts, shall be provided to prevent vehicles from striking such wall or shrubbery. All required walls, fences or other barriers shall be properly maintained and kept free of debris, signs or advertising. However, if, in the opinion of the Planning Commission, the side yard and/or greenbelt, berm, or buffer strip would serve no good purpose, the Zoning Board of Appeals may waive such requirement and provide only the wall between the residential use and the business or industrial use.
- (8) Entrance to such area shall be only from an adjoining principal use or an adjoining alley. Parking lots shall be designed to prevent vehicles from backing into the street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows.
- (9) Plans for the development of any parking facility must be submitted in triplicate to the Building Department and must be approved by the Building Superintendent prior to the start of construction. The Superintendent may also forward such plans to the City Engineer, City Planner, Police Department, Fire Department, and Public Works and Public Services Department for review and comment. The construction shall be in accordance with the Building Code and this Zoning Code, and such construction shall be completed and approved by the Building Department and the Police Department before actual use of the property as a parking lot.
- (10) No person shall leave, park or store, or permit to be left, parked or stored, any motor vehicle in an off-street parking A area for a period longer than eighteen (18) hours. It is the purpose and intent of this paragraph that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of unregistered or unlicensed, wrecked or junked cars or vehicles. No person shall park or permit to be parked any motor vehicle in such parking area between 12:00 midnight and 6:00 a.m., unless the adjacent business maintaining such parking area remains open after 12:00 midnight, in which case the lot shall be closed and all parked cars removed within thirty (30) minutes after the business has closed.
- (11) During the time the facility is closed and not available for the parking thereon of motor vehicles, a suitable chain or gate shall be placed across every exit and entrance for motor vehicles. Such chain or gate shall be securely locked and access to the lot shall be effectively barred.
- (12) No charge for parking shall be made in an off-street parking A area.
- (13) The use of any loud noise producing device or public address system shall be prohibited.

(Res. 98-340A. Passed 9-21-98. Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

1290.05 OFF-STREET PARKING B AREAS; BUSINESS DISTRICTS.

Off-street parking in a Neighborhood Business District (NBD), Municipal Business District (MBD), Central Business District (CBD), or Regional Business District (RBD) shall conform to the following requirements:

(a) Plans for the development of any parking facility must be submitted in triplicate to the Building Department and must be approved by the Building Superintendent prior to the start of construction. The Superintendent may also forward such plans to the City Engineer, City Planner, Police Department, Fire Department, and Public Works and Public Services Department for review and comment. The construction shall be in accordance with the Building Code and this Zoning Code, and such construction shall be completed and approved by the Superintendent and the Police Department before the actual use of the property as a parking lot. Parking structures may be built in off-street parking B areas to satisfy parking requirements, subject to the area, height, bulk and placement regulations for buildings and structures in the zoning district wherein they are located.

(b) Adequate means of ingress and egress shall be provided and shown in the plan submitted.

(c) Such parking facilities, and all required access drives and maneuvering aisles, shall be hard surfaced with concrete or plant-mixed bituminous material, maintained in a usable dustproof condition and graded and drained to the storm sewer, if available, so as to dispose of surface water in accordance and conformity with the requirements of the City.

(d) Off-street parking B areas shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained.

(e) Whenever such parking facility adjoins residential property and/or a residential street or alley, a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, shall be erected and maintained. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. The location of the wall and lot barrier facing a residential street shall be determined with due regard for side yard requirements and the building setback line adjoining the Residential District, as may be required in the particular business district. Bumper guards of a type described in subsection (k) hereof shall be provided to prevent vehicles from striking the wall.

(f) All street boundaries of such parking facilities, where residential property is located on the opposite side of the street, shall be treated the same as set forth in Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts.

(g) The entrance to such area shall be only from the adjoining principal use or adjoining alley. Parking lots shall be designed to prevent vehicles from backing into the street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows.

(h) Parking may be with or without charge.

(i) All illumination for such parking facilities shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than twenty-five (25) feet above the parking surface.

(j) Where street setback lines are provided by ordinance or established through the adoption of a street and traffic plan, such setback lines shall be maintained.

(k) In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk.

(l) No person shall park or store a motor vehicle in an off-street parking B area for a continuous period of more than forty-eight (48) hours.

(Res. 98-340A. Passed 9-21-98.)

1290.06 OFF-STREET PARKING C AREAS; INDUSTRIAL DISTRICTS.

Off-street parking in Light Industrial LID Districts and General Industrial GID Districts shall conform to the following requirements:

(a) Plans for the development of any parking facility must be submitted in triplicate to the Building Department and must be approved by the Building Superintendent prior to the start of construction. The Superintendent may also forward such plans to the City Engineer, City Planner, Police Department, Fire Department, and Public Works and Public Services Department for review and comment. The construction shall be in accordance with the Building Code and this Zoning Code, and such construction shall be completed and approved by the Superintendent and the Police Department before actual use of the property as a parking lot.

(b) Adequate means of ingress and egress shall be provided and shown in the plan submitted. Parking lots shall be designed to prevent vehicles from backing into the street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows.

(c) Such parking facilities, and all required access drives and maneuvering aisles, shall be hard surfaced with concrete or plant-mixed bituminous material and maintained in a usable dustproof condition. Such facility shall be graded and drained to a storm sewer, if available, so as to dispose of surface water in accordance and conformity with the requirements of the City.

(d) Off-street parking C areas shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained.

(e) Whenever such parking facility adjoins residential property and/or a residential street or alley, a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, shall be erected and maintained. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. The location of the wall and lot barrier facing a residential street shall be determined with due regard for side yard requirements and the building setback line in the adjoining residential district, as may be required in the particular industrial district. Bumper guards of a type described in subsection (l) hereof shall be provided to prevent vehicles from striking such wall.

(f) All street boundaries of such parking facilities, where residential property is located on the opposite side of the street, shall be treated the same as set forth in Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts.

(g) All illumination for such parking facilities shall be deflected away from residential areas. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than twenty-five (25) feet above the parking surface.

(h) Where street setback lines are provided by ordinance or established through the adoption of a street and traffic plan, such setback lines shall be maintained.

(i) In all cases where such parking facilities abut public sidewalks or a wall, a curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk.

(j) Such parking facility may not be used for the storage or parking of unregistered or unlicensed, junked or wrecked vehicles of any type, as a storage area for industrial equipment or material, or as a dump for refuse of any description.

(Res. 98-340A. Passed 9-21-98.)

1290.07 PARKING IN RESIDENTIAL DISTRICTS.

Off-street parking for permitted principal uses in Residential Districts shall conform to the following regulations:

(a) The parking surface and access driveways shall be covered with a pavement of concrete or plant-mixed bituminous material and shall be graded toward the center of the parking surface or driveway, and drained to a storm sewer so as to dispose of surface water in accordance and conformity with the requirements of the City. A curbed edge shall be required where parking or driveway surfaces are within five (5) feet of a building on an adjacent lot.

(b) When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent residential areas, and the source of illumination shall not be more than thirteen (13) feet above the parking surface.

(c) All open parking areas shall be screened from adjacent properties by means of a brick wall, screen fencing, evergreens and/or other barriers deemed suitable by the Building Superintendent to minimize noise from motor vehicles and to prevent the direct glare of headlights from falling on adjacent properties.

(Res. 98-340A. Passed 9-21-98.)

1290.08 PARKING SPACE LAYOUT AND DESIGN.

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (degrees)	Maneuvering Lane Width (ft.)	Parking Space Width (ft.)	Parking Space Length (ft.)	Total Width of One Tier of Spaces Plus Maneuvering Lanes (ft.)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (ft.)
0 (parallel)	12	8	23	20	28
30 to 53	12	8	23	39	55
54 to 74	15	9	20	38	56
75 to 90	22	9.5	20	43	62

(Res. 98-340A. Passed 9-21-98.)

1290.09 OFF-STREET LOADING GENERALLY.

(a) On the same premises with every building or structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of the streets and alleys.

(b) Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with a fifteen (15)-foot height clearance. Such spaces shall be provided in accordance with the following schedule:

	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area	
Gross Floor Area (sq. ft.)	Commercial	Industrial
	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area	
	Commercial	Industrial
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,00 in excess of 100,000
300,001 to 500,000	10 plus 1/100,000 in excess of 300,000	10 plus 1/100,000 in excess of 300,000
Over 500,000	12 plus 1/250,000 in excess of 500,000	14 plus 1/150,000 in excess of 500,000

(c) No loading space shall be located closer than fifty (50) feet from any residentially zoned district unless located within a completely enclosed building or unless enclosed on all sides facing a residential district by a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.

(d) Loading spaces shall not be provided in the front yard, the front side of any building, or on any building side facing and directly visible

to a public street, unless the Planning Commission determines such a location is necessary due to the building's location or placement, the existing street patterns, or other factors.

(e) Loading spaces shall be covered with a pavement of concrete or plant-mixed bituminous material and shall be graded and drained to a storm sewer so as to dispose of surface water in accordance and conformity with the requirements of the City.

(f) The Planning Commission may waive the requirement for off-street loading spaces for existing buildings within a Neighborhood Business District (NBD) or a Municipal Business District (MBD) under the following circumstances:

(1) The rear of the building is built to the rear lot line and directly abuts a public alley.

(2) The layout and size of the existing building and parking area preclude the placement of a designated loading space within the site.

(Res. 98-340A. Passed 9-21-98.)

1290.10 ACCESS MANAGEMENT AND DRIVEWAY STANDARDS.

(a) Statement of Purpose. The purpose of this section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(b) Application of Standards.

(1) The standards of this section shall be applied to the following major traffic routes (arterials) identified in the City of Lincoln Park Comprehensive Development Plan: Southfield Road, Fort Street, Dix Avenue, and Outer Drive.

(2) The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and/or Wayne County.

(3) The standards contained in this section shall apply to all uses, except permitted single-family and two (2)-family dwelling units.

(4) For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates that all of the following apply:

A. The size of the parcel is insufficient to meet the dimensional standards.

B. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

C. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers (ITE).

D. There is no other reasonable means of access.

(c) Number of Driveways.

(1) Access to a parcel shall consist of either a single two (2)-way driveway or a pair of one (1)-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.

(2) Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.

(3) Where the parcel is situated on a corner lot, one (1) access point on each street frontage may be permitted, provided there is a minimum of one-hundred (100) feet of frontage per side. No more than one (1) access point shall be permitted per side for parcels located on corner lots unless otherwise provided for within this chapter.

(4) Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineer's Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point. Where possible, this access should be spaced according to the standards contained herein, located on a side street, shared with an adjacent property, and/or be designed to restrict one (1) or both left turn movements.

(5) Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being designed, constructed, and signed for right-turns-in and right-turns-out only.

(d) Shared Access; Joint Driveways; Frontage Roads; Parking Lot Connections; and Rear Service Drives.

(1) Shared use of access between two (2) or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction of on-site frontage roads, and rear service drives, particularly for the following: A. sites within one-quarter (1/4) mile of major intersections; B. sites having dual frontage; C. sites where frontage dimensions are less than three hundred (300) feet; D. locations with sight distance problems; and/or E. along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.

(2) In cases where a site is adjacent to an existing frontage road, a parking lot of a compatible use, or a rear service drive, a connection to the adjacent facility may be required by the Planning Commission.

(3) In cases where a site is adjacent to undeveloped property, the site must be designed and constructed to accommodate a future frontage road, parking lot connection, rear service drive, or other means of shared access as determined by the Planning Commission.

(4) The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

(e) Unobstructed Sight Distance.

(1) No fence, wall, structure or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30)

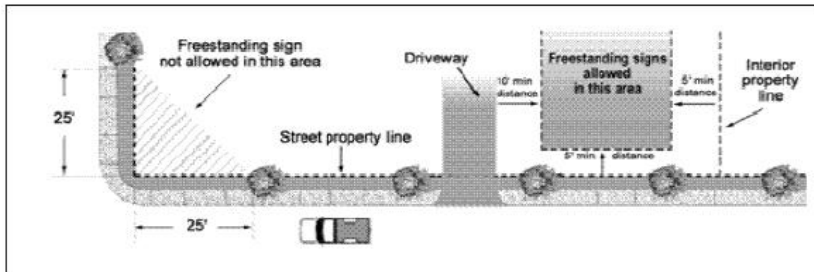
inches and six (6) feet above the lowest point of the intersecting road(s).

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

(2) The unobstructed triangular area is described as follows:

The area formed at the corner intersection of two public right-of-way lines, the two (2) sides of the triangular area being 25 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, as illustrated in the following graphic:

The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the edge of the driveway and five (5) feet in length measured along the right-of-way line and the third side being a line connecting these two sides.



(Res. 10-66A. Passed 4-19-10. Eff. 5-5-10.)

(f) Driveway Spacing From Intersections and Access Ramps.

(1) Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.

(2) In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:

A. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service "C" for one (1) or more movements) and/or a significant number of traffic accidents (five (5) or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection.

B. For locations within two-hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one-hundred-fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in/right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.

C. One-hundred (100) feet for locations not addressed by paragraph (f)(2)B. hereof.

D. Driveways shall be spaced a minimum of two-hundred (200) feet from the centerline of access ramps for Interstate 75.

(g) Driveway Spacing From Other Driveways.

(1) Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.

(2) Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

Posted Speed Limit	Minimum Driveway Spacing
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

(3) Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be one-hundred-fifty (150) feet, excluding when one (1) or both driveways are designed and signed for right-turn-in/right-turn-out only.

(h) Driveway Design: Channelized Driveways; Deceleration Lanes and Tapers; Bypass Lanes.

(1) Driveway designs. Driveways shall be designed to the standards of Wayne County, except where stricter standards are included herein or by the City's driveway construction standards.

(2) Driveway width and radii.

A. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined minimum throat width of twenty-five (25) feet and a maximum throat width of thirty (30) feet, measured from face to face of curb.

B. Wherever the Planning Commission determines that traffic volume or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.

C. For one-way paired driveway systems, each driveway shall be twenty (20) feet wide, measured perpendicularly.

D. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet. Concrete sidewalks shall be continued and/or maintained across driveways.

E. Driveways shall be designed with a twenty-five (25) foot radii; thirty (30) foot radii shall be required where daily truck traffic is expected.

(3) Directional driveways, divided driveways and deceleration tapers. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide.

(i) Design of Frontage Roads, Rear Service Drives and Parking Lot Connections. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following standards:

(1) Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.

(2) Frontage road access to public streets shall be spaced according to the standards of subsections (f) and (g) hereof.

(3) Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.

(4) Parking along, or which backs into, a frontage road shall be prohibited.

(5) For properties which are currently developed or are adjacent to developed uses, and the standards of paragraphs (i)(1) through (4) hereof are determined by the Planning Commission to be too restrictive, frontage roads can be defined through parking lots by raised and/or painted islands, as shown, provided that at least every third end island is raised.

(Res. 98-340A. Passed 9-21-98.)

1290.11 PRIVATE ROAD STANDARDS.

(a) The City discourages the use of private roads, but may allow private roads as a special land use when meeting the standards of this section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by this Zoning Code or other provisions of these Codified Ordinances, or internal access drives to parking within approved site plans for multiple-family developments.

(b) The use of private roads must be supported by documentation accepted by Council that the property possesses unusual configuration and/or topography which would render construction of streets under City standards for grades, radii, width and/or materials impractical.

(c) An easement shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving four (4) or fewer lots or single-family residential units, and not less than fifty (50) feet in width for roads serving more than four (4) homes shall be provided for private road access. This easement shall be recorded with the Register of Deeds office and a copy of the recorded easement provided to the City Clerk.

(d) Any lot accessed via a private road shall have frontage on the private road which is at least equal to the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point of the beginning of the lot line designated by the Building Superintendent as the side lot line.

(e) Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located.

(f) The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.

(g) The surface and base material of any private road shall be approved by the City Engineer as being sufficient to accommodate emergency vehicles.

(h) Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.

(i) The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefitting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners' association served by the private road for such service.

(j) The applicant shall provide a recorded statement running with the land informing purchasers that the access road is private.

CHAPTER 1292

Nonconforming Uses, Buildings and Lots

1292.01 Declaration and regulation.

1292.02 Nonconforming uses of land.

1292.03 Nonconforming uses of structures.

1292.04 Nonconforming structures.

- 1292.05 Nonconforming lots of record.
- 1292.06 Repairs and maintenance.
- 1292.07 Restoration of damaged buildings.
- 1292.08 Continuation of use.
- 1292.09 Change of use.
- 1292.10 Extensions; enlargements; moving.
- 1292.11 Change of tenancy or ownership.
- 1292.12 Acquisition of nonconformities; removal and resale.
- 1292.13 Certificates of occupancy; records.
- 1292.14 Nonconforming signs.
- 1292.15 Application to previously filed plans.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of land development and establishment of district provisions, uniformity of regulations; designations; limitations - see M.C.L.A. Sec. 125.3201

Nonconforming uses or standards - see M.C.L.A. Sec. 125.3208

Districts generally and zoning map - see P. & Z.Ch. 1266

1292.01 DECLARATION AND REGULATION.

Any lot or lawful use of land, a building, or a structure existing on the passage date of this Zoning Code, or on the passage date of any future amendments which may be made to this Zoning Code, and located in a district in which it would not be permitted, or prohibited, regulated, restricted, or otherwise unlawful as a new use or otherwise under the regulations of this Zoning Code, is declared to be a nonconforming use and not in violation of this Zoning Code. However, a nonconforming use shall be subject to, and the owner shall comply with, the regulations of this Zoning Code.

It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such nonconforming uses and structures are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are considered to present a greater public burden than nonconforming lots and structures. Therefore the intent of this chapter is to gradually eliminate nonconforming uses or decrease their nonconforming status, but to permit certain nonconforming uses to continue under certain conditions, discouraging their expansion or enlargement. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

Nonconforming lots and structures are typically those established prior to the current zoning standards. The City intends to allow continued use of these lots and structures in certain cases. Accordingly, this chapter establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming structures which do not increase the nonconforming situation.

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

(Res. 98-340A. Passed 9-21-98.)

1292.02 NONCONFORMING USES OF LAND.

Where, on the passage date of this Zoning Code, or on the passage date of any future amendments which may be made to this Zoning Code, a lawful use of land exists, which use would not be permitted or prohibited, regulated, restricted, or otherwise unlawful by the regulations imposed by this Zoning Code, the use may be continued so long as it remains otherwise lawful, provided that:

- (a) No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this Zoning Code, or on the effective date of any future amendments which may be made to this Zoning Code.
- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that portion occupied by such use on the effective date of this Zoning Code, or on the effective date of any future amendments which may be made to this Zoning Code.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) Those alleged nonconforming uses which cannot be proved to have been legally existing prior to the effective date of this Zoning Code, or on the effective date of any future amendments which may be made to this Zoning Code, shall be declared illegal nonconforming uses and shall be discontinued following such effective date.
- (e) No additional structure not conforming to this Zoning Code shall be erected in connection with such nonconforming use of land.

(Res. 98-340A. Passed 9-21-98.)

1292.03 NONCONFORMING USES OF STRUCTURES.

If a lawful use involving an individual structure, or a structure and premises in combination, exists on the effective date of this Zoning Code, or on the effective date of any future amendments which may be made to this Zoning Code, which use would not be allowed in the district in which it is located under this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged, designed, or designated for such use at the time of adoption of this Zoning Code, or at the time of adoption of any future amendments which may be made to this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided the Planning Commission determines that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases for six (6) consecutive months or for eighteen (18) months during any three (3)-year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- (f) Where a nonconforming use status applies to a structure and premises in combination, the removal or destruction of the entire structure shall eliminate the nonconforming status of the land.

