

Chapter 24 - ZONING⁽¹⁾

Footnotes:

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Cross reference— Buildings and building regulations, Ch. 5; fences, Ch. 10; planning commission, Ch. 17; streets, sidewalks and other public places, Ch. 19.

State Law reference— Authority to regulate land use, MCL 125.581 et seq.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Purpose.

The purpose of this chapter 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, 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 and regulating and limiting lot occupancy and the size of yards and other open spaces; regulating and limiting the density of population; establishing floor space requirements to assure 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 board of zoning appeals, defining and limiting the powers and duties of the board, and setting standards to guide actions of the board; providing for administration of this chapter 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 violation of this chapter.

(Ord. No. 442, § 1.1, 8-19-81)

Sec. 24-2. - Preamble.

In accordance with the authority and intent of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq.), as amended, the city desires to provide for the orderly development of the city, consistent with the city's 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, 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 public health, safety, and welfare of the residents, shoppers, and workers in the city.

(Ord. No. 442, § 1.2, 8-19-81)

Sec. 24-3. - Enabling authority.

This chapter is adopted pursuant to Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq.), as amended. Such Act is hereby made a part of this chapter just as if it were word for word repeated herein.

(Ord. No. 442, § 1.3, 8-19-81)

Sec. 24-4. - Short title.

This chapter shall be known and may be cited as the zoning ordinance of the city.

(Ord. No. 442, § 1.4, 8-19-81)

Sec. 24-5. - Construction of language.

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

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter 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.
- (6) The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 442, § 1.5, 8-19-81)

Cross reference— Definitions and rules of construction generally, § 1-2.

Secs. 24-6—24-30. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 24-31. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means an accessory building or a supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same parcel of property as the main building.

Accessory use means a use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Alley means a dedicated public way which affords a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to hereafter as altered or reconstructed.

Apartment means a dwelling unit located within a multiple dwelling.

Architectural features means and shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile repair means the general repair, engine rebuilding, repair or reconditioning or collision repair service of motor vehicles. Collision repair includes such services as body, frame or fender straightening and repair, and painting.

Automobile service station means 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 including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof; or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type; or sales unrelated to service station use.

Automobile wash establishment means a building, or portion thereof, where automobiles or other vehicles are washed commercially.

Basement means 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. (See illustration entitled "Basement and Story Definition.")

Block means a tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

Board of zoning appeals means and refers to the board of zoning appeals of the city.

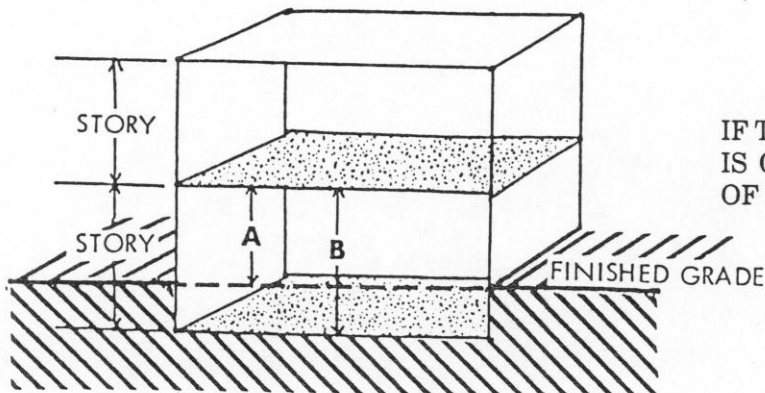
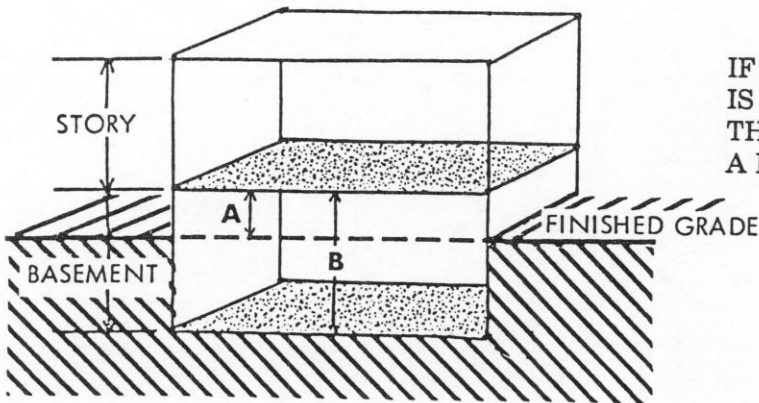
Boarding house, tourist house means a dwelling where lodging and meals are provided for compensation to three or more persons by pre-arrangement for definite periods. A boarding house or tourist house is to be distinguished from a hotel, motel, convalescent home or nursing home.