(Res. 98-340A. Passed 9-21-98.)

1292.04 NONCONFORMING STRUCTURES.

Where a lawful structure exists on the effective date of this Zoning Code, or on the effective date of any future amendments which may be made to this Zoning Code, which structure could not be built under this Zoning Code by reasons of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following:

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.
- (b) If such structure is moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (c) If any such nonconforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of such structure shall conform to the regulations specified in this Zoning Code for the district in which such structure is located.
- (d) Should such structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (e) A residential nonconforming structure may be allowed to expand, provided the expansion does not increase the size of the established footprint, or the expansion is within a yard which retains compliance with the required setback and height (e.g. a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming), and provided, further, that the following criteria are met for the subject structure:
 - (1) The cost of such work shall not exceed fifty percent (50%) of the market value of such residential structure prior to the time such work is started.
 - (2) The only nonconforming situation on the parcel shall be dimensional ones related to the house and/or garage.
 - (3) Any other expansion shall be prohibited unless a variance is granted by the Zoning Board of Appeals.

(Res. 98-340A. Passed 9-21-98.)

1292.05 NONCONFORMING LOTS OF RECORD.

(a) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Zoning Code, provided such lot is located in a block on which fifty-one percent (51%) or more of the lots on both sides of the street are occupied by single-family dwellings. Where fifty-one percent (51%) or more of the existing homes are built upon a larger lot or combination of lots, a building permit will not be granted for a lot of less area or width than the size of the majority of the dwellings existing on the passage date of this Zoning Code.

(b) In those areas where less than fifty-one percent (51%) of the lots are built upon in a one (1)-block area, the provisions regarding the use of combined lots shall apply.

(c) Permission to use a single nonconforming lot as provided in this section shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements, not involving lot area or lot width, or both, shall conform to the regulations for the district in which the lot is located. Lots forty-five (45) feet or less wide, of a plat officially approved and recorded prior to the adoption of this Zoning Code, shall have two (2) side yards, each having a width of not less

than four (4) feet and an aggregate width of not less than twelve (12) feet.

(d) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the passage date of this Zoning Code, and if all or part of the lots does not meet the requirements for lot width and area as established by this Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code. No portion of such parcel shall be used or occupied, which portion does not meet lot width and area requirements established by this Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Zoning Code.

(Res. 98-340A. Passed 9-21-98.)

1292.06 REPAIRS AND MAINTENANCE.

(a) On any nonconforming structure, or on any portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty-five percent (25%) of the current State equalized valuation of the nonconforming structure or portion thereof, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(b) If a nonconforming structure, or a portion of a structure containing a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Superintendent to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(Res. 98-340A. Passed 9-21-98.)

1292.07 RESTORATION OF DAMAGED BUILDINGS.

Nothing in this Zoning Code shall prevent the reconstruction, repair, restoration and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Zoning Code, wherein the expense of such reconstruction does not exceed thirty percent (30%) of the State equalized valuation of the entire building or structure at the time such damage occurred, provided that all of the following apply:

(a) Such valuation shall be subject to the approval of the Building Superintendent, whose decision shall be subject to approval of the Planning Commission.

(b) Such restoration and resumption shall take place within six (6) months of the time of such damage and it shall be completed within one (1) year from the time of such damage.

(c) Such use shall be identical to the nonconforming use permitted and in effect directly preceding such damage.

Where pending insurance claims require an extension of time, the Superintendent may grant a time extension, provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises. No fee shall be charged for an appeal under this section.

(Res. 98-340A. Passed 9-21-98.)

1292.08 CONTINUATION OF USES.

When a nonconforming use of property is discontinued through vacancy, lack of operation or other similar condition for a period of six (6) months or more, thereafter no right shall exist to maintain on such property a nonconforming use unless the Zoning Board of Appeals grants such privilege within six (6) months after such discontinuance. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

(Res. 98-340A. Passed 9-21-98.)

1292.09 CHANGE OF USE.

The use of a nonconforming building or structure may be changed to another use permitted in the most restricted district in which such nonconforming use is permitted. Where the use of a nonconforming building or structure is hereafter changed to a use permitted in a more restricted district, it shall not thereafter be changed to a use which is not permitted in a more restricted district. The proposed use shall be subject to all requirements applying to such proposed use in the most restricted district in which the nonconforming use to be changed is permitted.

(Res. 98-340A. Passed 9-21-98.)

1292.10 EXTENSIONS; ENLARGEMENTS; MOVING.

No nonconforming use of any land or structure shall hereafter be enlarged or extended. No nonconforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yards and other open spaces provided are made to conform to all the regulations of the district in which such building or structure is to be located.

(Res. 98-340A. Passed 9-21-98.)

1292.11 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

(Res. 98-340A. Passed 9-21-98.)

1292.12 ACQUISITION OF NONCONFORMITIES; REMOVAL AND RESALE.

(a) The Planning Commission may, from time to time, recommend to Council the acquisition of private property or an interest in private property that does not conform in use or structure to the regulations and restrictions of the various districts defined in this Zoning Code, and may recommend the removal of such use or structure.

(b) The Commission shall submit its reasons and estimates of costs and expenses of such acquisition and removal and the probable resale price of the property to be acquired after removal of the nonconformity, as obtained from the appropriate City department, board or commission. The Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the nonconformity and the probable resale price which, in its opinion, should be assessed against a benefitted district.

(c) Whenever Council has under advisement the acquisition by purchase, condemnation or otherwise, as provided by law, of any nonconforming building, structure or use, a preliminary public hearing thereon shall be held before Council. Not less than fifteen (15) days before the hearing, a notice of the time, place and purpose of such public hearing shall be published in a newspaper circulating in the City, and the City Clerk shall send by mail, addressed to the owner of any such property at the address given in the last assessment roll, a written notice of the time, place and purpose of such hearing. If the cost and expense, or any portion thereof, is to be assessed to a special district, a City Assessor shall be directed to furnish Council with a tentative special assessment district, a tentative plan of assessment, the names of the respective owners of the property in such district and the addresses of such owners as given in the last assessment roll. The City Clerk shall also send the notice to the respective owners listed in the tentative assessment district.

(d) Whenever Council, after a public hearing as required in subsection (c) hereof, declares, by resolution, that proceedings be instituted for the acquisition of any property on which is located a nonconforming building, structure or use in accordance with the laws of the State, the City Charter, this Zoning Code and other applicable ordinances of the City, the City Clerk shall send, by registered mail, a certified copy of such resolution to the respective owners of the properties in any special assessment district, at the addresses given in the last assessment roll.

(e) Upon the passing of title to the private property so acquired, as provided in subsection (d) hereof, to the City, Council shall cause the discontinuance or removal of the nonconforming use or the removal, demolition or remodeling of the nonconforming structure. Council shall thereafter order such property sold or otherwise disposed of, but only for a conforming use. Council shall confirm the cost and expense of such project and report any less cost to the City Assessor, who shall then prepare an assessment roll in the manner provided for in the City Charter, these Codified Ordinances and other applicable ordinances of the City. Such assessment roll may, in the discretion of Council, be in one (1) or more, but not more than five (5), annual installments.

1292.13 CERTIFICATES OF OCCUPANCY; RECORDS.

(a) If, at any time after the adoption of this Zoning Code, the City becomes aware of a nonconforming use, the owner of such nonconforming use shall be notified by the City Clerk of the provisions of this section and that his or her property constitutes a nonconforming use. Within thirty (30) days after receipt of such notice, the owner shall apply for and be issued a certificate of occupancy by the Building Superintendent for the nonconforming use. The application for such certificate shall designate the location, nature and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy.

(b) If the owner of a nonconforming use fails to apply for a certificate of occupancy within thirty (30) days after receipt of such notice, the use ceases to be nonconforming and is declared to be in violation of this Zoning Code. The City Clerk and the City Attorney shall take appropriate action to enjoin such violation.

(c) If the Superintendent finds, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law, or if he or she finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Code in effect at the time of construction or alteration, he or she shall not issue the certificate of occupancy but shall declare such use to be in violation of this Zoning Code.

(d) Within six (6) months after the adoption of this Zoning Code, or any amendment hereto, the Superintendent shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at such time. Such record shall contain the name and address of the owner of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land and the nature and extent of such use. Such list shall be available at all times in the office of the City Clerk.

(Res. 98-340A. Passed 9-21-98.)

1292.14 NONCONFORMING SIGNS.

(a) All Nonconforming signs shall adhere to the standards established in section 1476.07, Nonconforming Signs, of Chapter 1476, Sign Code.

(Res. 98-340A. Passed 9-21-98. Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

1292.15 APPLICATION TO PREVIOUSLY FILED PLANS.

In any case where plans and specifications for a building or structure have been filed, which building or structure would conform with the zoning regulations in effect on the date of such filing, but not with the regulations of this Zoning Code, and where a building permit for such building or structure has been issued and construction work started on the effective date of this Zoning Code, such work may proceed, provided it is completed within one (1) year of such date.

(Res. 98-340A. Passed 9-21-98.)

CHAPTER 1294

Provisions Relating to All Districts

- 1294.01 Application of chapter.
- 1294.02 Use of buildings and land.
- 1294.03 Area and yard regulations.
- 1294.04 Height limits.
- 1294.05 One building permitted per lot.

- 1294.06 Lots, yards and open spaces.
- 1294.07 Storage and parking of commercial and recreational vehicles in Residential Districts.
- 1294.08 Frontage on streets required.
- 1294.09 Visibility at intersections.
- 1294.10 Illegal dwellings.
- 1294.11 Location of dwellings.
- 1294.12 Number of buildings permitted on lots.
- 1294.13 Accessory buildings and structures.
- 1294.14 Automotive service stations, repair centers and public garages.
- 1294.15 Storage and repair of vehicles in Residential Districts.
- 1294.16 Drive-in and drive-through establishments.
- 1294.17 Moving of buildings
- 1294.18 Grading.
- 1294.19 Temporary buildings, structures and uses for construction or special events.
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- 1294.23 Application to prior construction.
- 1294.24 Voting places.
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- 1294.26 Essential public services.
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- 1294.28 Screening.
- 1294.29 Fences.
- 1294.30 Front elevations of residences.
- 1294.31 Performance standards.
- 1294.32 Schedule of area regulations.
- 1294.33 Adult business uses.
- 1294.34 Front yards in Residential Districts.
- 1294.35 Wireless communication facilities; antennas, towers and satellite dish antennas.
- 1294.36 Flood hazard area overlay zone.
- 1294.37 Condominium development standards.
- 1294.38 Withholding of approval.
- 1294.39 Sidewalk sales.
- 1294.40 Donation bins.
- 1294.41 Package delivery lockers.
- 1294.42 Trash receptacles and dumpsters.
- 1294.43 Flat work replacement criteria.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4(i)

Regulation of land development and establishment of district provisions, uniformity of regulations; designations; limitations - see M.C.L.A. Sec. 125.3201

Districts generally and Zoning Map - see P. & Z.Ch. 1266

1294.01 APPLICATION OF CHAPTER.

Except as hereinafter specifically provided, the general regulations set forth in this chapter shall apply to all districts.

(Res. 98-340A. Passed 9-21-98.)

1294.02 USE OF BUILDINGS AND LAND.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or

arranged, for any purpose other than that permitted in the district in which the building or land is located.

(Res. 98-340A. Passed 9-21-98.)

1294.03 AREA AND YARD REGULATIONS.

(a) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

(b) Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other principal building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building for the purpose of determining compliance with the provisions of this chapter concerning required yards.

(c) Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features, may project no farther than three (3) feet into a required front yard, five (5) feet into a required rear yard, and two (2) feet into a required side yard.

(d) An unenclosed stoop, deck, balcony or window awning may project no farther than eight (8) feet into a required front yard, and no farther than fifteen (15) feet into a required rear yard. Projection of such building appurtenances into a required side yard shall be prohibited. In no case shall a balcony, stoop, deck or awning be placed closer than five (5) feet to any front or rear lot line within any residentially zoned district.

(Res. 98-340A. Passed 9-21-98.)

1294.04 HEIGHT LIMITS.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits established in this Zoning Code for the district in which the building is located, except that roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to more than fifteen (15) feet above the height limits of the district in which it is located. No such structure shall have a total area greater than twenty-five percent (25%) of the roof area of the building. Such structures shall be screened by a solid wall, landscaping, and/or architectural features that are compatible in appearance with the principal building. No such structure shall be used for any residential purpose or commercial purpose, other than a use incidental to the main use of the building.

(Res. 98-340A. Passed 9-21-98.)

1294.05 ONE BUILDING PERMITTED PER LOT.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot, and in no case shall there be more than one (1) such building on one (1) lot, unless otherwise provided in this Zoning Code. No lot may contain more than one (1) principal building, structure or use, excepting groups of multiple-family dwellings, site condominiums as approved under the provisions of this Zoning Code, or retail business buildings or other groups of buildings the Building Superintendent deems to be a principal use collectively.

(Res. 98-340A. Passed 9-21-98.)

1294.06 LOTS, YARDS AND OPEN SPACES.

(a) No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Zoning Code may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building. In any Residential District, the front and rear yard requirements of a double frontage lot shall be the same as prescribed for any single lot in the zone wherein the double frontage lot is located.

(b) No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Zoning Code. If already less than the minimum requirements of this Zoning Code, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Zoning Code. Lots or yards created after the effective date of this chapter shall comply with the requirements of this chapter.

(c) In determining whether or not the minimum open space requirements of this Zoning Code have been met, the Building Superintendent shall consider and count any area of land owned by the developer adjacent to the property for which plans for the development of a building have been submitted to the Superintendent, which land lies between the outside edge of an easement for a Wayne County drain and the centerline of the drain proper. If the parcel to be so developed is dissected by any such drain, the Superintendent shall consider and count the entire area affected by the easement of the drain, provided that such surface area shall not be utilized for permanent structures or any other improvements of the drain and provided, further, that in no event shall the area lying within any such drain easement be considered or counted for more than twenty percent (20%) of the total minimum open space requirement of this Zoning Code.

(Res. 98-340A. Passed 9-21-98.)

1294.07 STORAGE AND PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS.

(a) For motor homes, travel trailers, folding-type trailers, pickup campers, snowmobiles on trailers, boats and similar and related type units, and other recreational vehicles as defined by this Zoning Code, the regulation of outside storage on all lots zoned and/or used for residential purposes are as follows:

(1) A total of three (3) but not more than one (1) of each of such units may be stored or parked outside on a lot which is zoned and/or used for residential purposes. The ownership of such units shall be in the name of a member of the immediate family of the lot's owner, tenant or lessee.

(2) Such units, when stored outside, shall be located in a rear yard, except as provided in the case of vacant lots, and shall be parked on a paved surface of concrete or plant-mixed bituminous material with a maximum width of twelve (12) feet. Such units shall be placed or parked on a lot with a principal building, structure or use unless it is a lot which is attached to an occupied lot under the same ownership. Such units shall not be closer than ten (10) feet from any structure nor five (5) feet from any lot line, unless otherwise provided by this

section.

(3) The combined area covered by the dwelling, accessory buildings, other above-ground structures and swimming pools, and the area covered by the outside storage of such units, may not exceed forty percent (40%) of the total area of the lot. However, not more than one (1) such unit may be stored or parked outside on any lot regardless of the restriction set forth in this paragraph.

(4) Recreational vehicles or recreational equipment may be stored, parked or placed within any front yard or within a public right-of-way whereon street parking is permitted for a period not exceeding forty-eight (48) hours for loading and unloading or in the process of normal maintenance and cleaning.

(5) In the case of corner lots, as defined with two (2) front yards, the regulations of this section shall apply to both front yards. The side yard facing the street will be considered a second front yard.

(6) In the case of through lots, parking shall be permitted in the effective rear yard, as determined by the Building Superintendent, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.

(7) In the case of through lots on a corner (i.e. lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The Building Superintendent may permit parking in the effective rear yard, as noted in paragraph (a)(6) hereof, upon a determination that such parking is allowed in the adjacent lot.

(8) Such units shall be locked or secured at all times while stored or parked so as to prevent injury to any person or property.

(9) None of such units or any recreational equipment parked or stored outside shall be connected to electricity, water, gas or sanitary facilities for living, lodging or housekeeping purposes and none of the same shall be used for living, lodging or housekeeping purposes, except as otherwise authorized under subsection (f) hereof and Section 1484.02 of the Building and Housing Code.

(10) All recreational equipment and vehicles shall be maintained in good condition, shall be operable and shall have a current license and/or registration.

(b) The parking and/or storage of buses and converted buses in excess of eighteen (18) feet in length, and boats in excess of twenty-two (22) feet in length, is prohibited. A suitable covering shall be placed over all boats whenever stored outside.

(c) Not more than one (1) recreational unit, motor home, travel trailer, pickup camper, folding-type trailer, boat or similar and related type unit, and other recreational vehicles as defined by this Zoning Code, may be parked or stored on a vacant residentially zoned lot, except as otherwise authorized by Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts. When stored on a vacant lot, such unit shall be located only on the rear half of such lot.

(d) Detachable camper tops shall not be stored in any Residential District except in accordance with this section. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.

(e) A recreational vehicle and/or recreational equipment which is officially designated as handicapped in accordance with State law and which is used as the regular means of transportation by or for a handicapped person may be parked within the required setback area.

(f) Commercial vehicles of over one (1) ton shall not be parked or stored at any time on property used or zoned residentially. It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for approved construction on such lot.

(g) This section shall not apply to persons who have acquired any of such units prior to March 6, 1978. Such persons, upon request, shall be entitled to receive from the City Clerk a sticker indicating the date of acquisition, upon presenting proof satisfactory to the City Clerk that such unit was acquired prior to March 6, 1978. Such sticker, when lawfully and prominently displayed upon the unit, shall cause the unit and its owner to be exempt from this section.

(Res. 98-340A. Passed 9-21-98.)

1294.08 FRONTAGE ON STREETS REQUIRED.

No dwelling unit shall be built, moved or converted upon a lot having a frontage of less than twenty (20) feet upon a public street, or upon a private street or other permanent easement giving access to a public street. No building permit shall be issued for any construction located on any lot or parcel of land in the City that does not abut on a public street or highway. All access to a public street, or upon a private street or other permanent easement giving access to a public street, shall be hard surfaced with concrete or plant-mixed bituminous material, and shall meet the requirements of Chapter 1290, Off-Street Parking and Loading. However, this Zoning Code shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of adoption of this Zoning Code upon a lot or parcel of land that does not so abut such a street or highway.

(Res. 98-340A. Passed 9-21-98.)

1294.09 VISIBILITY AT INTERSECTIONS.

No structure, wall, fence, shrubbery or tree shall be erected, maintained or planted on any lot, which structure, wall, fence, shrubbery or tree will obstruct the view of the driver of a vehicle approaching an intersection, except that shrubbery and low retaining walls not exceeding two and one-half (2 ½) feet in height above the curb level, and shade trees where all branches are not less than eight (8) feet above the street level, will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by two (2) street curblines and a line connecting them at points twenty-five (25) feet from the intersection of such curblines.

(Res. 98-340A. Passed 9-21-98.)

1294.10 ILLEGAL DWELLINGS.

The use of any portion of the basement of a partially completed building, or any garage or accessory building, for dwelling or sleeping purposes in any zoning district is prohibited. No dwelling unit shall be erected in an Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in an Industrial District in conformity with the specific requirements of the particular district.