Buildable area means that space of a lot or parcel remaining after the minimum open space requirements of this chapter have been met.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for 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.

BASEMENT & STORY DEFINITION



Building height means 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 deck line for mansard roofs; and to the mean height level (between eaves and ridges) for 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. (See illustration entitled "Building Height Requirements.") When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Building inspector means the commissioner of public works of the city or his authorized representative.

Building, main or principal means one in which is conducted the principal use of the lot upon which it is situated.

Building permit means the written authority issued by the building inspector permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this chapter.

Building setback line means a line marking the setback distance from the lot lines which establishes the minimum required front, side or rear yards of the lot.

City council means and refers to the city council of the city.

City engineer means the city engineer for the city.

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one professional, such as a physician, dentist, or the like.

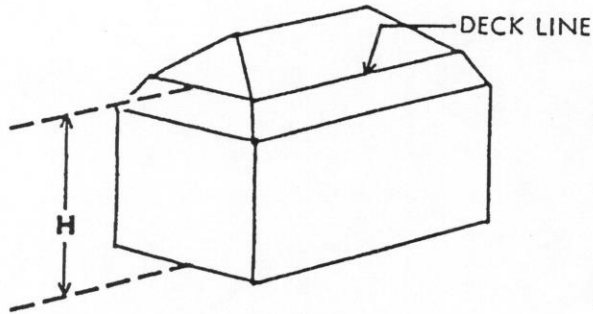
Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement or porch sales conducted on residential premises for more than six calendar days during a given one-year period.

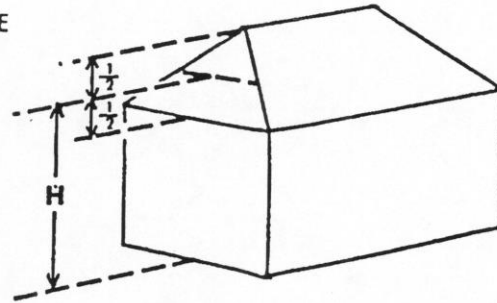
Comprehensive development plan means the comprehensive development plan for the city including all studies, maps, charts and policy statements, adopted in accordance with Act No. 285 of the Public

Acts of Michigan of 1931, (MCL 125.31 et seq.), as amended.