(Res. 98-340A. Passed 9-21-98.)

1294.11 LOCATION OF DWELLINGS.

No residential structure shall be erected upon the rear of a lot. Structures in Residential Districts shall be set back no further than the average front setback of fifty percent (50%) of the structures upon the same block, as determined by the Building Superintendent. Appeals of such determination shall be resolved by the Planning Commission. No residential structure shall be erected upon a lot with another dwelling unless otherwise provided by this Zoning Code.

(Res. 98-340A. Passed 9-21-98.)

1294.12 NUMBER OF BUILDINGS PERMITTED ON LOTS.

Each dwelling hereafter erected or structurally altered shall be located on a lot and, except in the case of a multiple-family residential development, there shall be not more than one (1) main building on any single lot.

(Res. 98-340A. Passed 9-21-98.)

1294.13 ACCESSORY BUILDINGS AND STRUCTURES.

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

(a) General Standards.

(1) Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. An accessory building, structure or use must be in the same zoning district as the principal building, structure or use on a lot.

(2) No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure or use may be placed on a lot without a principal building, structure or use.

(3) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Zoning Code applicable to main or principal buildings.

(4) An accessory building shall be located in the rear yard except when structurally attached to the main building.

(5) All accessory buildings, structures and uses combined shall cover no more than fifty percent (50%) of any rear yard, subject to setback, lot coverage and other standards of this Zoning Code. Accessory buildings shall not be erected in any required yard, except in a rear yard, except that accessory buildings, structures and uses may be erected in any required side yard when set back a minimum of seventy-five (75) feet from the front lot line. No accessory building, structure or use shall be erected in any yard with public street right-of-way frontage, including all such sides of a corner lot. In no instance shall such a building be nearer than three (3) feet to any adjoining lot line, except that on a corner lot the entrance to a garage shall not be less than eight (8) feet from the lot line adjacent to the side street, except as provided in paragraph (a)(9) hereof and subsection (b) hereof.

(6) An accessory building, not exceeding one (1) story or sixteen (16) feet in height, measured from grade to the highest roof beams of a flat roof and to the ridge line for mansard, gable, hip and gambrel roofs, may occupy not more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the building.

(Res. 07-365A. Passed 11-5-07.)

(7) No detached accessory building shall be located closer than ten (10) feet to any main or principal building, nor shall it be located closer than three (3) feet from any side or rear lot line or public street right-of-way.

(8) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.

(9) In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, such accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.

(10) The total area occupied by a detached accessory building, other than a garage on the lot, shall not exceed one-hundred-fifty (150) square feet. No accessory building may be closer than four (4) feet to any other accessory building.

(11) No detached accessory building or structure shall be occupied for residential purposes or used as habitable space. Sleeping, eating, cooking or office uses shall not be permitted in detached accessory structures or buildings.

(Res. 07-365A. Passed 11-5-07.)

(b) Garages. In any Residential District, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage is completely to the rear of the dwelling, in which event the garage may be erected three (3) feet from any interior side lot line. No garage or portion thereof shall extend into the required front yard area. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, provided that such garages shall not encroach in or upon the minimum front yard area as required by this Zoning Code, and provided, further, that the cornice, eaves or overhang shall not extend more than six (6) inches into the required front or side yard area. No garage, utility building or accessory building shall be constructed upon or moved to any parcel of property until the principal building thereon, or intended to be placed thereon, is at least two-thirds (2/3) completed.

(c) Swimming Pools, Spas, and Hot Tubs.

(1) Swimming pools, spas, hot tubs, or similar devices (below ground or above ground) which contain twenty-four (24) inches or more of water in depth at any point, shall be enclosed by a solid or impervious fence or enclosure approved by the Building Superintendent, surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than six (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.

(2) For swimming pools, spas, hot tubs, and similar devices in excess of two (2) feet above grade, the edge of such pool shall be a minimum of six (6) feet from any lot line. Such devices two (2) feet or less above grade shall not be located less than four (4) feet from any lot line. No such devices shall be located in any front yard.

(d) Mechanical Equipment. Mechanical equipment, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than three (3) feet to any lot line in any business district, and not closer than twelve (12) feet to any lot line in all other districts.

(e) Flagpoles. Flagpoles in Single Family Residential Districts shall not exceed forty (40) feet in height and may be illuminated, provided the source of illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way.

Flagpoles in other than Single Family Residential Districts shall not exceed one-hundred (100) feet in height and may be illuminated, provided the source of illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way.

(Res. 98-340A. Passed 9-21-98.)

1294.14 AUTOMOTIVE SERVICE STATIONS, REPAIR CENTERS, AND PUBLIC GARAGES.

(a) Purposes. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion, which result from the unrestricted and unregulated construction and operation of automotive service stations and automotive repair centers, and to regulate and control the adverse effects which these and other problems incidental to automotive service stations and repair centers may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided for automotive service stations and repair centers located in any zone. All automotive service stations and repair centers erected after the effective date of this Zoning Code shall comply with this section. No automotive service station or repair center existing on the effective date of this Zoning Code shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Zoning Code.

(b) Minimum Area and Frontage. An automotive service station or repair center shall be located on a lot having a frontage along the principal street of not less than one-hundred- fifty (150) feet and having a minimum area of fifteen-thousand (15,000) square feet.

(Res. 98-340A. Passed 9-21-98.)

(c) Setbacks. An automotive service station or repair center building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line and not less than fifteen (15) feet from any side or rear lot line directly adjoining a residentially zoned district. In cases where the side or rear line abuts an open public alley, the structure may be constructed on such property line.

No automotive fueling station, service station or repair center shall be permitted within a five thousand (5,000) foot radius of an existing automotive fueling station, service station or repair center. Measurement of the five thousand (5,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed automotive fueling station, service station or repair center will be situated.

(d) Driveway and Curbs.

(1) All driveways providing ingress to or egress from an automotive service station or repair center shall comply with the standards of Chapter 1290, Off-Street Parking and Loading, and shall not be more than thirty (30) feet wide at the property line. Not more than one (1) curb opening shall be permitted along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway.

(2) A raised concrete curb, six (6) inches in height, shall be erected along all street lot lines, except for driveway openings.

(e) Paved Areas. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas, which shall be separated from all paved areas by a raised concrete curb, six (6) inches in height.

(f) Equipment Location. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline and fuel pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right of way.

(g) Number of Pumps. An automotive service station or repair center located on a lot having an area of fifteen-thousand (15,000) square feet shall include not more than four (4) double gasoline and fuel pumps or eight (8) single gasoline and fuel pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline and fuel pumps and/or one (1) enclosed stall may be included with the provision of each additional two-thousand (2,000) square feet of lot area.

(h) Walls. Where an automotive service station or repair center adjoins property located in any residential district, a solid, ornamental, masonry wall, six (6) feet in height, shall be erected and maintained along the interior lot line, or if separated from the residential district by an alley, then along the alley lot line. In addition, all trash areas or used tires, automotive parts and other items shall be enclosed on all sides by the required six (6)- foot masonry wall. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. The masonry wall may be required by the Building Superintendent where the service station or repair center adjoins a nonresidential use, such as a professional office building, clinic or day nursery, or a landscaped area of any other nonresidential use. Walls may be gradually reduced in height (e.g. stepped down) within twenty-five (25) feet of any street right-of-way line.

(i) Lighting. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property, and shall comply with all requirements of this Zoning Code.

(j) Prohibited Locations. No automotive service station, repair center, or public garage shall be located nearer than two-hundred (200) feet, as measured from any point on the property line, to any school, playground, church, hospital or other such use where large numbers of people congregate.

(k) Outdoor Storage and Parking. All repair work shall be conducted completely within an enclosed building. There shall be no storage of vehicle components and parts, trash, supplies or equipment outside of a building. Outdoor storage or parking of vehicles or trailers, other than private passenger automobiles, shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day, except that equipment rental operations shall be permitted if incidental to the automotive service station or repair center, and if restricted to travel trailers or campers of under twenty-one (21) feet overall length, car-top carriers and similar auto accessories. Such operations shall be within fenced enclosures observing the same setbacks as required for buildings in the zoning district wherein the automotive service station or repair center is located,

and their storage area shall not exceed twenty percent (20%) of the area of the service station or repair center site.

(l) Removal of Underground Storage Tanks. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises.

(m) Signs. There shall be compliance with Chapter 1476, Signs, of the Building and Housing Code.

(n) Waiver or Modification of Standards for Special Situations In cases where an applicant is proposing to open a new automotive service station or repair center on a site that was previously a non-conforming service station, the Planning Commission may reduce or waive the minimum area, frontage, or setback standards, provided they determine that no good purpose would be served by upholding the minimum standards. In making such a determination to reduce or waive the requirements for the minimum area, frontage, or setbacks, the following may be considered:

(1) Extent that the proposed site can effectively accommodate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion associated with automatic service stations and repair centers.

(2) Extent that the proposed site can operate as an automotive service station or repair center without negatively impacting traffic safety or adjacent uses.

(3) Existing and proposed building placement.

(4) On-site traffic circulation.

(5) Proximity to residential uses.

(6) Visual impacts.

(Res. 98-340A. Passed 9-21-98; Res. 2012-258A. Passed 8-20-12, effective 9-5-12.)

1294.15 STORAGE AND REPAIR OF VEHICLES IN RESIDENTIAL DISTRICTS.

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential Zoning District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

(a) Procedures exceeding forty-eight (48) hours in duration, or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours, shall be carried out within an enclosed building.

(b) Inoperable vehicles, vehicle parts, equipment, tools, and supplies shall be stored within an enclosed building.

(c) Only vehicles owned or operated by a member of the immediate family residing at a given residence may be repaired, restored, maintained, or stored at that residence at any given time, whether or not such work is conducted entirely within the interior of the vehicle.

(Res. 98-340A. Passed 9-21-98.)

1294.16 DRIVE-IN AND DRIVE-THROUGH ESTABLISHMENTS.

(a) When a drive-in or drive-through establishment adjoins property located in any Residential District, a solid masonry wall, ornamental on both sides, six (6) feet in height, shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by such six (6)-foot masonry wall. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. Such wall shall be protected from possible damage inflicted by vehicles using the parking area by means of precast concrete wheel stops at least six (6) inches in height, or by firmly implanted bumper guards not attached to the wall, or by other suitable barriers.

(b) The entire parking area shall be paved with a permanent surface of concrete or plant- mixed bituminous material and shall be graded and drained in accordance with Section 1290.04(b)(4), Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts. 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 area by a raised concrete curb, six (6) inches in height.

(c) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties, and shall comply with all other requirements of this Zoning Code.

(d) Adequate ingress and egress shall be provided as prescribed in Chapter 1290, Off-Street Parking and Loading.

(e) Before approval is given for any use, a site plan shall be submitted to the Police Department and the Fire Department before submittal to the Planning Commission, for review pursuant to Section 1296.01, Site Plan Review, as to the suitability of the location of entrances and exits to the site, parking area, screening, lighting and other design features.

(Res. 98-340A. Passed 9-21-98.)

1294.17 MOVING OF BUILDINGS.

(a) Any building or structure which has been wholly or partially erected on any premises located within the City shall not be moved to and be placed upon any other premises in the City until a building permit for such removal has been secured under Section 1262.03, Building Permits. Any such building or structure shall fully conform to this Zoning Code in the same manner as a new building or structure. No building or structure shall be moved into the City from outside the City limits.

(b) Before a permit may be issued for moving a building or structure, the Building Superintendent, the Director of Community Improvement and the Superintendent of Public Works shall inspect the same and determine if it is in a safe condition to be moved, whether or not it may be reconditioned to comply with the Building Code and other City requirements for the use and occupancy for which it is to be used, and whether or not it will be of similar character with the buildings in the area where it is to be moved. In addition, clearances shall be obtained from all utility companies ensuring that utilities are discontinued and all facilities accounted for. Special inspection fees may be charged to cover costs of inspecting the old site and the new site of such building or structure. If these conditions can be complied with, a building permit shall be issued for the moving of such building or structure. Such permit shall carry the verification of the Building Superintendent.

(Res. 98-340A. Passed 9-21-98.)

1294.18 GRADING.

A minimum sloping grade of one (1) foot above the street level, or other grade established by the City Engineer, shall be required of all buildings having a front yard space. Where front yard space is provided in excess of twenty-five (25) feet, the grade may be increased an additional one-fourth (1/4) inch for each foot of additional front yard space to fifty (50) feet. In no case shall the grade exceed eighteen (18) inches above the street. All rear yards shall be graded so as to provide a gradual sloping grade from the rear wall of the building to the rear lot line. The grade at the rear wall shall be substantially the same as that established at the front wall. The grade at the rear lot line shall be as established by the Building Superintendent.

(Res. 98-340A. Passed 9-21-98.)

1294.19 TEMPORARY BUILDINGS, STRUCTURES AND USES FOR CONSTRUCTION OR SPECIAL EVENTS.

Temporary principal or accessory buildings, structures and uses may be permitted, subject to the following conditions:

(a) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities related to construction activity on the same lot.

(b) No temporary building or structure shall be used as a dwelling unit.

(c) The placement of temporary buildings and structures shall be in conformance with the requirements of this Zoning Code. A building permit for such building or structure shall be issued by the Building Superintendent prior to installation.

(d) Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Superintendent for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

(e) Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit, when meeting the standards listed below and in compliance with paragraph (e)(4) hereof.

(1) No seasonal or temporary sales shall be allowed with exception to agriculturally produced goods such as Christmas trees or flowers. Special events or seasonal sales of agriculturally produced goods may be allowed on any lot in an MBD district with a permitted principal building. Special events or seasonal sales of agriculturally produced goods may also be allowed on a vacant lot within an MBD district when providing the minimum setback for buildings, structures, and parking required in that district.

A. Adequate off-street parking shall be provided and seasonal sales shall not occupy parking spaces required under Section 1290.02 for the permitted principal business.

B. The applicant shall specify the exact duration of the temporary use.

C. Electrical and utility connections shall be approved by the Building Official.

D. Seasonal sales must not obstruct or encroach in the clear vision sight lines of streets, alleyways, driveways, or bicycle paths.

E. Temporary structures such as tents or stands shall not exceed ten (10) feet in height.

F. Applicants must obtain a temporary certificate of occupancy from the Building Inspector. (Res. 2012-258A. Passed 8-20-12, effective 9-5-12.)

(2) If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event.

(3) Special standards for carnivals, circuses, farmers markets, outdoor temporary flea markets and similar events shall be as follows:

(Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

A. Approval for these types of uses shall be given by Council. Council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. Council may require site improvements, such as fencing, and restrict hours of operation to help ensure compatibility with surrounding land uses.

B. The applicant shall provide information establishing that reasonable liability insurance coverage is carried, as determined by the City's insurance carrier.

C. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on public streets.

D. Farmers markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application.

(4) One (1) parking space shall be provided for each eight-hundred (800) square feet of gross lot area used for the activity (not including storage areas), plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.

(5) A sketch plan (to scale) shall be provided illustrating:

A. Property lines.

B. Adjacent uses and zoning districts.

C. Existing and proposed buildings and structures.

D. Location of any areas for storage, such as inventory not being displayed.

E. Fire hydrants.

- F. Layout of parking.
- G. Boundaries of proposed sales areas.
- H. The location and size of any proposed sign (off-premise signs shall also be mapped).

(6) All equipment, materials, goods, poles, wires, signs and other items associated with the temporary uses shall be removed from the premises within five (5) days of the end of the event. Following the five (5)-day period, the City shall use the escrow fee to clear such items from the property.

(7) The length of a temporary use or sales event shall not exceed seven (7) days, except that sales of agriculturally produced goods such as Christmas trees or flowers are permitted for up to ninety (90) days.

(Res. 2012-258A. Passed 8-20-12, effective 9-5-12.)

(f) Review and Approval Procedures, Permit Fees and Required Escrow for Temporary Uses and Sales Events.

(1) Except as otherwise noted above for carnivals, circuses, farmers markets and similar events as defined by the Building Superintendent, the Superintendent shall review and approve requests for a temporary use or seasonal event. Where appropriate, the Superintendent shall consult with the Police Chief and Fire Chief. If the request is denied, the Superintendent shall state the reasons for denial in writing and provide a copy to the applicant.

(2) The applicant shall pay a non-refundable permit fee to the City Treasurer. The fee shall be established and modified, from time to time, by Council. The amount of the permit fee may vary depending upon the type of event.

(3) The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by Council, prior to the issuance of a permit. The escrow shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Zoning Code and any other applicable ordinances.

(4) The sign standards provided in Chapter 1476, Signs, permit signs, signs for temporary uses and seasonal events. A separate non-refundable sign permit fee is required in an amount established, and periodically amended, by Council. The City shall also require an escrow, in an amount established by Council, to cover the cost of removing signs if not removed by the applicant within one (1) business day following the event. This escrow account shall be in addition to that listed in paragraph (f)(3) hereof. If the signs are removed as required, the sign escrow account shall be refunded to the applicant. (Res. 2020-299A. Passed 10-5-20, effective 10-19-20.)

(Res. 98-340A. Passed 9-21-98; Res. 2012-258A. Passed 8-20-12, effective 9-5-12; Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

1294.20 PROTECTION OF EXCAVATIONS.

The construction, maintenance or existence within the City of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, is prohibited. However, this section shall not prevent any excavation under a permit issued pursuant to this Zoning Code or the Building Code where such excavation is properly protected and warning signs are posted in such a manner as may be approved by the Building Superintendent. Excavation required for swimming pools is excepted from excavating provisions of this section, provided that all necessary permits are obtained and the pool is constructed within thirty (30) days of the excavation. Excavation and site preparation for building foundations is excepted from the excavating provisions of this section, provided that such work is considered incidental to building construction and all necessary permits have been obtained.

(Res. 98-340A. Passed 9-21-98.)

1294.21 CERTIFICATES REQUIRED FOR EXCAVATIONS; BONDS.

The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or byproducts is not permitted in any zoning district, except under a certificate from, and under the supervision of, the Building Superintendent, in accordance with a topographic plan, approved by the City Engineer, submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than fifty (50) feet equals one (1) inch and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the City Engineer. Such certificate may be issued in appropriate cases, upon the filing with the application of a cash bond or surety bond by a surety company authorized to do business in the State, running to the City, in an amount as established by the City Engineer, which bond will be sufficient in amount to rehabilitate the property upon default of the operator of such other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Superintendent.

(Res. 98-340A. Passed 9-21-98.)

1294.22 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Superintendent, or required compliance with his or her lawful order.

(Res. 98-340A. Passed 9-21-98.)

1294.23 APPLICATION TO PRIOR CONSTRUCTION.

Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Zoning Code, and upon which actual building construction has been diligently carried on, provided that such building shall be completed within one (1) year from the date of passage of this Zoning Code.

(Res. 98-340A. Passed 9-21-98.)

1294.24 VOTING PLACES.

This Zoning Code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal, State, Federal, or other public election.

(Res. 98-340A. Passed 9-21-98.)

1294.25 CONDITIONS FOR PLAT APPROVAL.

No proposed plat of a new subdivision shall hereafter be approved by Council unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various zoning districts, and unless such plat fully conforms with the statutes of the State, this Zoning Code, and these Codified Ordinances.

(Res. 98-340A. Passed 9-21-98.)

1294.26 ESSENTIAL PUBLIC SERVICES.

(a) Essential public services shall be permitted in any zoning district as authorized and regulated by law and other provisions of this Zoning Code and these Codified Ordinances, it being the intention hereof to exempt such essential services from the application of this Zoning Code.

(b) The Zoning Board of Appeals may permit the erection and use of a building, or an addition to an existing building, for a public service corporation or for public utility purposes, in any permitted district, to a greater height or of a larger area than the district requirement herein established, and may permit the location in any use district of a public utility building, structure or use, if the Board finds such use, height, area, building or structure reasonably necessary for the public convenience and services, and if such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(Res. 98-340A. Passed 9-21-98.)

1294.27 SIGNS.

The erection, construction, or alteration of any sign, as identified in Chapter 1476, Sign Code, shall be approved by the Building Superintendent and reviewed for compliance with Chapter 1476, Sign Code and this Zoning Code.

(Res. 98-340A. Passed 9-21-98; Res. 2020-299A. Passed 10-5-20, Eff. 10-19-20.)

1294.28 SCREENING.

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

(a) Where a Business or Industrial District abuts directly upon a Residential District, a landscaped greenbelt meeting the requirements of Section 1296.03, Landscaping Standards, shall be provided and maintained along its entire length by the users of the business or industrially zoned property.

In addition, such Business or Industrial District shall be screened from such contiguous, residentially zoned district by either a building housing a permitted use or by a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade, between the required greenbelt area and the commercial or industrial use. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building.

Such greenbelt area shall meet the requirements of Section 1296.03, Landscaping Standards, and be a strip of land not less than fifteen (15) feet in width, planted and maintained with evergreens such as spruce, pines or firs, at least five (5) feet in height, so as to create a permanent buffer within one (1) year following approval of the development by the City.

If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Commission may waive such requirement and provide only the wall between the residential use and the business or industrial use.

The remainder of the landscaped area which is not planted with evergreens as provided in this subsection shall meet the requirements of Section 1296.03, Landscaping Standards, and be in well kept lawns. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All planting plans shall be first submitted to the Planning Commission for approval as to suitability of planting materials and arrangements thereof in accordance with this subsection and said Section 1296.03.

When vehicles, open air displays, waste receptacles, or other features generally exceed a six (6) foot height, the wall shall be increased to a height adequate to completely screen such features, not exceeding ten (10) feet. All such walls shall be of uniform height around the premises and the design of such wall shall be first approved by the Commission.

(b) Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided the parking area is in mid-block with no possibility for street ingress or egress, and provided, further, that such opening, if approved by the Police Department, the Traffic Division, and the Commission, shall be stepped down to a three (3)-foot level for a minimum of ten (10) feet on each side of the opening.

(Res. 98-340A. Passed 9-21-98.)

1294.29 FENCES.

(a) No fence more than thirty-six (36) inches high and no more than forty-nine percent (49%) solid or impervious shall be constructed in front of a building. Such fence must be ornamental in design. Fences in a rear or side yard, in back of the rear building line, shall be not more than six (6) feet high, unless specifically authorized elsewhere within this Zoning Code. A security fence for a permitted use may include a maximum of one (1) additional foot of barbed wire in an Industrial District only.

(b) No fence shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways. No fence or wall in a front yard on a corner lot, within a triangular section of land formed by the two (2) street curblines and a line connecting them at points twenty-five (25) feet from the intersection of such curblines, shall exceed thirty (30) inches in height above the curb level.

(c) Fences may be placed up to a lot line. No parts of any fences, including foundations, may extend beyond any lot line.

(d) No chain link fence shall be erected in any front yard within a Residential District, unless enclosing a retention pond that has been approved by the Planning Commission.

(e) The finished sides of fences in a rear or side yard shall face away from the property on which they are placed. If a fence exists in the rear or side yard of an adjacent lot, only one (1) other fence may be placed along the adjoining boundaries of such adjacent lot. Areas between abutting fences must be maintained in accordance with this Zoning Code and these Codified Ordinances.

(f) No fence, wall or screen shall be erected within any public right-of-way, unless approved by Council.

(g) The use of electric current or charge on any fence or part thereof is prohibited. Electronic fences buried beneath the ground are not regulated by this section.

(Res. 98-340A. Passed 9-21-98.)

1294.30 FRONT ELEVATIONS OF RESIDENCES.

There shall be five (5) separate and distinct front elevations for constructing the front or face of a building for every ten (10) residences so contemplated, and it shall not be permissible to have two (2) like front elevations adjacent to each other. In built-up areas where scattered vacant lots are located between or beside existing dwellings at the time of applying for a permit to build on such a vacant lot, it will be necessary to submit photographs of the front elevation of the dwellings on each side of the proposed residence so no two (2) residences will have the same type of front elevation.

(Res. 98-340A. Passed 9-21-98.)

1294.31 PERFORMANCE STANDARDS.

Any use permitted by this Zoning Code is subject to compliance with the performance standards set forth in this section. No use hereafter established shall exceed the limits set forth in this section, except as provided in this Zoning Code.

(a) Noise. No operation or activity shall be carried out in any zoning district, which operation or activity causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed in this section, as measured on or beyond the boundary lines of such district. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered by day and/or by night. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer, and the maximum levels below may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the U.S. Department of Housing and Urban Development shall apply.

(1) The maximum permitted sound pressure levels, in decibels, are as follows:

Octave Band (cycles per second) (H2)	Day	Night
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

For purposes of this Zoning Code, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than values indicated on the sound level meter.

(2) The maximum permitted sound pressure levels, in decibels (post-1960 preferred frequencies), are as follows:

Center Frequency (cycles per second) (H2)	Day	Night
31.5	77	72
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28

A scale level (for monitoring purposes) dB(A) where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. In addition, sounds of an intermittent nature or characterized by high frequencies, which sounds the Building Superintendent deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in such tables.

(b) Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion No person shall operate or cause to be operated or maintained any process for any purpose, a furnace or a combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining and operating, while using the process, furnace, or combustion device, recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or air-borne solids carried in fumes emitted, directly or indirectly, into the open air, to a concentration level (per cubic foot of the carrying medium at a temperature of five-hundred (500) degrees Fahrenheit) not exceeding two-

tenths (0.20) grains. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stoves.

For the purpose of determining the adequacy of such devices, these conditions shall be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) of the full load. The foregoing requirements shall be measured by the ASME Test Code for dust separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Superintendent may require such additional data as deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

(c) Smoke. No person shall discharge into the atmosphere, from any single source of emission, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, any smoke of a density or equivalent capacity which exceeds, for any period of time, the density designated as No. 1 on the Ringelmann Chart, except when the emission consists of only water vapors, or the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minutes. The Ringelmann Chart, as published by the United States Bureau of Mines, which chart is hereby made a part of this Zoning Code by reference, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart.

(d) Vibration. Machines or operations which cause vibration shall be permitted, but no operations shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables and/or as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer, preferably the former.

For purposes of this section, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(1) The minimum permitted steady state vibration, in inches, is as follows:

Frequency (cycles per second)	Permitted Vibration
10 and below	0.0010
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

(2) The maximum permitted impact vibration, in inches, is as follows:

Frequency (cycles per second)	Permitted Vibration
10 and below	0.0020
10 to 19	0.0015
20 to 29	0.0010
30 to 39	0.0005
40 and above	0.0002

Between 8:00 p.m. and 6:00 a.m. of the following day, all maximum vibration levels, as measured at the boundary line of residentially used areas adjacent to non-residentially zoned districts, shall be reduced to one-half (½) the indicated permissible values by those activities causing the vibration.

(e) Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in a ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines, is prohibited.

(f) Glare, Heat and Light. Any operation producing intense glare or heat (such as or similar to arc welding or acetylene torch cutting), which emits harmful rays, shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines and as not to create a public nuisance or hazard along such lot lines, except during the period of construction of the facilities to be used and occupied. Bare bulbs used in or near a residentially used area shall be not greater than ten (10) watts. Within five-hundred (500) feet of a residentially zoned area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground. In no case shall more than ten (10) foot-candle power of light exist at any given point on site. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed in foot-candles. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining Business and Industrial Districts or the creation of a traffic hazard on public highways.

(g) Fire and Safety Hazards. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives, ranging from free or active burning to intense burning, as determined by the Fire Chief, and highly toxic and highly radioactive materials shall comply with all State rules and regulations; regulations as established by the Fire Prevention Act, Act 207 of the Public Acts of 1941, as amended (MCLA 29.1 et seq.); the Flammable and Combustible Liquids Code (pursuant to Act 154 of the Public Acts of 1974, as amended); 29 CFR 1910.106; NFPA prevention codes; and the requirements of the State Fire Marshal. Further, such materials or products, if stored, utilized, or produced within completely enclosed buildings or structures, shall have incombustible exterior walls and meet the requirements of the Building Code. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes. Further, all exterior above-ground storage tanks for flammable liquid materials, liquefied petroleum gases, explosives and highly toxic and highly radioactive materials shall be located at least one-hundred-fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes and other types of retaining walls which will contain the total capacity of all tanks so enclosed. Below-ground bulk storage tanks of flammable liquids shall be located not closer to the property line than twice the depth to the bottom of the buried tank.

				<i>Stories</i>	<i>Feet</i>	<i>Front</i>	<i>Least One</i>	<i>Total of Two</i>	<i>Rear</i>	
SFRD	40	4,000	40	2 ½	35	20	4 ^t	12	35	900
MFRD	20	b, j	40	4 ^h	40 ^h	25	10 ^{g, i}	20	35	a
MHRD	See Chapter 1272, Manufactured Housing Residential District									
CSD	40	4,000	40	2 ½	35	20	4 ^t	12	35	--
NBD	40	4,000	50	2	25	-- ^o	-- ^p	-- ^p	-- ^s	--
MBD	40	4,000	50	2	25	-- ^o	-- ^p	-- ^p	-- ^s	--
CBD	30	3,000	100	3	40	--	--	--	--	--
RBD	40	4,000	50	2	25	30 ^o	10 ^p	20 ^p	25 ^s	--
LID	100	--	75	--	40	50 ^c	50 ^c	100 ^r	50 ^c	k
GID	100	43,560	75	--	40	50 ^c	50 ^c	100 ^r	50 ^c	k

FOOTNOTES

(a) The floor space area per dwelling unit shall be as follows:

	<i>Area (sq. ft.)</i>	
	<i>Apartment</i>	<i>Townhouse</i>
Efficiency unit	450	--
One-bedroom unit	625	700
Two-bedroom unit	800	850
Three-bedroom unit	1,000	1,100
Four or more bedroom unit	1,100	1,200

Not more than five percent (5%) of dwelling units in any building may be of an efficiency type. "Bedroom" excludes kitchens, bathrooms, utility rooms, libraries, dens and rooms for common use of dwelling unit occupants.

(b) The land or lot area per dwelling unit shall be as follows:

	<i>Area (sq. ft.)</i>	
	<i>Apartment</i>	<i>Townhouse</i>
Efficiency unit	1,800	--
One-bedroom unit	2,000	3,000
Two-bedroom unit	2,500	3,500
Three-bedroom unit	3,000	4,000
Four or more bedroom unit	3,500	4,500

Where building height is four (4) stories or greater, an amenity area shall be provided at a standard of two-hundred (200) square feet per dwelling unit. "Amenity area" means an area intended for use for recreational purposes, including landscaped site areas, patios, balconies, communal lounges, swimming pools and other areas of the site which may be used for recreational purposes, but not including any driveway or parking area.

(c) This is the minimum setback only if the building adjoins or is across the street from a Residential District; otherwise, it is a minimum of twenty-five (25) feet.

(d) See also Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, for land uses requiring special approval.

(e) For two-family residences, a minimum lot width of sixty (60) feet and a minimum lot area of seven-thousand (7,000) square feet shall be provided.

(f) The minimum land or lot area shall be four-thousand (4,000) square feet for the first dwelling unit in a multiple-dwelling building, plus two-thousand (2,000) square feet for each additional dwelling unit therein. (Res. 2020-276A. Passed 9-21-20, Eff. 10-7-20.)

(g) For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot. Each side yard shall be increased beyond the yard spaces indicated by two (2) feet for each ten (10) feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds forty (40) feet in overall dimension along the adjoining side lot line.

Where two (2) or more multiple, row or terrace dwellings are erected upon the same lot, a minimum yard space of twenty (20) feet in width

shall be provided between structures. This yard width shall be increased by two (2) feet for each ten (10) feet or part thereof by which each multiple, row or terrace dwelling structure, having common yards, exceeds forty (40) feet in length on that side of the dwelling structure facing the common yard, or such yard space shall be increased by two (2) feet for each five (5) feet or part thereof by which each permitted multiple-dwelling structure, having common yards, exceeds forty (40) feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(h) The total floor space in all buildings on the lot may not exceed one and one-half (1 ½) times the total net lot area (floor area ratio of 1.5).

(i) For planned residential projects permitted after special approval under Section 1270.03, Uses Permitted After Special Approval, in addition to the specific requirements for side and rear yards, each side yard shall be increased beyond the required yard spaces indicated by two and one-half (2 ½) feet for every story in the building, the major portion of which is above three (3) stories or thirty-five (35) feet. Where two (2) or more principal buildings exist on the same parcel, the distance between buildings shall be at least forty (40) feet, plus five (5) feet for every story by which the higher buildings exceed two (2) stories. The minimum distance between a principal structure and an accessory structure located on the same site shall not be less than twenty-five (25) feet if the accessory structure does not exceed twenty-five (25) feet or one (1) story in height; otherwise, the foregoing distances shall prevail.

(j) For planned residential projects permitted after special approval under Section 1270.03, Uses Permitted After Special Approval, the minimum lot area shall be one-half (½) acre.

(k) Hotels and motels, as permitted, shall have a minimum of two-hundred-fifty (250) square feet of floor space per unit. Where kitchen or cooking facilities are permitted in a motel unit, the minimum floor space per unit shall be four-hundred (400) square feet.

(l) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.

(m) In all Residential, Business and Industrial Districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials or vehicle access drives.

(n) In all Residential Districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for homes which front upon such side street.

(o) Where an existing front setback line has been established by existing commercial buildings occupying forty percent (40%) or more of the frontage within the same block, or by commercial buildings occupying sixty percent (60%) or more of the frontage with adjacent blocks, such established setback shall apply.

(p) In any Commercial District, except for the Regional Business District (RBD), side yards are not required along interior side lot lines directly abutting a public right-of-way, or along interior side lot lines.

(q) For a planned residential project in a Multiple Family Residential District (MFRD), some of these requirements may be waived in accordance with Sections 1274.03, Uses Permitted After Special Approval, and 1296.02, Site Design Standards for Uses Permitted After Special Approval.

(r) The required twenty-five (25) foot minimum side yard setback under footnote (c), above, may be reduced or waived if a yard setback is provided on the opposite side yard of such a width that the total of the two (2) side yards is at least fifty (50) feet.

(s) No rear yard setback is required where property abuts a public alley.

(t) Where an existing single-family residence or attached garage extends between three (3) and four (4) feet of a side lot line, an addition or extension to such residence or attached garage may also be set off from such lot line a distance equivalent to the established setback line of the residence or attached garage.

(u) The maximum height of a detached accessory building or structure shall be in accordance with Section 1294.13 of this chapter.

(Res. 98-340A. Passed 9-21-98; Res. 01-428A. Passed 7-2-01; Res. 07-365A. Passed 11-5-07.)

1294.33 ADULT BUSINESS USES.

(a) In the preparation and enactment of this section, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, which characteristics have a deleterious effect upon residential, office and commercial areas. The regulation of the location of these uses is necessary to ensure that the adverse effects of such uses will not cause or contribute to the blighting or downgrading of the City's residential neighborhoods and commercial centers. It is the intent of this section to provide reasonable regulations for the establishment of these uses in a viable, accessible location where the adverse impact of their operations may be minimized.

(b) No adult business shall be permitted within a one-thousand (1,000) foot radius of an existing adult business. Measurement of the one-thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(c) No adult business shall be permitted within a four-hundred-fifty (450) foot radius of a residential district, school, library, park, playground, licensed day care center, as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), church, convent, monastery, synagogue or similar place of worship. Measurement of the four-hundred-fifty (450) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(d) The provisions of this Zoning Code regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State, or to certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.

(e) No person shall reside in or permit any person to reside in the premises of an adult business.

(f) Adult business uses are subject to Sections 1294.32, Schedule of Area Regulations.

(Res. 98-340A. Passed 9-21-98.)

1294.34 FRONT YARDS IN RESIDENTIAL DISTRICTS.

In all Residential Districts there shall be on every lot a front yard, the depth of which, except as provided in this section, shall be not less than twenty (20) feet in a Single Family Residential District (SFRD). Where a front yard of greater or lesser depth than specified exists in front of a dwelling, on one (1) side of a street in any block in a Single Family Residential District (SFRD), the depth of the front yard of any building thereafter erected or placed on any lot in such block shall be not less, but need not be greater, than the average depth of the front yards of existing dwellings.

(Res. 98-340A. Passed 9-21-98.)

1294.35 WIRELESS COMMUNICATION FACILITIES; ANTENNAS, TOWERS AND SATELLITE DISH ANTENNAS.

(a) Permitted Districts for Wireless Communication Facilities.

(1) Subject to the standards and conditions set forth in paragraph (b)(l) below, wireless communication facilities shall be deemed principal permitted uses in the following circumstances, and in the following districts:

A. A proposed colocation of an attached wireless communication facility upon an existing attached wireless communication facility, wireless communication support structure, building and/or other structure within any Multiple Family Residential District (MFRD), Community Service District (CSD), Neighborhood Business District (NBD), Municipal Business District (MBD),

Central Business District (CBD), Regional Business District (RBD), Light Industrial District (LID), or General Industrial District (GID), or any planned unit development, where the existing structure is not, in the discretion of the Planning Commission and Council, proposed to be either materially altered or materially changed in appearance.

B. A proposed colocation of an attached wireless communication facility upon an existing attached wireless communication facility, wireless communication support structure, or building and/or other structure which had been pre-approved for such colocation as part of an earlier approval by the City of Lincoln Park.

C. A proposed colocation of an attached wireless communication facility upon any Detroit Edison high-tension electrical transmission tower.

D. A wireless communication support structure established upon a Municipally owned parcel of property within any Multiple Family Residential District (MFRD), Community Service District (CSD), Neighborhood Business District (NBD), Municipal Business District (MBD), Central Business District (CBD), Regional Business District (RBD), Light Industrial District (LID), or General Industrial District (GID), or any planned unit development. Structures upon such sites shall also be subject to the standards of paragraph (d)(2) below, if the Planning Commission and Council determine that the location is an aesthetically sensitive site.

(2) Subject to the standards and conditions set forth below, wireless communication facilities shall be authorized as permitted uses after special approval within the following districts:

A. Monopole support structures upon non-Municipally owned parcels of property within any Multiple Family Residential District (MFRD), Community Service District (CSD), Neighborhood Business District (NBD), Municipal Business District (MBD), Central Business District (CBD), Regional Business District (RBD), Light Industrial District (LID), or General Industrial District (GID), or any planned unit development.

B. Lattice-style tower support structures upon non-Municipally owned parcels of property within any General Industrial District (GID).

(3) If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use under paragraph (a)(1) hereof, and is required to be established outside of a district identified in paragraphs (a)(1) and (2) hereof, in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the City as a permitted use after special approval, subject to the criteria and standards of paragraphs (b) and (d) hereof.