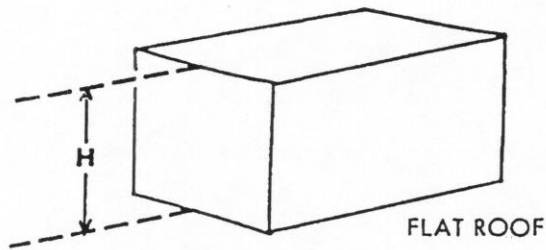
BUILDING HEIGHT REQUIREMENTS



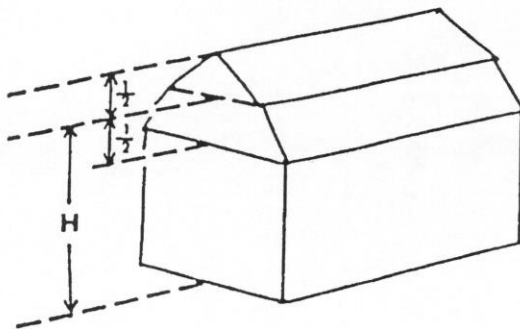
MANSARD ROOF



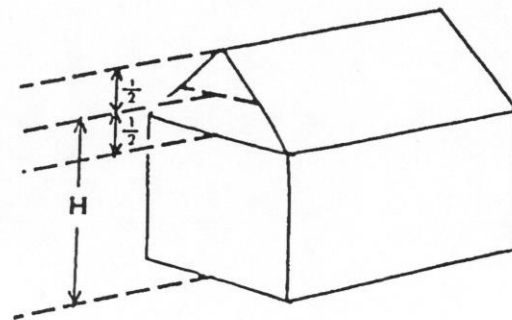
HIP ROOF



GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING

Convalescent or nursing home means a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for license under applicable state laws.

Density means the number of dwelling units developed on an acre of land.

District means 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 the provisions of this chapter.

Drive-in establishment means 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 their motor vehicle (such as certain banks, cleaners, restaurants, theatres).

Dwelling, efficiency unit means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

Dwelling, multiple means a building or portion thereof used for and as a residence for three 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 means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling.

Dwelling, terrace, row, townhouse means a freestanding building of not less than three dwelling units arranged laterally, each with its own front and rear entrances.

Dwelling, two-family means a freestanding building containing two dwelling units.

Dwelling unit means any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one 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-family or multiple-family residential areas. 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 chapter and shall comply with the provisions thereof relative to dwellings.

Erected means and includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means and includes the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, for the public health, safety or general welfare. Buildings are not included as essential services, other than those that are primarily enclosures or shelters of the above essential service equipment.

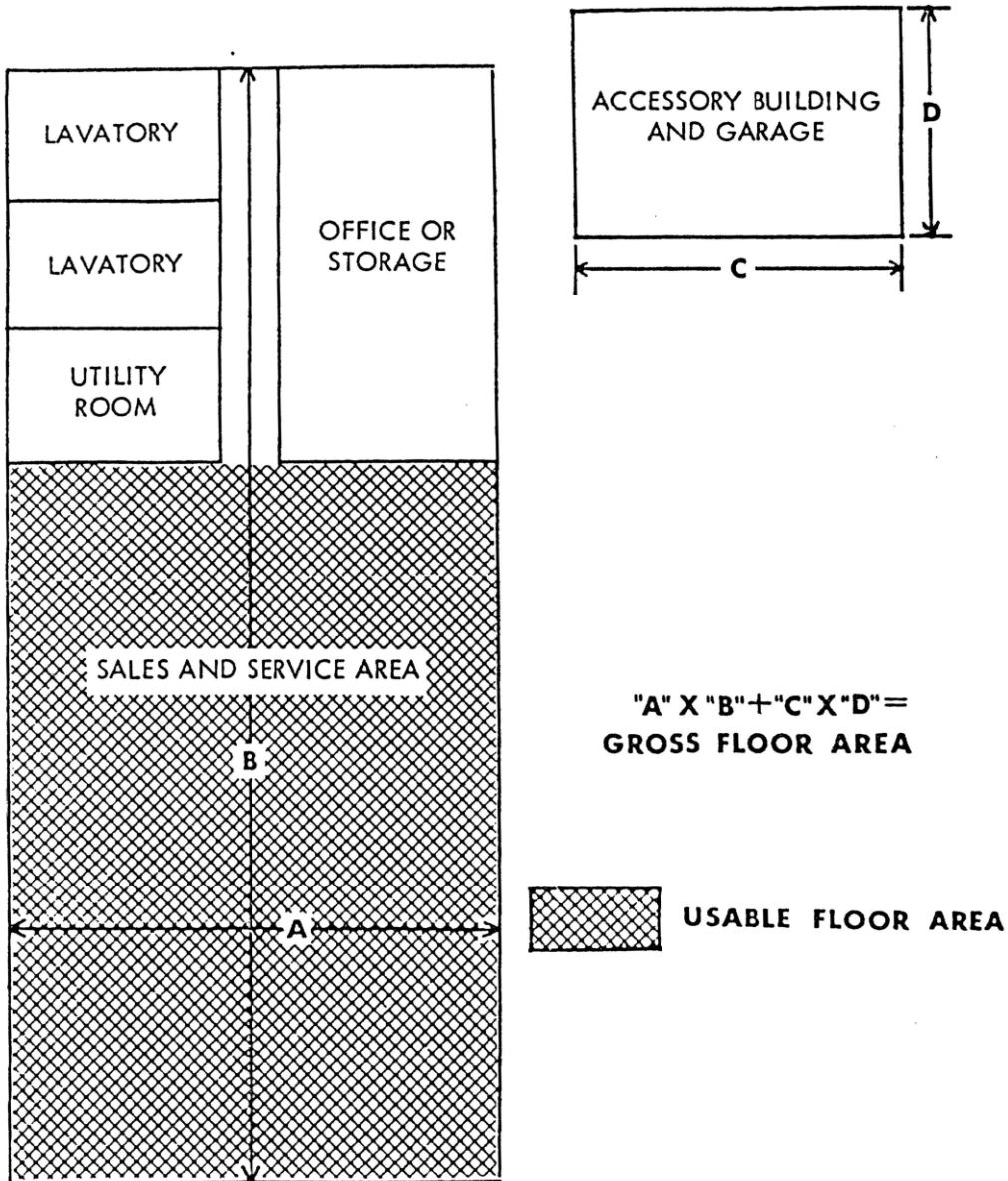
Family means one or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single nonprofit housekeeping unit, or a group of not more than three persons who need not be related by bonds of consanguinity, marriage, or legal adoption living together as a single housekeeping unit and occupying a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boarding house, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuitous guests, and not more than six foster care people, as recognized by applicable state laws.