(b) General Regulations for Wireless Communication Facilities.

(1) Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission and Council at their discretion.

A. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

B. Facilities shall be located and designed to be harmonious with the surrounding areas.

C. Wireless communication facilities shall comply with any present and/or future applicable Federal and State standards relative to the environmental effects of radio frequency emissions.

D. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

E. There shall be a maximum of one (1) support structure per square mile throughout the City. Support structures shall be placed a minimum distance of one-half (½) mile from other support structures.

F. The following additional standards shall be met:

1. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be eighty (80) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under 14 CFR Part 77. The Zoning Board of Appeals may grant a variance to the height standard if an applicant can demonstrate a higher minimum height is necessary for reasonable communication and the operation of their system. The Zoning Board of Appeals may also grant a variance to the maximum permitted height of a support structure of up to twenty (20) feet in cases where such additional height would permit additional colocations. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

2. The setback of any support structure from any residential district boundary, or from any property line, existing or proposed rights-

of-way, or other publicly traveled roads within any residential district shall be at least the height of the highest point of any structure on the premises.

3. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential purposes, the minimum setback for monopole support structures, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located, unless the Planning Commission and Council determine a greater setback is necessary as provided in paragraph (c)(3) hereof. The minimum setback for any lattice tower support structure shall be the height of the tower. The Zoning Board of Appeals may grant variances for the setback of all support structures in order to reduce their visual impact or to meet colocation requirements.

4. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; the proximity to Residential Districts, minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

5. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

6. Where an attached wireless communication facility is proposed on the roof of a building, and if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

7. Support structures shall be either gray, white, or light blue in color. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

8. The support system shall be constructed in accordance with all applicable building codes. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

9. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(2) Standards and conditions applicable to facilities permitted after special approval. Applications for wireless communication facilities which may be permitted after special approval under paragraphs (a)(2) and (a)(3) hereof shall be reviewed, and, if approved, shall be constructed and maintained in accordance with the standards and conditions in paragraph (b)(1) hereof and in accordance with the following standards (also see subsection (d) hereof for facilities permitted after special approval under paragraph (a)(3) hereof).

A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

1. Proximity to an interstate or major thoroughfare.
2. Areas of population concentration.
3. Concentration of commercial, industrial, and/or other business centers.
4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
6. Other specifically identified reason(s) creating facility need.

B. The proposal shall be reviewed in conformity with the colocation requirements of this section.

(c) Application requirements for wireless communication facilities.

(1) A site plan prepared in accordance with Section 1296.01, Site Plan Review, shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

(2) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

(3) The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

(4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f) below. In this regard, the security shall, at the election of Council, be in the form of: A. cash; B. a surety bond; C. a letter of credit; or D. an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the City in securing removal.

(5) The application shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released, would result in a commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCLA 15.243(l)(g)). This section shall serve as a promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.

(6) The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(d) Special requirements for facilities proposed to be situated outside of an allowable district.

For facilities which are not permitted uses under paragraph (a)(1) hereof, and are proposed to be located outside of a district identified in paragraph (a)(2) hereof, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsection (b) hereof:

(1) At the time of the submittal, the applicant shall demonstrate that a location within a permitted district cannot reasonably meet the coverage and/or capacity needs of the applicant.

(2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, tree, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.

(3) In single-family residential neighborhoods, site locations outside of a district identified in paragraphs (a)(1) and (a)(2) hereof shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:

- A. Municipally-owned sites.
- B. Other governmentally-owned sites.
- C. Religious or other institutional sites.
- D. Public parks and other large permanent open space areas, when compatible.
- E. Public or private school sites.
- F. Other locations if none of the above is available.

(e) Colocation.

(1) Feasibility of colocation. Colocation shall be deemed to be feasible for purposes of this section when all of the following conditions are met:

A. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

B. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

C. The colocation being considered is technologically reasonable, i.e., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas, and the like.

D. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained in subsections (b) and (d) hereof.

(2) Requirements for colocation.

A. A permit for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

B. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

C. The policy of the City is for colocation. Thus, if a person who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

D. If a person who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new support structure, the person failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently, such person shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such person may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent that the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5)-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(3) Incentive for colocation. Review of an application for colocation, and review of an application for a permit for use of a facility permitted under paragraph (a)(1)A. hereof, shall be expedited by the City.

(4) Notification of colocation. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for colocation. The list of potential users shall be provided by the City based upon those entities who have requested approval of a wireless communication facility, current Federal Communications Commission license holders, and other entities requesting to be on the list. If, during a period of thirty (30) days after the notice, letters are sent to potential users, a user requests, in writing, to colocate upon the new support structure, the applicant shall accommodate the request(s), unless colocation is not feasible based upon the criteria of this section.

(f) Removal.

(1) A condition of every approval of a wireless communication facility shall be the adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

A. When the facility has not been used for one-hundred-eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

B. Six (6) months after new technology is available at reasonable cost, as determined by Council, which permits the operation of the

communication system without the requirement of the support structure.

(2) The situations in which removal of a facility is required, as set forth in paragraph (f)(1) hereof, may be applied and limited to portions of a facility.

(3) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (f)(1) hereof, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Superintendent.

(4) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(g) Other Antennas, Towers and Satellite Dish Antennas. Radio or television antennas or towers, including citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antennas, satellite dish antennas and transmission or reception antennas below three-hundred (300) watts of output, but excluding wireless communication facilities, erected or installed in any zoning district, shall comply with the following requirements:

(1) An antenna or tower, with the exception of a satellite dish antenna, shall be located only in a side or rear yard. A satellite dish antenna shall be located only in a rear yard.

(2) No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.

(3) Ground-mounted antennas, including satellite dish antennas, in a yard fronting on a public street shall be screened from such street by landscaping or a wall and the site approved by the Planning Commission, which shall require a sketch plan indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one-hundred (100) feet of the proposed location.

(4) The height of an antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential Zoning District, and shall not exceed one-hundred (100) feet above mean grade in any other zoning district.

(5) The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.

(6) Notwithstanding the above, a satellite dish antenna having a diameter of twenty-four (24) inches or less may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.

(7) The installation of antennas, including a satellite dish antenna, shall require issuance of a building permit prior to erection.

(8) The diameter of a satellite dish shall not exceed twelve (12) feet.

(9) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.

(10) No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennas are permitted only in connection with, incidental to and on the same lot as, a principal building, structure or use.

(Res. 98-340A. Passed 9-21-98.)

1294.36 FLOOD HAZARD AREA OVERLAY ZONE.

(a) Purpose.

(1) It is the purpose of this section to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, as amended, and subsequent enactments, and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and re-designated as 44 CFR 31177, May 31, 1979.

(2) Further, the objectives of this section include:

A. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;

B. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods and commercial and industrial areas;

C. The prevention of private and public economic loss and social disruption as a result of flood conditions;

D. The maintenance of stable development patterns not subject to the blighting influence of flood damage;

E. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and

F. To preserve the ability of floodplains to carry and discharge a base flood.

(b) Delineation of Flood Hazard Area Overlay Zone.

(1) The flood hazard area overlay zone shall overlay existing zoning districts delineated on the official Zoning Map of the City of Lincoln Park. The boundaries of the flood hazard area overlay zone shall coincide with the boundaries of the areas indicated as within the limits of the one-hundred (100)-year flood area in the report entitled "The Flood Insurance Study, City of Lincoln Park, Wayne County, Michigan," with accompanying flood insurance rate maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this section.

(2) Where there are disputes as to the location of a flood hazard area overlay zone boundary, the Zoning Board of Appeals shall resolve

the dispute in accordance with the provisions of this Zoning Code.

(3) In addition to other requirements of this section applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood hazard area overlay zone. Conflicts between the requirements of this section, other requirements of this Zoning Code, or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirement shall be applied.

(c) Use and Principal Structure Regulations. Within the flood hazard area overlay zone, no land shall be used except for one (1) or more of the following uses:

- (1) Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, other outdoor recreational uses, nature paths, and trails.
- (2) Wildlife preserves.
- (3) Fishing, trapping, and hunting in compliance with current laws and regulations.
- (4) Historic sites and structures.
- (5) Fishing and boating docks in accordance with the provisions of the Inland Lakes and Streams Act of 1972, as amended.
- (6) Landscaping, screening, and required open space or lot area for structural uses that are landward of the overlay zone.

(d) Accessory Buildings, Structures and Uses.

(1) Within the flood hazard area overlay zone, no building or structure shall be used except for one (1) or more of the following uses and only in a manner consistent with the requirements of principal uses and accessory buildings, structures and uses in the underlying district, and with those that follow.

(2) The following accessory buildings, structures and uses are permitted: off-street parking, streets, roads, and bridges; outdoor play equipment, sheds and garages; boathouses, boat hoists, utility lines, and pumphouses; bleachers; bank protection structures; signs; fences; gazebos; and similar outdoor equipment and appurtenances, provided each of the following requirements are met:

A. The building or structure would not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.

B. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.

C. Compliance with these requirements is certified by an engineering finding by a registered engineer.

(e) Filling and Dumping. Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable Federal, State, and City regulations are met, including, but not limited to, approvals pursuant to Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968; Act 347 of the Public Acts of 1972, as amended; Act 346 of the Public Acts of 1972, as amended; and Act 203 of the Public Acts of 1979, as amended.

(f) General Standards for Flood Hazard Reduction.

(1) No building or structure shall be erected, converted, or substantially improved or placed, and no land filled or building or structure used in a flood hazard area overlay zone unless a building permit, or a variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, has been obtained.

(2) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

(3) Site plans shall be reviewed in accordance with Section 1296.01, Site Plan Review, to determine compliance with the standards of this Zoning Code.

(4) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Zoning Code.

(5) The flood-carrying capacity of any altered or relocated watercourse not subject to State or Federal regulations designed to ensure flood-carrying capacity shall be maintained.

(6) Available flood hazard data from Federal, State, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

(g) Disclaimer of Liability.

(1) The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Approval of the use of land under this section shall not be considered a guarantee or warranty of safety from flood damage.

(2) This section does not imply that areas outside the flood hazard area overlay zone will be free from flood damage. This section does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(h) Floodplain Management Administrative Duties.

(1) With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area overlay zone as prescribed in this section, the duties of the Building Superintendent and/or the Community Improvement Director shall include, but are not limited to:

A. Notification to adjacent communities and the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration; and

B. Recording of written notification to all applicants to whom variances are granted in a flood hazard area overlay zone indicating the terms of the variance, the potential increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained, together with the justification for each variance.

(2) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Building Superintendent and/or the Community Improvement Director and shall be open for public inspection.

(3) It shall be the responsibility of the Building Superintendent and/or the Community Improvement Director to obtain and utilize the best available flood hazard data for purposes of administering this section in the absence of data from the Federal Insurance Administration.

(i) Flood Hazard Area Overlay Zone Mapping Disputes.

(1) Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information should be utilized.

(2) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.

(3) All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

(j) Flood Hazard Area Overlay Zone Variances.

(1) Variances from the provisions of this section shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this section and each of the following specific standards:

A. A variance shall be granted only upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety or extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

B. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

(2) The Zoning Board of Appeals may attach conditions to the granting of a variance to ensure compliance with the standards contained in this section.

(3) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Michigan Register of Historic Sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

(Res. 98-340A. Passed 9-21-98.)

1294.37 CONDOMINIUM DEVELOPMENT STANDARDS.

(a) Purpose. The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

(b) Definitions. The definitions contained in Chapter 1260, General Provisions and Definitions, are intended to make comparison possible between the definitions of this Zoning Code and these Codified Ordinances.

(c) Application and Authority.

(1) The following review process shall apply to all condominium projects within the City.

(2) Concurrently with notice required to be given to the City pursuant to Section 71 of Act 59 of the Public Acts of 1978, as amended (MCLA 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the City Clerk the following information with respect to the project:

A. All names, addresses and telephone numbers of:

1. The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located, together with a statement that the entity is a fee owner or land contract purchaser.

2. All engineers, attorneys, architects, and licensed land surveyors involved in the condominium project.

3. The developer or proprietor of the project.

B. The legal description of the land, including tax identification numbers.

C. The total acreage.

D. The intended use.

E. The number of units to be developed.

F. A copy of the proposed master deed.

(3) Condominium projects shall contain all information required by the Michigan Condominium Act.

(4) The information shall also be filed with the Building Superintendent at the time the information is filed with the City Clerk, and shall

be kept current.

(d) Approval of Plans. All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in Section 1296.01, Site Plan Review. In making a determination, the Planning Commission shall consult with the Building Superintendent, Community Improvement Director, City Attorney, City Engineer, and City Planner regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Michigan Condominium Act.

(e) Streets and Necessary Easements.

(1) Condominium projects with streets shall comply with all street requirements found in this Zoning Code and these Codified Ordinances. Projects which connect public streets shall have the project street dedicated to the public.

(2) The condominium plan shall include all necessary easements granted to the City for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter called public structures) for the purpose of providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

(f) Setbacks and Boundaries. The setback requirements for condominium buildings shall be determined as follows:

(1) Single-family detached units.

A. The front yard setback shall be one-half ($\frac{1}{2}$) the approved or recorded street right-of-way, plus the current setback for the existing zoning district.

B. Side yard setbacks shall be twice the minimum required within the zoning district. The distance from the unit to the limit of development shall meet the minimum required side yard setback within the zoning district.

C. The rear yard setback between the rear of two (2) units shall be twice the minimum rear yard setback of the zoning district. The distance from the rear of the unit to the limits of the development shall meet the minimum rear yard setback of the zoning district.

(2) Multiple-family buildings. Multiple-family buildings shall meet the standards of the Multiple Family Residential District (MFRD).

(3) Boundary relocation. The relocation of boundaries as defined in Section 148 of the Michigan Condominium Act shall conform to all setback requirements of this section, and of the district in which the project is located, and shall be submitted to the Planning Commission for review and approval. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(g) Common Elements. After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

(h) Encroachment. A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

(i) Subdivision of Unit Sites. Subdivision of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.

(j) Conformance With Subdivision Regulations. All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Zoning Code or within these Codified Ordinances.

(k) Water and Waste Water. The condominium project shall comply with and meet all Federal, State, County, and City standards for a fresh water system and waste water disposal.

(l) Expansion and Conversion. Prior to expansion or conversion of a condominium project to additional land and a new phase, the same must be approved by the Planning Commission.

(m) Master Deed. The project developer shall furnish the City with one (1) copy of the proposed consolidated master deed, one (1) copy of the bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Zoning Code and these Codified Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the City for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the City for review and approval. Fees for these reviews shall be established, from time to time, by the Council.

(n) As-Built Plan and Occupancy. Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Superintendent may allow occupancy of the project before all improvements required are installed, provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The amount of the bond shall be determined by the City Engineer.

(o) Final Bylaws, Consolidated Master Deed and Site Plan. Upon approval of the development, the applicant shall furnish the City with a copy of the bylaws and consolidated master deed. The site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

(p) Compliance With Other Statutes and Ordinances. All condominium projects shall comply with Federal, State and local laws, statutes and ordinances.

(Res. 98-340A. Passed 9-21-98.)

1294.38 WITHHOLDING OF APPROVAL.

The Planning Commission, Zoning Board of Appeals, or Council may withhold the granting of approval of any use, site plan, planned unit development, special use approval, variance, or other approval required by this Zoning Code pending reviews and/or approvals which may be required by State or Federal agencies or departments.

1294.39 SIDEWALK SALES.

(a) Sidewalk sales are only allowed within the NBD, MBD, RBD, and CBD zoning districts.

(b) Sidewalk sales shall only be allowed on or immediately abutting a lot with a principally permitted building. Furthermore, the merchandise for sale on the sidewalk must also be fore sale inside the principally permitted building and the sale must be administered by

the occupant of the principally permitted building.

(c) A minimum width of five (5) feet shall be maintained to allow a pedestrian passageway upon the sidewalk involved.

(d) Merchandise shall not be displayed in such a manner as to interfere with pedestrian or vehicular traffic or safety, nor shall any display violate any fire or police regulation or any ordinance of the City.

(e) The length of a temporary sidewalk sale shall not exceed seven (7) consecutive days.

(f) All sidewalk sales shall also be subject to the provisions of Chapter 872 of the Lincoln Park Code of Ordinances Business Regulations.

(Res. 2012-258A. Passed 8-20-12, effective 9-5-12.)

1294.40 DONATION BINS.

Donation bins, as defined herein, shall be a permitted, accessory use in the Neighborhood Business District (NBD), Municipal Business District (MBD), Regional Business District (RBD), and Light Industrial District (LID), subject to the following:

(a) Review and Approval Procedures, Issuance of Permit and Required License

(1) A license issued by the City Clerk pursuant to Chapter 834 of the Lincoln Park City Code and a permit issued by the Building Department shall be required prior to the installation of any donation bin on property in the City of Lincoln Park.

(2) Permit applications shall be submitted to the Building Department along with required fees, as established by the City Council.

(3) The Building Superintendent shall review requests for all donation bins and find that they meet all standards and conditions identified herein. Where appropriate, the Superintendent shall consult with the Police Chief and Fire Chief.

(4) If the request meets all of the standards and conditions identified herein the permit shall be approved. If not, the request shall be denied and the Superintendent shall state the reasons for denial in writing and provide a copy to the applicant.

(b) Standards and Conditions.

(1) Donation bins shall be constructed of metal or a similar durable material and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of any graffiti.

(2) Donation bins shall be of the type that are locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(3) Donation bins shall have, at minimum, one-inch type font, visible from the front of each donation bin that states the name, address, email address, website, and telephone number of the operator. Other signs may be placed on the sides of the donation bin, provided that the total area of signage shall not exceed 20 percent of each side. The donation bin shall not have information, advertising, or logos other than those relating to the operator.

(4) Donation bins shall be serviced and emptied as needed, but at least every 30 days.

(5) The owner of the property on which the bin is located shall maintain, or cause to be maintained, the area surrounding the donation bins, free from any junk, debris or other material.

(6) Donation bins shall not be permitted on any unimproved parcel, shall not be allowed as a principal use of a parcel, and shall not be permitted where the principal use of the land has been closed or unoccupied for more than 30 days.

(7) Donation bins shall not be less than 1,000 feet from another donation bin as measured along a straight line directly from one box to the other. Notwithstanding this separation requirement, up to two donation bins on a single parcel or lot of record are permitted if the parcel or lot is not less than two acres in size and the two donation bins are side by side and are no more than three feet apart.

(8) Donation bins shall not exceed seven feet in height, six feet in width, and six feet in depth.

(9) Donation bins shall not cause a visual obstruction to vehicular or pedestrian traffic.

(10) Donation bins shall not be placed closer than fifteen feet from:

A. A public sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;

B. A public right-of-way;

C. A driveway; or

D. A side or rear property line of adjacent property zoned or used for residential purposes.

(11) Donation bins shall not obstruct or cause safety hazards with regard to a designated fire lane or building exit.

(12) Donation bins shall not:

A. Interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space;

B. Encroach upon an access drive, off-street parking lot maneuvering lane, and/or required off-street parking space.

C. Donation bins shall be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

(Res. 2016-13A. Passed 2-1-16, effective 3-2-16.)

1294.41 PACKAGE DELIVERY LOCKERS.

Package Delivery Lockers, as defined herein, shall be a permitted, accessory use in the Neighborhood Business District (NBD), Central Business District (CBD), Municipal Business District (MBD), and Regional Business District (RBD), subject to the following:

(a) Review and Approval Procedures, Issuance of Permit and Required License.

(1) A license issued by the City Clerk pursuant to Chapter 834 of the Codified Ordinances of the City of Lincoln Park and a permit issued by the Building Department shall be required prior to the installation of any package delivery locker on property in the City of Lincoln Park.

(2) Permit applications shall be submitted to the Building Department along with required fees, as established by the City Council.

(3) The Building Superintendent shall review requests for all package delivery lockers and find that they meet all standards and conditions identified herein. Where appropriate, the Superintendent shall consult with the Police Chief and Fire Chief.

(b) Standards and Conditions.

(1) The maximum depth of the package delivery locker shall be three (3) feet.

(2) The maximum cubic footage of the package delivery locker shall be 220 cubic feet.

(3) The package delivery locker shall be bolted into a concrete pad on a flat surface. The change in grade over a nine (9)-foot span shall not be more than two (2) inches.

(4) The package delivery locker shall have the same minimum front, side, and rear setback requirements as a structure within the established zoning district.

(5) There shall be a minimum of five (5) inches between any side of the package delivery locker and any adjacent structure or wall.

(6) There shall be a minimum of one (1) foot of wall clearance for the electrical disconnect box.

(7) There shall be a minimum of three (3) feet of clearance along the front of the package delivery locker.

(8) The package delivery locker area shall be visible and well lit.

(Res. 2020-009A. Passed 1-21-20, Eff. 2-5-20.)

1294.42 TRASH RECEPTACLES AND DUMPSTERS.

(a) No outdoor trash storage area may be in any front yard or any required side yard setback which is adjacent to a street, unless there is no alternative as established by the Planning Commission. In no instance may any trash receptacle or dumpster be located within or block a designated parking space.

(b) Any outdoor trash storage area must be limited to normal refuse which is collected on a regular basis and must be maintained in a neat, orderly and sanitary condition.

(c) Adequate vehicular access must be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking spaces or access to nearby principal buildings.

(d) Where vehicular access is restricted due to space or other constraints, curb carts rather than dumpsters may be permitted by the Planning Commission if it will result in no reduction to the public health, safety or welfare.

(e) Commercial and residential developments may enter into a shared refuse collection facility agreement with one or more neighboring businesses. A copy of this agreement must be submitted as part of the site plan and must specify the location and maintenance responsibility for the shared facilities.

(Res. 2020-319A. Passed 10-19-20, Eff. 11-4-20.)

1294.43 FLAT WORK REPLACEMENT CRITERIA.

It shall be necessary to replace flat concrete, which may include but is not limited to public sidewalks, service walks, driveway approaches, driveways, garage slabs, steps, porch caps, and patios if any of the following conditions exist:

(a) Trip hazards exceeding three quarters of one inch.

(b) Cross slopes exceeding one inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).

(c) Individual slabs that are broken into more than three pieces.

(d) Significant surface deterioration from spalling or pitting over 33% of an individual slab.

(e) Holes in excess of three quarters of one inch in depth or width.

(f) If any section of the sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).

(g) Any section or sections where water ponding is evident.

(h) Milling or grinding will not be permitted if at any point the trip hazard exceeds three quarters of one inch.

(i) No surface patch work will be permitted.

(Res. 2021-099A. Passed 4-19-21, Eff. 5-5-21.)

CHAPTER 1296

Site Plan Review and Design Standards

1296.02 Site design standards for uses permitted after special approval.

1296.03 Landscaping standards.

1296.04 Standards for architecture and building materials.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4(i)

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Districts generally and Zoning Map - see P. & Z.Ch. 1266

1296.01 SITE PLAN REVIEW.

(a) Purpose and Intent. The purpose of site plan review is to promote the stability of land values and investments and the general welfare by ensuring the orderly development and redevelopment of the City in compliance with this Zoning Code, and consistent with the character of the City and with the goals and design guidelines in the Master Plan.

(b) Applicability and Authority.

(1) Site Plan Required. A site plan as described in section 1296.01 (d) is required prior to any of the following activities:

A. The erection of any building or structure in any zoning district for any principal permitted use in the City.

B. Any land use requiring special approval, conditional rezoning, or planned unit development, other than one single-family residence and accessory buildings and structures thereto, subject to the procedures set forth in this section unless otherwise provided in paragraph (b) (2) hereof.

C. Establishment of any regulated use unless expressly exempted in this Article.

D. Development of non-residential uses in a residential zoning district.

E. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single-family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single-family dwellings, excluding accessory dwelling units.

F. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use.

G. Any use or construction for which submission of a site plan is required by any provision of these regulations.

(2) Site Plan Not Required. Site plan approval is not required for the following activities; instead, a sketch plan as described in section 1296.01 (d) may be required.

A. A change in the ownership of land or a structure.

B. Site or building improvements which increase or maintain conformity with the Zoning Code.

C. A change in the use of a structure to a use allowed by right in the zoning district in which it is located, and which is deemed similar to the previous use by the Building Superintendent or designee, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with this regulations.

D. Constructing, moving, relocating, or structurally altering a principal residential structure, including any customarily incidental accessory structures and also including excavating, filling, or otherwise removing soil where such activity is normally and customarily incidental.

E. Permitted home occupations.

(3) Approval Authority.

A. Administrative. The Building Official or designee shall have the authority to approve all sketch plans. The Building Official or designee shall also have the authority to approve site plans meeting the criteria in this section. Nothing in this section shall be construed to prevent the consideration of a proposal by the Planning Commission.

1. The use is permitted by right in the established zoning district;

2. The proposal conforms to all requirements and specifications of this ordinance and does not require waivers or other consideration reserved to the Planning Commission or other authority; and

3. The proposal will result in an increase in floor area of less than 1,000 square feet or 5% of the existing floor area, whichever is less.

B. Planning Commission. The Planning Commission shall have the authority to approval all proposals for development permitted by right and by Special Land Use approval. For all proposals for Conditional Rezoning and Planned Unit Development, the Planning Commission shall make a recommendation as to approval to City Council.

C. City Council. City Council shall have the authority to approve Planned Unit Developments in accordance with Chapter 1288 and to Conditional Rezonings in accordance with Chapter 1289.

(4) Approval Table. The following table summarizes types of uses and the type of review each requires

<i>Type of Use</i>	<i>Type of Submittal</i>	<i>Approval Authority</i>
<i>Type of Use</i>	<i>Type of Submittal</i>	<i>Approval Authority</i>

1. Single-Family Detached Dwellings	Sketch Plan	Administrative
2. Single-Family Attached Dwellings, Two-Family Dwellings	Site Plan	Administrative
3. Multiple-Family Dwelling Units	Site Plan	Administrative or Planning Commission, per 1296.01(3)(a)
4. Principal Non-Residential Uses in New Structures	Site Plan	Planning Commission
5. Change of Use - permitted uses within district	Site Plan	Administrative or Planning Commission, per 1296.01(3)(a)
6. Multiple Principal Uses	Site Plan	Planning Commission
7. Non-Residential Uses in Residential Districts	Site Plan	Planning Commission
8. Expansion of an existing use, other than single- and two-family dwellings	Site Plan	Administrative or Planning Commission, per 1296.01(3)(a)
9. Accessory Structures for Residential Buildings	Sketch Plan	Administrative
10. Accessory Structures for Non-Residential Buildings	Site Plan	Planning Commission
11. Parking Lots - repairing, resurfacing, restriping, curbing	Sketch Plan	Administrative
12. Parking Lots - reconstructing	Site Plan	Planning Commission
13. Site and Building Improvements	Sketch Plan	Administrative
14. Special Land Uses	Conceptual Plan, Site Plan	Planning Commission
15. Planned Unit Developments	Conceptual Plan, Site Plan, PUD Agreement	Planning Commission, City Council
16. Conditional Rezoning	Site Plan, CR Agreement	Planning Commission, City Council

(c) Standards for Site Plan Approval. The following criteria shall be used as a basis upon which site plans will be reviewed and approved.

- (1) Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- (2) Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this section.
- (3) Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- (4) Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (Section 1294.32), except as provided elsewhere in this section.

A. Site condominiums.

1. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.
2. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the City, as described in the City Subdivision Ordinance, the City Engineering Design Specifications, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this section by reference.

B. Detached condominiums.

1. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located.
2. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the City, as described in the City Subdivision Ordinance, the City Engineering Design Specifications, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this section by reference.

C. Condominium document review and approval.

1. The Planning Commission shall review the final condominium documents to determine compliance with site plan approval and City and State of Michigan condominium development requirements. The Planning Commission shall approve or deny the request for final approval of the condominium documents. Condominium documents include the Condominium Subdivision Plan (Exhibit B drawing), Master Deed and Bylaws.

2. An application for condominium document review must be submitted to the Building Superintendent according to the requirements of paragraph (c)(3) and (4) hereof, as applicable, within one year after the date of approval of the condominium site plan by the Planning Commission, or such approval shall be deemed null and void, unless an extension subject to the requirements of paragraph (e)(6)C. hereof is granted.

3. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium documents have been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

(5) Privacy. The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

(6) Emergency Vehicle Access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

(7) Circulation. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian access shall respect the pattern of existing or planned streets and pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

(8) Barrier-free access. The site shall be designed to provide barrier-free parking and pedestrian circulation.

(9) Parking. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by this Zoning Code. Where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.

(10) Stormwater management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complement the natural drainage patterns and wetlands, and which prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

(11) Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State (MDNR) Standards and City Code of Ordinances.

(12) Building design. The building design shall relate to the surrounding environment with regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials shall be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.

(13) Exterior lighting. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(14) Signs. The development meets all standards in the City's Sign Code.

(15) Public Services. Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

(16) Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

(17) Landscaping and open space. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls, and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

(18) Danger from Fire and Hazards. The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the City to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the City shall consider the location, type, characteristic, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the City. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the ground, groundwater, and public sewer system. For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

(19) Health and safety concerns. Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke, and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, tox and hazardous materials.

(20) Phases. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

(21) Relationship to adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be reviewed with regard to any common relationship with adjacent properties.

(22) Other agency reviews. The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan

Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

(d) Application Requirements.

(1) Site Plan Review. An application for site plan review, supplied by the Building Department, shall be submitted to the Building Superintendent with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table. All site plan drawings shall be submitted on sheets twenty-four (24) by thirty-six (36) inches and in digital PDF format.

(2) Conceptual Plan Review. Where a Conceptual Plan Review is included as a part of the Site Plan Review procedure, either as required by ordinance or requested by the applicant, the application for site plan review and required fees shall be submitted to the Building Superintendent with the required items presented in the table below. All site plan drawings shall be submitted on sheets twenty-four (24) by thirty-six (36) inches and in digital PDF format.

(3) Sketch Plan Review. Where a conceptual plan or sketch plan is required by the procedures described in 296.01 (e), such required items are also described and shall include narrative/documentation. The applicant shall submit one (1) copy of the final sketch plan, reduced in size to eight and one-half (8 ½) by fourteen (14) inches.

SITE PLAN APPLICATION REQUIREMENTS					
Item	Description	Sketch Plan	Conceptual Plan	Site Plan	Narrative
SITE PLAN APPLICATION REQUIREMENTS					
Item	Description	Sketch Plan	Conceptual Plan	Site Plan	Narrative
<i>Descriptive and Identification Data</i>					
1	Applicant's name, address, and telephone number.	X	X	X	All
2	The name of the development.	X	X	X	All
3	The date(s) (submission and revisions), north point, and scale.	X	X	X	
	Scale shall be as follows: < 1 acre: One (1) inch = twenty (20) feet > 1 acre and < 3 acres: One (1) inch = thirty (30) feet > 3 acres: One(1) inch = fifty (50) feet			X	
4	A small location sketch of sufficient size and scale (within a one-quarter mile is suggested) showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites, and other significant features of the city, where appropriate.	X	X	X	
5	Legal and common description of property.	X	X	X	
6	The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.	X	X	X	
7	Size of property in net acreage (minus rights-of-way), total acreage (to the nearest one-tenth acre), and square feet.	X	X	X	
8	Proximity to driveways serving adjacent parcels and all abutting parcels.			X	
9	Zoning classification of applicant's parcel and all abutting parcels.	X	X	X	

10	A schedule for completing the project, including the phasing or timing of all proposed developments.				Sketch Site
11	Written description of proposed land use.				All
12	Notation of any variances which have or must be secured.				All
13	Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the plan.	X	X	X	
14	Current proof of ownership of the land to be utilized or evidence of a contractual arrangement to acquire such land.				All
<i>Site Data</i>					
15	Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.	X	X	X	
16	Front, side, and rear setback dimensions.	X	X	X	
17	Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.			X	
18	Proposed site plan features, including buildings, roadway widths and names, and parking areas.	X	X	X	
19	Dimensions and centerlines of roads and road rights-of-way.			X	
20	Acceleration, deceleration, and passing lanes, where required.			X	
21	Proposed location of driveway entrances and on-site driveways.			X	
22	Typical cross-section of proposed roads and driveways.			X	
23	Location of existing drainage courses, floodplains, lakes, and streams, with elevations.		X	X	
24	Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.		X	X	
25	Location of sidewalks within the site and within the right-of-way.		X	X	
26	Exterior lighting locations and method of shielding lights from shining off the site.			X	

27	Trash receptacle locations and method of screening, if applicable. Waste Management Plan that includes trash receptacle locations and method of screening, if applicable. Trash receptacles and dumpsters must conform to the screening standards outlined in 1296.03(g), and all trash receptacles and dumpsters must conform to the standards and requirements outlined in 1294.41.			X	
28	Parking spaces, typical dimensions of spaces, indication of total number of spaces (including information needed to calculate required parking in accordance with Zoning Code standards), drives, and method of surfacing.			X	
29	General landscape plan showing the location and type of lawn/groundcover, landscaped areas, trees, and other live plant material.	X	X		
30	Detailed landscape plan showing (1) the location of lawns and landscaped areas; (2) the location, size, type, and quantity of proposed shrubs, trees, and other live plant material; (3) the location, size, and type of existing trees five inches or greater in diameter, measured at one foot of the ground, before and after proposed development; and (4) cross section of proposed berms.			X	
31	Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.		X	X	
32	Designation of fire lanes.			X	
33	Loading/unloading area.			X	
34	The location of any outdoor storage of materials and method of screening.			X	
<i>Building and Structure Details</i>					
35	Location, height, and outside dimensions of all proposed buildings or structures.			X	
36	Indication of the number of stores and number of commercial or office units contained in the building.		X	X	All
37	Building floor plans, including total floor area.			X	
38	Location, size, height, and lighting of all proposed signs.			X	
39	Proposed fences and walls, including typical cross-section and height above the ground on both sides.			X	

40	Building facade elevations (scale: One (1) inch= four (4) feet). Elevations shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such screening shall be designed to be perceived as an integral part of the building design.	Only where facade changes are proposed		X	
<i>Information Concerning Utilities, Drainage, and Related Issues</i>					
41	Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.		X	X	
42	Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.		X	X	
43	Indication of site grading and drainage patterns.		X	X	

44	Information required for permission to commence any type of development within a flood hazard area: <ul style="list-style-type: none"> • The elevation in relation to mean sea level of the floor, including basement, of all structures. • A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. • Proof of development permission from appropriate local, state, and federal agencies as required by this Zoning Code, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Energy, Great Lakes, and the Environment under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority. • Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act, or greater than five acres in size. 				All
45	Soil erosion and sedimentation control measures.			X	Site
46	Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.			X	
47	Listing of types and quantities of hazardous substances and polluting materials which will be used or stored onsite at the facility in quantities greater than twenty-five gallons per month.				All
48	Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas and underground storage tank locations.			X	
49	Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.			X	
<i>Information Concerning Residential Development</i>					
50	The number, type, and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.) and density calculations by type of residential unit (dwelling units per acre).		X	X	All
51	Lot coverage calculations.			X	
52	Floor plans of typical buildings with square feet of floor area.			X	

53	Garage and carport locations and details, if proposed.			X	
54	Pedestrian circulation system.		X	X	
55	Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.			X	
56	Community building location, dimensions, floor plans, and facade elevations, if applicable.			X	
57	Swimming pool fencing detail, including height and type of fence, if applicable.			X	
58	Location and size of recreation open areas, including an indication of type of recreation facilities proposed.			X	
<i>Information Concerning Mobile Home Parks</i>					
59	Location and number of pads for mobile homes.			X	
60	Distance between mobile homes.			X	
61	Proposed placement of mobile home on each lot.			X	
62	Average and range of size of mobile home lots.			X	
63	Density calculations (dwelling units per acre).			X	
64	Lot coverage calculations.			X	
65	Garage and carport locations			X	
66	Pedestrian circulation system.			X	
67	Location and names of roads and internal drives.			X	
68	Community building location, dimensions, floor plans, and facade elevations, if applicable.			X	
69	Swimming pool fencing detail, including height and type of fence, if applicable.			X	
70	Location and size of recreation open areas, including an indication of type of recreation facilities proposed.			X	
<i>Information Concerning Condominium Development</i>					
71	Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.				X
72	Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.			X	

(Res. 2020-319A. Passed 10-19-20, Eff. 11-4-20.)

(4) Items not applicable. If any of the items in the above-listed table are not applicable to a particular site, the following information shall be provided on the site plan:

- A. A list of each item considered not applicable.
- B. The reason(s) why each listed item is not considered applicable.

(5) The Planning Commission, Building Superintendent, or other party authorized by the City may request any additional information it deems necessary in the review of the submitted site plan.

(e) Site Plan Application Review Procedures

(1) Pre-Application Meeting. In order to facilitate processing of a site plan in a timely manner, the City provides opportunities for potential applicants to meet with and discuss development/redevelopment proposals with City officials and staff, which may include but is not limited to the Building Superintendent, City Planner, and City Engineer, for the purposes of obtaining information and guidance in the preparation of the required site plan and application materials. The applicant may, but is not required to, present drawings or site plans at a pre-application meeting, and no formal action shall be taken on a site plan submitted for pre-application meetings. The City Planner's and City Engineer's fees for any such pre-application conference shall be paid by the applicant.

- A. Optional. Any applicant may request a pre-application meeting to discuss land use proposals and site characteristics.
- B. Recommended. A pre-application meeting is strongly recommended for all proposed developments within the Downtown Development Authority (DDA) District and all Special Land Use applications.
- C. Required. A pre-application meeting is required for Planned Unit Development proposals.

(2) Conceptual Review by Planning Commission

- A. The Planning Commission will offer comments on a conceptual plan as described in 1296.01(d), showing site arrangement, context, density, landscaping, circulation, drainage, and utilities.
- B. Conceptual site plan review is required for all special land use, planned unit development, condominium, and conditional rezoning projects.
- C. An applicant may file a written request for conceptual review in conjunction with any project requiring site plan review.
- D. Conceptual review fees shall be paid according to the fee schedule established by City Council.
- E. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission shall be bound by any comments or suggestions made during the course of the conceptual review.

(3) Completeness Review. All required application materials shall be presented to the Building Superintendent's office by the property owner or their designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. The Building Superintendent or designee shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing, and shall not constitute a decision as to whether an application complies with the provisions of this Zoning Code.

(4) Technical Review

- A. Upon confirmation from the City Planner, City Engineer, City Attorney and other consultants and staff that the site plan substantially meets the requirements of this chapter, an additional ten copies of the site plan shall be submitted to the Building Department. The Commission may prepare forms and require the use of such forms in site plan preparation. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
- B. Upon submission of all required application materials, the site plan proposal shall be distributed, at the option of the Building Superintendent, to the City Planner, City Engineer, City Attorney and other City consultants and staff for review. For site plans determined not to be in substantial compliance, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action.
- C. Technical review shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting. All required revisions must be completed prior to the site plan being placed on the Planning Commission agenda for review.

(5) Administrative Review. The Building Superintendent or his or her designee may review and make a decision on a qualifying site plan review application that meets the standards of 1296.01 (d).

(6) Planning Commission Review

- A. All applications for Site Plan Review except those eligible for Administrative Review shall be considered by the Planning Commission. Planning Commission review shall be required for all Special Land Use, Conditional Rezoning, and Planned Unit Development proposals. For Conditional Rezoning and Planned Unit Development proposals, the Planning Commission shall provide a recommendation to the City Council.
- B. Public Hearing. A public hearing conducted by the Planning Commission is required for all site plans involving uses that are subject to special land use approval, applications for conditional rezoning, and planned unit developments. After payment of appropriate fees, the Building Superintendent or designee shall set the date of the public hearing.

(7) City Council Review. Applications for Planned Unit Development and Conditional Rezoning which are recommended for approval by the Planning Commission shall be reviewed by City Council in accordance with the procedures set forth in Chapters 1288 and 1289 of this Zoning Code, respectively.

(f) Site Plan Application Determinations. The Building Superintendent, Planning Commission, or City Council shall review the application and make a determination to approve the application, require any conditions it may find necessary, deny the application, or table the application.

- (1) Approval. Upon determination that a site plan is in compliance with the standards and requirements of this Section and other applicable ordinances and laws, approval shall be granted.
- (2) Conditional Approval. Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval

shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions the Building Superintendent or Planning Consultant for final approval stamp after conditions have been met.

(3) Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this Chapter or elsewhere in this Section, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.

(4) Tabling. Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a future meeting.

(g) Record of Actions. The City shall keep a record of decisions on all site plans on file in the City Hall. The record shall include the following information:

(1) Minutes. All minutes from any meeting where the site plan was considered.

(2) Finding of Fact. The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

(3) Final Site Plans. An electronic PDF version and a full-size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

A. Three (3) copies of the application and approved plans shall be stamped APPROVED and signed by the Building Superintendent or City Planner. One marked copy shall be returned to the applicant and the other two copies will be kept on file in the City Hall.

(4) Development Agreement. An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed by the applicant and the Planning Commission Chair.

(h) Procedure After Site Plan Approval.

(1) Application for Building Permit

A. Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, or State permits and approvals prior to issuance of a building permit.

B. A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded master deed has been provided to the City. However, the Building Superintendent may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the master deed. No permit issued or work undertaken prior to recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.

(2) Expiration of Site Plan Approval. If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The Building Superintendent may grant an extension of up to twelve (12) months, upon written request from the applicant, if his or her designee finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Code standards.

(3) Application for Certificate of Occupancy. Following completion of site work and building construction, the applicant may apply for a certificate of occupancy or a temporary certificate of occupancy from the Building Superintendent. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

(4) Property Maintenance After Approval.

A. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Section and shall be subject to the same penalties appropriate for a use violation.

B. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Section and shall be subject to the same penalties appropriate for a use violation.

(5) Recorded and As-Built Condominium Documents.

A. Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

1. One (1) copy of the recorded master deed; and
2. One (1) copy of any condominium bylaws and restrictive covenants.

B. Upon completion of the project the condominium project developer or proprietor shall furnish the city with the following:

1. Two (2) copies of an "as built survey"; and
2. One (1) copy of the site plan on a mylar sheet of at least thirteen (13) by sixteen (16) inches with an image not to exceed ten and one-half (10 ½) by fourteen (14) inches.

C. The as-built survey shall be reviewed by the City Engineer for compliance with City ordinances. Fees for this review shall be established by the City Council.

(6) Revocation. Approval of a site plan may be revoked by the Planning Commission or Building Superintendent if construction is not in conformance with the approved plans. In this case, at the discretion of the Building Superintendent the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the

meeting. The Building Superintendent, applicant, and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.

(i) Amendments and Modifications. A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:

(1) Minor Modifications.

A. Minor modifications to an approved site plan may be reviewed by the City Building Superintendent or his or her designee.

B. Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include, but are not limited to:

1. An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25% or 3,000 square feet, whichever is less.

2. Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.

3. Changes to building height that do not add an additional floor.

4. Additions or alterations to the landscape plan or landscape materials.

5. Relocation or screening of a trash receptacle.

6. Alterations to the internal parking layout of an off-street lot.

C. Determination of Minor Modification. The Building Superintendent, or his or her designee, shall determine if the proposed modifications are minor in accordance with the guidelines in this Section. In order to make the determination, the Building Superintendent shall solicit comments and recommendations from the Planner, Engineer, and public safety officials, as deemed necessary.

(2) Major Modifications.

A. If the modifications are not deemed minor by the Building Superintendent, then full review, and approval by the Planning Commission shall be required.

B. Planning Commission review shall be required for all site plans that involve a request for a variance, a special land use, conditional rezoning, and planned unit development proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

C. Examples of major modifications include, but are not limited to:

1. The construction of a new building or structure.

2. The addition or deletion of parking.

3. The addition of curb cuts onto a public road.

(3) Recording of Action.

A. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan and shall be kept on file in the office of the Building Superintendent.

B. The Planning Commission shall be advised of all minor site plan modifications approved by the Building Superintendent and such modifications shall be noted on the site plan and in the minutes of the Planning Commission.

(j) Fees and Performance Guarantees.

(1) Fees. Fees for the review of site plans and inspections as required by this section shall be established and may be amended by resolution by the City Council.

(2) Performance Guarantees. Performance guarantees shall be required subject to the standards in Section 1262.09.

(Res. 2020-298A. Passed 10-5-20, Eff. 10-19-20.)

1296.02 SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL.

The following standards are in addition to the requirements of Section 1296.01, Site Plan Review:

Note: The requirements noted in this section are in addition to, or, where in conflicts, supersede, those general requirements by zoning districts, as indicated in Section 1296.01, Site Plan Review. For all uses permitted after special approval, see the processing requirements in Section 1262.08, Special Approvals.

A. Adult Foster Care Group Homes

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.

2. No foster care group home shall be located closer than one thousand five hundred (1,500) feet to any other foster care group home or foster care family home, measured from the nearest wall of each such structure.

3. No additional facility shall be approved which would contribute to an excessive concentration of foster care group homes within a neighborhood.

B. Automobile and Other Vehicle Wash Establishments

1. A minimum front yard setback of twenty (20) feet shall be required for all structures.

2. Required off-street parking and vehicle waiting areas shall be provided in accordance with Chapter 1290, Off-Street Parking and Loading.

C. Automotive Fueling and Service Stations

1. See Section 1294.14, Automotive Service Stations, Repair Centers and Public Garages, for detailed regulations.

D. Automotive Repair Centers

1. See Section 1294.14, Automotive Service Stations, Repair Centers and Public Garages, for detailed regulations.

E. Bed and Breakfast Inns, Boarding Houses, Rooming Houses, and Lodging Houses

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. Parking areas shall be located off-street and shall not be located in any required front yard.
3. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
4. The dwelling unit in which the establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active.

F. Breweries, Distilleries, Canning Factories, Chemical Plants

1. The site shall be evaluated for consideration of potential odor and pollution nuisances.

G. Cemeteries

1. Sites shall have a minimum lot area of ten (10) acres.
2. All structures must be a minimum fifty (50) feet from any lot line.
3. The site must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.

H. Churches

1. Sites shall have a minimum lot area of one (1) acre.
2. The minimum lot width shall be one hundred fifty (150) foot, and the minimum side and rear yards shall be twenty-five (25) feet.
3. Screening meeting the requirements of Section 1294.28, Screening, shall be provided along the sides of the parking area adjacent to a residential district.
4. The site must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.
5. No off-street parking is allowed in any required front yard.

I. Cocktail Lounges and Night Clubs

1. Uses are not permitted within five hundred (500) feet of any church or school.

J. Commercial Green-houses, Nurseries and Garden Centers Exceeding One Thousand (1,000) Square Feet

1. Sites shall have a minimum lot area of one (1) acre.
2. All structures must be a minimum of forty (40) feet from all lot lines.
3. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
4. All loading activities and parking areas shall be provided on the same premises off-street.
5. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

K. Commercial Outdoor Recreation Establishments (Excluding Golf-related Uses)

1. Sites must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.
2. No building or spectator seating facility shall be located within fifty (50) feet of a property line.
3. The site shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
4. Provisions shall be taken to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

L. Convalescent or Nursing Homes, Housing for the Elderly

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. The allowable density of the underlying zoning district may be increased by no more than 50% for all nursing care units licensed by the State of Michigan, or 25% for non-licensed nursing care and supportive care units.
3. All dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
4. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
5. All medical waste facilities shall be secured and meet the requirements of the Public Health Department of the State of Michigan.
6. Walkways shall be provided from the main building entrance(s) to any sidewalks along the adjacent public street.

M. Drive-in or Drive-through Establishments

1. Sites must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.

2. See Section 1294.16, Drive-in and Drive-through Establishments, for further design standards.

N. Essential Public Service Buildings and Structures, Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations, Gas Regulator Stations

1. Screening requirements are subject to Council approval based on analysis of potential effect on surrounding properties.
2. No storage yards are permitted in residential districts.
3. Applications must provide evidence of the necessity for the proposed location.
4. Electric or gas regulator equipment and apparatus shall be set back a minimum of thirty (30) feet from all lot lines.

O. Funeral Homes

1. Sites shall have a minimum lot area one (1) acre and minimum lot width of one hundred fifty (150) feet.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

P. Golf Courses ("Par-three" Courses)

1. Minimum lot size shall be forty (40) acres.
2. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy-five feet (75) from all property and street lines.
3. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
4. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted to protect nearby residential districts.

Q. Group Day Care Homes

1. Sites shall have a minimum lot area of twenty thousand (20,000) square feet.
2. An on-site drive shall be provided for drop-offs and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
3. There shall be a fenced, contiguous open space with a minimum area of five thousand (5,000) square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.

R. Home Based Businesses

1. See Section 1294.39, Home-based Businesses, for detailed regulations.

S. Hospitals

1. Sites shall have a minimum lot area of two (2) acres.
2. Front, side and rear yard minimum setbacks shall be fifty (50) feet.
3. The maximum height of a hospital structure shall not exceed five (5) stories or sixty (60) feet.
4. Parking setbacks shall be forty (40) feet in the front yard, and twenty (20) feet for side and rear yards.
5. All structures to be a minimum of one hundred (100) feet from any lot lines of adjacent residentially zoned districts.
6. Ambulance and delivery areas shall be obscured from all residential property view with screening meeting the requirements of Section 1294.28, Screening.
7. Site must abut a principal regional thoroughfare, with all ingress and egress directly to such thoroughfare.
8. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital related uses shall be allowed.
9. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separated uses. Only one-half (1/2) the total number of parking spaces within gated or restricted physician parking lots shall be included in parking calculations.
10. Hospitals shall be constructed, maintained, and operated in conformance with applicable State and Federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

T. Junkyards and Scrap Yards

1. Sites shall have a minimum lot area of ten (10) acres.
2. A fifty (50) foot wide buffer strip as defined in Section 1296.03, Landscaping Standards, shall adjoin all property lines.
3. A solid, ornamental masonry wall meeting the requirements of Section 1294.28, Screening, shall be required at interior boundaries of buffer strip.
4. Junk and scrap materials may not be stacked higher than the height of the screening wall.
5. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
6. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.
7. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street from a height at the top of the wall enclosing the yard.
8. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the

storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

9. The front obscuring wall shall be set back the same distance as a building in the General Industrial District (GID), and all such walls shall be set back a minimum of five hundred (500) feet from any residential use or district.

10. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or Federally recognized holidays.

11. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the City. These conditions can include a provision for an annual inspection by the Building Superintendent to ensure continuing compliance with the above standards.

U. Kennels

1. Sites shall have a minimum lot area of two (2) acres.

2. All outdoor runs or breeding areas to be enclosed on all sides screening meeting the requirements of Section 1294.28, Screening, and located at least ten (10) feet from any property line.

3. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to an adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

4. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance such as fencing, soundproofing, or sanitary requirements.

V. Mechanical Amusement Device Arcades, Pinball Parlors, or Pool Halls

1. Sites are not permitted within five hundred (500) feet of any church or school.

W. Mining, Excavating or Other Removal of Sand, Earth, Minerals, Etc.

1. All structures and machinery shall be a minimum of one hundred (100) feet from all property lines and two hundred (200) feet from any residential districts.

2. Submission of a screening plan is required, except for topsoil removal.

3. The applicant shall submit a written statement describing: an indication of the proposed use of the property following the extraction; an approved reclamation plan; documentation that demonstrates to the satisfaction of the City that activities will not produce any serious consequences which will adversely affect the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values or use of adjacent land.

4. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan.

5. Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis.

6. A reclamation plan shall be provided indicating final grades which are level with surrounding grades and not in excess of 5% unless demonstrably necessary for the proposed reclamation land use. No topsoil shall be removed from the site; topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.

7. The site shall be enclosed with a six (6) foot security fence with a locking access gate. Such fences shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

8. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.

9. No building or structure shall be erected on the site, except as may be permitted in that zoning district or if approved as a temporary structure for machinery or field office.

10. Proper measures shall be utilized to minimize the nuisance of noise and dust or airborne materials, as determined by the Building Superintendent, and may include requirements on stockpiling size and/or covering of stockpiles.

X. Nursery Schools, Day Nurseries, and Child Care Centers

1. An outdoor play area shall be required of one hundred (100) square feet per child cared for, with a total minimum area of one thousand five hundred (1,500) square feet.

2. An on-site drive shall be provided for drop-off/pick-ups. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

Y. Open Air Business Uses (See definition in Section 1260.08, Rules of Construction; Definitions)

1. Sites shall be visually screened from all adjoining residential and commercial properties by screening meeting the requirements of Section 1292.28, Screening.

2. Sites shall meet any required screening standards required by this Zoning Code.

3. No exterior lighting shall cause a driving hazard on abutting street, nor be exposed to any adjacent residentially zoned property.

4. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this Zoning Code.

5. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

Z. Open Storage Yards of Buildings and Construction Contractors, Landscaping Contractors, and Lumber Yards

1. Sites shall be visually screened from all adjoining residential and commercial properties by solid, ornamental masonry wall at least

eighty (80) feet in length and six (6) feet in height.

2. Any storage or display area shall comply with the minimum setback requirements for the district in which the facility is located and no storage or outside display shall be permitted within any front yard.

3. Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.

4. Heavy construction equipment such as bulldozers and front-loaders shall not be stored or used on the site. The size of such equipment shall be limited to a one (1) yard bucket.

5. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties.

6. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen within an area of twenty (20) feet from the obscuring screen. Any obscuring screen shall not exceed six (6) feet in height.

AA. Outdoor Cafés, Outdoor Eating Areas, Carry-out, and Open Front Restaurants.

1. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the outdoor café should not be permitted. Planters, posts with ropes, or other removable enclosures should be encouraged and should be used to define the area occupied by the outdoor café.

2. Pedestrian circulation and access to building entrances should not be impaired. A boundary (maximum encroachment width and length) into the public sidewalk should be established with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of all State and Federal regulations.

3. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the Planning Commission.

4. Tables, chairs, planters, waste receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should compliment building colors.

5. Additional signs are not permitted beyond those permitted for the existing restaurant.

6. The hours of operation for the outdoor café should be established and noted with the application.

7. Preparation of food and beverages may be prohibited in the outdoor café.

8. Liability issues for use of the public sidewalk should be addressed and reviewed by the City Attorney.

BB. Outdoor Theaters

1. All sites to have a minimum lot area of ten (10) acres and all structures shall be a minimum of one hundred (100) feet from all lot lines.

2. Screens may not face a principal or regional thoroughfare.

3. Entire sites shall be fenced.

4. Sites must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.

5. No viewing areas shall be located closer than forty (40) feet to any lot line.

CC. Private Parks, Country Clubs, Golf Courses and Golf Driving Ranges

1. Sites shall a minimum lot area of five (5) acres.

2. All structures shall be a minimum of one hundred (100) feet from adjacent residentially zoned districts.

3. Sites must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.

4. Whenever any such use abuts a residential district, a transition strip at least one hundred (100) feet in width shall be provided between all operations, buildings and structures, including fences, and the residential property. Grass, plant materials, and structural screens of a type in accordance with Section 1296.03, Landscaping Standards, shall be placed within the transition strip.

5. A minimum yard of one hundred (100) feet shall separate all buildings, uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with Section 1296.03, Landscaping Standards.

DD. Radio and Television Towers

1. Sites shall have a minimum lot area of ten thousand (10,000) square feet.

2. Towers shall be located at a distance from each lot line equivalent to or greater than the height of the tower.

EE. Recreation Vehicle Storage Yards

1. Sites shall have a minimum lot area of one (1) acre.

2. Storage areas to be enclosed by a cyclone fence five (5) feet in height. Additional height may be permitted for barb wire cradling.

FF. Regional Shopping Centers

1. Sites must abut a principal or regional thoroughfare, with all ingress and egress directly to such thoroughfare.

2. The design shall ensure that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between traffic generated by the center, and traffic on adjacent streets and thoroughfares.

3. Internal circulation shall be designed such that no intersection includes more than four (4) aisles or drives.

4. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
5. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
6. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
7. Any outlots shall have circulation and parking designed to complement the remainder of the site.

GG. Retail and Service Uses Located Within High-rise Multiple-family Structures

1. Uses, parking and signs shall be sized, designed and located to be in harmony with the character and quality of the multiple-family development. See Section 1270.03, Uses Permitted After Special Approval.

HH. Self-storage Warehouses

1. The minimum lot area shall be three (3) acres.
2. The minimum building and parking setback shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet setback from any residential district and twenty-five (25) feet from any nonresidential zoning district.
3. The front yard and any side yards adjacent to residential districts shall include screening and landscaping in accordance with the requirements of this Zoning Code.
4. All storage shall be completely within enclosed buildings or structures.
5. A structure for a resident manager may be allowed on the site.
6. The use shall be limited to storage only.

II. Schools, Primary and Secondary Public Schools, Commercial Schools and Colleges

1. All play areas adjacent to a residential district must be fenced.
2. Bus and automobile drop-off and pickup drives shall be separate from, and not conflict with, through travel lanes of any street.

JJ. Temporary Buildings for Use Incidental to Construction Work

1. Such uses are allowed for a period not to exceed one (1) year.

KK. Veterinary Clinics and Hospitals

1. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
2. All boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel.
3. Outdoor enclosures or runs visible to adjacent residential districts shall be screened with screening meeting the requirements of Section 1292.28, Screening.

LL. Wireless Communication Facilities

1. See Section 1294.35, Wireless Communication Facilities; Antennae, Towers, and Satellite Dish Antennae, for detailed standards.

MM. Indoor Flea Markets.

1. The indoor flea market operator maintains a complete and accurate file of the current and valid licenses issued to each of the flea market vendors conducting business at that location.
2. The applicant shall specify the days and hours of operation.
3. The use and all vendors shall comply with the provisions of the Lincoln Park Code of Ordinances Chapter 870, Secondhand Dealers.
4. No merchandise shall be stored, displayed, or sold outside of a building.
5. Outdoor storage or parking of vehicles shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day.

(Res. 2012-259A. Passed 8-20-12, effective 9-5-12.)

NN. Antique malls.

1. The business is under the unified control and supervision of one licensed person, partnership, firm or corporation referred to as the antique mall operator.
2. The antique mall operator maintains a complete and accurate file of the current and valid licenses issued to each of the antique mall dealers conducting business at that location.
3. The applicant shall specify the days and hours of operation.
4. The use and all vendors shall comply with the provisions of the Lincoln Park Code of Ordinances.
5. No merchandise shall be stored, displayed, or sold outside of a building.
6. Outdoor storage or parking of vehicles shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day.

OO. Pawn shops.

1. A 1,000 foot separation shall be maintained at all times between pawn shop use and existing pawn shop. Measurement of the one-thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed pawn shop use will be situated.
2. No pawn shop use shall be permitted within a five hundred (500) foot radius of a residential district.

3. The applicant shall specify the days and hours of operation.
4. No merchandise shall be stored, displayed, or sold outside of the building.
5. Pawn shops shall comply with all other applicable federal, state and local laws, regulations, and licenses.

PP. Body Art Facilities

1. No body art facility shall be permitted within one thousand (1,000) feet of another body art facility.

QQ. Marihuana Establishments

1. All establishments and facilities shall operate in compliance with the Michigan Department of Community Health, the MRTMA, the MMMA, and all administrative rules and regulations in the Ordinance Chapter 853 Marihuana Licenses.
2. A minimum setback of two hundred (200) feet shall separate a marihuana establishment from all public or private schools providing education for kindergarten through 12th grade.
3. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
4. The marihuana business shall comply with all performance standards as set forth in Section 1294.31 of this Zoning Code. Such compliance shall specifically include adequate facilities for ventilation and odor control.
5. The location from which a primary caregiver manufactures, stores, and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.
6. Except for marihuana retail establishments and provisioning establishments, dispensing of marihuana is prohibited.
7. Temporary outdoor marihuana special events are prohibited.
8. All activity related to marihuana businesses shall be conducted indoors.
9. No outdoor storage shall be allowed.
10. Waste receptacles that are outdoors must be enclosed, and locked at all times when not in use.
11. Loading zones for any marihuana business shall not be visible to the public. Loading zones shall be either fully or partially enclosed. Loading zones shall be any of the following: an area indoors that meets the loading zones size requirements, an area enclosed by two or more walls, a vehicle bay, or garage, or any other configuration that blocks the transfer of goods from vehicle to facility. All products shall be transferred directly from the vehicles into the establishment. Should a vehicle have to maneuver to enter the loading zone, it is subject to parking lot requirements in 1290.08.
12. A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
13. Provisioning centers and retail facilities shall be open to the public no earlier than 9:00 a.m. and shall close no later than 10:00 p.m.
14. If a building with windows is utilized as a marihuana grower facility, any lighting methods shall not exceed the foot candles permitted for the exterior of the building between the hours of 11:00 p.m. and 7:00 a.m.
15. A roof on a marihuana grower facility may consist of a sturdy transparent material, such as glass, approved by the Building Superintendent, to allow for sunlight into the growing area of the building. If such transparent material is utilized, it must be fully covered with a non-transparent material between dusk and dawn that prevents interior lighting from escaping through the roof.
16. The portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lincoln Park Fire Department to ensure compliance with the Michigan Fire Protection Code.
17. Exterior lighting shall be required for security purposes, and shall be implemented in accordance with the provisions of the Zoning Ordinance.
18. If a marihuana business ceases operation for a length of time of one hundred twenty (120) days or greater, any Special Use permit shall expire. (Res. 2020-320A. Passed 10-19-20. Eff. 11-4-20.)

(Res. 98-340A. Passed 9-21-98; Res. 08-383A. Passed 12-15-08; Res. 2012-223A. Passed 7-16-12. Eff. 8-1-12; Res. 2012-259A. Passed 8-20-12. Eff. 9-5-12; Res. 2016-13A. Passed 2-1-16. Eff. 3-2-16; Res. 2018-99A. Passed 4-16-18. Eff. 5-2-18.)

1296.03 LANDSCAPING STANDARDS.

(a) Intent. The intent of this section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetic quality, development quality, stability of property values, privacy, and the overall character in the City. The standards of this section are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscaping standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(b) Requirements and Timing of Landscaping.

(1) Plan required. Landscaping shall be included with any site plan or plot plan application reviewed by the Planning Commission. A separate landscape plan shall be submitted at a minimum scale of one (1) inch equals forty (40) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

(2) Installation and inspection. Wherever this Zoning Code requires landscaping or plant materials, the same shall be planted within six

(6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Building Superintendent may require a performance guarantee to cover the cost of landscaping prior to issuing a certificate of occupancy.

Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of concrete curbing. Landscaped areas shall be elevated above the pavement to a minimum height of six (6) inches to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

An inspection of plant materials will be conducted by the Building Superintendent within three (3) months of written notification of installation to release the performance guarantee.

(3) Plant material standards. It is the intent of this section that an interesting and thoughtful mixture of plantings shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this Zoning Code. These standards may be varied by the Planning Commission when these established minimums will not serve the purpose and intent of this section.

A. Plant quality. Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

B. Plant size specifications.

1. Trees. Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this section.

a. Deciduous trees. Two and a half (2 ½) inch caliper minimum trunk measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.

b. Evergreen trees. Eight (8) feet in height, with a minimum spread of three (3) feet. The size of the burlapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above grade.

c. Deciduous ornamental trees. One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.

2. Shrubs. Minimum twenty-four (24) inches in height above planting grade.

3. Hedges. Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.

4. Vines. Minimum of thirty (30) inches in length after one (1) growing season.

5. Ground cover. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

6. Grass. Planted in species normally grown as permanent lawns in southeast Michigan. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.

7. Mulch material. Minimum of six (6) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

C. Approved plant species. Unless otherwise provided herein or elsewhere within this Zoning Code, or specifically permitted by the Planning Commission, all required plant materials shall be of the following species:

1. Deciduous trees. Hard Maple, Oak, Beech, Ash, Ginko (maple only), Bradford Pear, Linden, Honey Locust (thornless).

2. Evergreen trees. Fir, Spruce, Pine, Hemlock.

3. Deciduous ornamental trees. Amur Maple, Dogwood, Redbud, Magnolia, Hicks Yew, Pfitzer Juniper, Ornamental Cherry, Viburnum, Flowering Crabapple.

4. Shrubs. Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, Alpine Currant, Barberry, Flowering Quince, Spreading Yew, Juniper, Burning Bush, Spiraea, Mugo Pine, Bayberry.

5. Ground Cover. Pachysandra, Spreading Juniper, Wintercreeper, Periwinkle, English Ivy.

D. Prohibited plant materials. The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, or other undesirable characteristics: Box Elder, Silver Maple, American Elm, Horse Chestnut, Poplar, Aspen, Ailanthus, Catalpa, European Barberry.

(c) Special Provisions for Existing Sites. Special provision is made for applying these standards to developed sites which existed prior to the City adopting landscaping requirements. Therefore, when an existing site is undergoing redevelopment, improvement, a change in use, or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this section in relation to the extent of expansion or change on a site.

When reviewing plans for a change in use or expansion which requires site plan review, the Planning Commission shall require an upgrade in landscaping, using the following as guidelines:

(1) Each building expansion of one percent (1%) of gross floor area should include at least two percent (2%) of the landscaping required for new developments, or a minimum of thirty percent (30%) of the landscaping required for new developments, whichever is greater.

(2) Landscaping along the street and as a buffer between adjacent land uses should take priority over parking lot and site landscaping. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas should be considered.

(d) Required Landscaping Along Public Streets. One of the following street landscaping options is required on land abutting public rights-of-way or where otherwise referenced.

(1) Greenbelt. A required greenbelt shall meet the following standards:

A. Greenbelts shall have a minimum width of ten (10) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten (10)-foot width and in Business Districts where it is desirable to maintain a shallow front setback. In such cases, the greenbelt requirement may be met through the provision of street trees within the curblin, or the provision of landscaping as required below.

B. At least one (1) deciduous tree (minimum two and half (2 ½) inch caliper) and four (4) minimum twenty-four (24) inch high shrubs shall be planted per each forty (40) linear feet of street frontage. Location of the trees and shrubbery is discretionary. In business districts, additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one (1) additional canopy tree for every four (4) required shrubs.

C. The greenbelt area shall contain grass, vegetation ground cover, six (6)-inch shredded bark mulch, or six (6)-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

D. Where headlights from parked vehicles will shine into the right-of-way, the Planning Commission may require use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.

(2) Berms. A combination of a raised earth berm and plantings where and when required shall meet the following standards:

A. Berms shall have a minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this section is met and an appropriate screen is provided.

B. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.

C. At least one (1) deciduous tree (minimum two and a half (2 ½) inch caliper) shall be provided for each thirty (30) feet of lineal street berm length.

D. At least one (1) minimum twenty-four (24) inch high shrub shall be provided for each one-hundred (100) square feet of berm surface area (calculated from a plan view).

E. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching of netting specifically designed to control erosion.

F. The base of any sign placed within the berm shall be at, or below, the average grade along the berm.

(3) Buffer strip. A buffer strip may be required, particularly where the adjacent uses and those across the street are residential in character or less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5)-foot high obscuring area along side or rear lot lines, and an appropriate landscaped strip along front lot lines. A buffer strip shall meet the following requirements:

A. Buffer strips shall have a minimum width of ten (10) feet.

B. All trees shall be evergreens a minimum eight (8)-feet high at planting.

C. The buffer planting area shall contain grass, vegetation ground cover, six (6)- inch shredded bark mulch, or six (6)-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

D. The following species and planting spacings are recommended:

<u>Common Name</u>	<u>Scientific Name</u>	<u>(Feet on Center)</u>
"Burki" Red Cedar	Juniperus Virginiana "Burki"	4
Mugo Pine	Pinus Mugo	5
Dark Green Arborvitae	Thuja Nigra	3
Canadian Hemlock	Tsuga Canadensis	12
Serbian Spruce	Picea Omorica	10
Irish Juniper	Juniperus Communis	3
White Fir	Abies Concolor	10
White Pine	Pinus Strobus	10
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

(e) Interior Landscaping. For every new development, except for single-family detached dwelling units in the Single Family Residential Districts (SFRD), there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least ten percent (10%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following standards:

(1) One (1) deciduous (minimum two and a half (2 ½)-inch caliper) or ornamental tree (minimum two (2)-inch caliper) or evergreen tree (minimum five (5) foot height) shall be provided for every four-hundred (400) square feet of required interior landscaping area.

(2) One (1) twenty-four (24) inch high shrub shall be provided for every two-hundred- fifty (250) square feet of required interior landscaping area.

(3) The interior landscaping area shall contain grass, vegetation ground cover, six (6)- inch shredded bark mulch, or six (6)-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

(f) Parking Lot Landscaping. Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree (two and a half (2 ½)-inch minimum caliper) or ornamental tree (minimum two (2) inch caliper if tree form, six (6)-foot minimum height if clump form), with at least one-hundred (100) square feet of planting area, shall be used for every ten (10) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

(1) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.

(2) Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.

(3) All landscaped areas, when adjacent to streets, driveway aisles, or parking areas, shall be curbed with a concrete curb of a minimum height of six (6) inches. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the site plan. The minimum width of such areas shall be ten (10) feet; the minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of these areas shall be two (2) feet shorter than adjacent parking space to improve maneuvering. A parking space overhang of two (2) feet may be used to widen a landscaped area and reduce the length of a parking space by two (2) feet less than required by this Zoning Code.

(g) Waste Receptacle and Mechanical Equipment Screening. Waste receptacles shall be located and screened with a decorative masonry wall of at least six (6) feet in height with a solid or impervious gate. Where receptacles are taller than six (6) feet, the required screening wall shall be the minimum height required to completely screen the receptacle. The required screening wall shall be of the same material at those required for other screening walls on the site and/or the facade of the principal building. Ground-mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission.

(h) Plant Materials and Minimum Spacing. All plant material shall be hardy to the area, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of trees native to the area and southeast Michigan, and a mixture of trees from the same species association, are encouraged.

(1) Trees and shrubs for parking areas (or comparable species).

London Plane Tree Snowdrift Crabapple

Sweetgum Marshal Seedless Green Ash

Linden Tree Spiraea

Juniper (spreading) Dwarf Callery Pear

Hawthorn Honey Locust (thornless)

(2) Trees and shrubs for greenbelt and interior landscape areas (or comparable species).

Amur Maple Sweetgum Goldenrain Tree

Hawthorn London Plane Tree Scarlet Oak

White Ash (seedless) Pin Oak European Linden

Honey Locust (thornless) Little Leaf Linden Zelkova

Juniper Border Privet Gingko

Mugo Pine Serbian Spruce Mockorange

Euonymus Cotoneaster Snowdrift Crabapple

Hedge Maple Bayberry European Hornbeam

Viburnum Dense Yew Hicks Yew

Dwarf Callery Pear Red Maple Sugar Maple

(Bradford)

(3) Salt-resistant trees and shrubs (or comparable species).

Pinus Nigra Sweetgum Black Locust

Juniper (sp.) Honey Locust (thornless) Bayberry

(4) Trees and shrubs for shady areas (or comparable species).

Euonymus Honey Locust (thornless) Arborvitae (sp.)

Mahonia Aquifolium Alpine Currant Dogwood

Amelanchier Mountain Laurel Viburnum

Cotoneasters

(5) Trees not permitted (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures).

Box Elder Soft Maple (Silver) Elm

Poplar Willow Tree of Heaven

Catalpa Buckthorn European Alder

Horse Chestnut (nut bearing)

(6) Plant material spacing. Plant materials shall not be placed closer than four (4) feet from the fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

(i) General Layout And Design Standards.

(1) Landscaped areas and plant materials required by this Zoning Code shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Zoning Code dies or becomes diseased, it shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.

(2) Tree stakes, guy wires and tree wrap are to be removed after one (1) year.

(3) All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one-hundred (100) feet of all planted material to be maintained. Frontage landscaping, boulevard medians, interior parking lot landscaped areas, and other curbed landscaped areas shall be irrigated via an underground sprinkler system.

(4) Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.

(5) Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.

(6) Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, and curbing around landscape areas.

(7) Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

(j) Incentives to Preserve Existing Trees. The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan. To obtain credit, the preserved trees shall be of a high quality and at least two and one-half (2 ½) inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission. Trees over twelve (12) inches in caliper to be removed shall be noted on the landscape plan.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

Caliper of Preserved Tree (in inches)	Numbers of Trees Credited
over 12	3
8 to 12	2
2 ½ to 8	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height - D.B.H.)

The following trees are not eligible for preservation credits:

Box Elder Apple Poplar

Willow Hawthorn Malus (sp.)

Hackberry Silver Maple European Alder

Locust (sp.) Autumn Olive Norway Maple

Scotch Pine Buckthorn Siberian Elm

Red Pine

(k) Waiver or Modification of Standards for Special Situations. The Planning Commission may determine whether or not existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscaping and screening requirements of this section, the following may be considered:

- (1) The extent that existing natural vegetation provides desired screening.
- (2) Whether there is a steep change in topography which would limit the benefits of required landscaping.
- (3) The presence of existing wetlands and watercourses.
- (4) Existing and proposed building placement.
- (5) Whether the abutting or adjacent land is developed or planned by the City for a use other than residential uses.
- (6) Building heights and views.
- (7) Whether the adjacent Residential District is over two-hundred (200) feet away from the subject site.
- (8) Whether similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

(l) Entranceway Structures. Entranceway structures, such as walls, columns, or gates shall be permitted at the entrance to a residential or nonresidential subdivision or condominium development, industrial park, or business park, subject to the following conditions:

(1) Entranceway structures shall be located on private property outside of the road right-of-way, except that such structures may be located in the median of a boulevard entrance to a subdivision or other residential development (in the road right-of-way), subject to approval by the entity having jurisdiction over the right-of-way (i.e. Wayne County, Lincoln Park, MDOT, etc.) and subject to compliance with the Unobstructed Sight Distance standards in Section 1290.08. Entranceway structures located on private property may be within the required front setback area.

(2) Entranceway structures shall not exceed eight (8) feet in height and eighty (80) square feet in size.

(3) Approval of the Building Official and issuance of a building permit shall be required prior to construction.

(Res. 10-67A. Passed 4-19-10. Eff. 5-5-10.)

1296.04 STANDARDS FOR ARCHITECTURE AND BUILDING MATERIALS.

(a) Purpose and Intent. The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Comprehensive Development Plan, and this Zoning Code. These standards also are intended to protect the general health, safety, and welfare of the City by ensuring that the City's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high quality design and adding distinctive architectural features and roof lines to the views of the City, while providing for architectural creativity.

(b) Architectural Standards. All proposals requiring site plan review and fronting on a public right-of-way shall meet or exceed the following standards for architecture and building materials.

(1) Building form. For sites where setbacks are required and buildings are not permitted to be built to lot lines, building mass, height, bulk and width-to-height ratio must be within fifty percent (50%) to one-hundred-fifty percent (150%) of the scale and proportion of buildings within five-hundred (500) feet of the subject site, unless meeting such ratio is determined to be impractical or unreasonable by the Planning Commission.

A. An uninterrupted length of a single building facade shall not exceed one-hundred (100) feet for all buildings. Recesses, off-sets, angular forms, or other features shall be used to provide a changing and varying facade.

B. Windows shall be vertical, recessed and include visually-obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the facade. Solid walls of glass are not permitted.

C. Main entrances shall be emphasized with doors larger than required by the applicable building code(s) and framing devices such as deep overhangs, recesses, peaked roof forms, porches, or arches.

(2) Architectural details and features. Buildings shall possess architectural variety, but shall be constructed of similar, but not identical, materials, and shall have similar, but not identical, entrances, to those buildings within five-hundred (500) feet of the subject site, unless the Planning Commission determines other building materials and forms are acceptable.

A. Pitched and shingled roof forms with overhanging eaves between six (6) inches of vertical rise to twelve (12) inches of horizontal run and twelve (12) inches of vertical rise to twelve (12) inches of horizontal run are recommended. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines should be incorporated into roof lines along building facades greater than one-hundred (100) feet. Roof-top mechanical equipment must be screened by the roof form.

B. Building facades greater than one-hundred (100) feet shall contain architectural features, details and ornaments such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches. All sides of a building shall be similar in design, details, and materials.

C. Main entrances to buildings shall incorporate devices such as canopies, overhangs, raised parapets over the door, archways, awnings, larger door openings and display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls.

D. Natural colors shall be used for the main portions of building facades and roof forms. Bright or fluorescent colors are permitted for trim, accent, and other decorative architectural features only.

(3) Building materials. Building materials must be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, or beveled wood siding, and each building facade must contain at least seventy-five percent (75%) of these materials. Uses in Industrial Districts shall contain at least fifty percent (50%) of these materials for building facades facing public streets or freeways.

Twenty-five percent (25%) of building facades may contain the following materials, which should be used for decorative features or accents only: glass, unless used as windows; reflective glass; exterior insulation finish systems (EIFS); vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials. Building facades for uses in industrial districts not facing public streets or freeways may also contain these materials and pre-cast concrete or plain masonry block.

(4) Windows. Front facades shall include at least twenty-five percent (25%) windows. The approximate size, shape, orientation and spacing of windows should match that of buildings within five-hundred (500) feet, unless the Planning Commission determines other sizes, shapes, orientation, and spacing are acceptable.