Floor area, gross means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The gross floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see basement definition). Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

Floor area, usable means that portion of the gross floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or

patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for 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 feet or more. (See illustration entitled "Floor Area Terminology.")

FLOOR AREA TERMINOLOGY



Foster care facility means an establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to foster care persons, and licensed under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq.), as amended, or Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended. A foster care facility is other than a home

for the aged or nursing home licensed under state law; or a mental hospital for mental patients licensed under state law. A foster care family home is a facility which provides foster care to six or fewer persons. A foster care group home is a facility which provides foster care to seven or more persons.

Garage, community means an accessory building used exclusively for the storage of more than three motor vehicles, with no commercial shop or service operated in connection therewith.

Garage, private means an accessory building used for the storage of motor vehicles for the use of the occupants of the property on which such building is located with such building having a capacity for not more than three motor vehicles.

Garage, public means a building or structure other than a private garage or community garage for the storage, parking, care or refinishing of motor vehicles.

Grade means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. For building purposes, the grade line at the building shall not be less than 12 inches or more than 18 inches above the permanent sidewalk grade as established by the city engineer.

Home occupation means any use customarily conducted entirely within the 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 persons residing in the area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service may be sold or offered for sale on the premises, except that which is produced by such occupation; and that such occupation shall not require internal or external alterations or construction features, equipment, machinery or outdoor storage. The home occupation shall not include use of a vehicle requiring a commercial license. Day care centers, tea rooms, veterinarians' offices, tourist homes, animal hospitals, kennels, millinery shops, barber and beauty shops, among others, shall not be considered home occupations. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building.

Hospital means a building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the health department of the state.

Hotel means a building or group of buildings with the majority of the rooms having access to interior hallways, and occupied or used as a more or less temporary abiding place of individuals, and in which no provision is made for cooking in individual rooms.

Junk means any motor vehicles, machinery, appliances, product or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk yard means an automobile wrecking yard, salvage area or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials; or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kennel means any lot or premises on which three or more dogs, each four or more months old, are kept either permanently or temporarily boarded.

Loading space means 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.

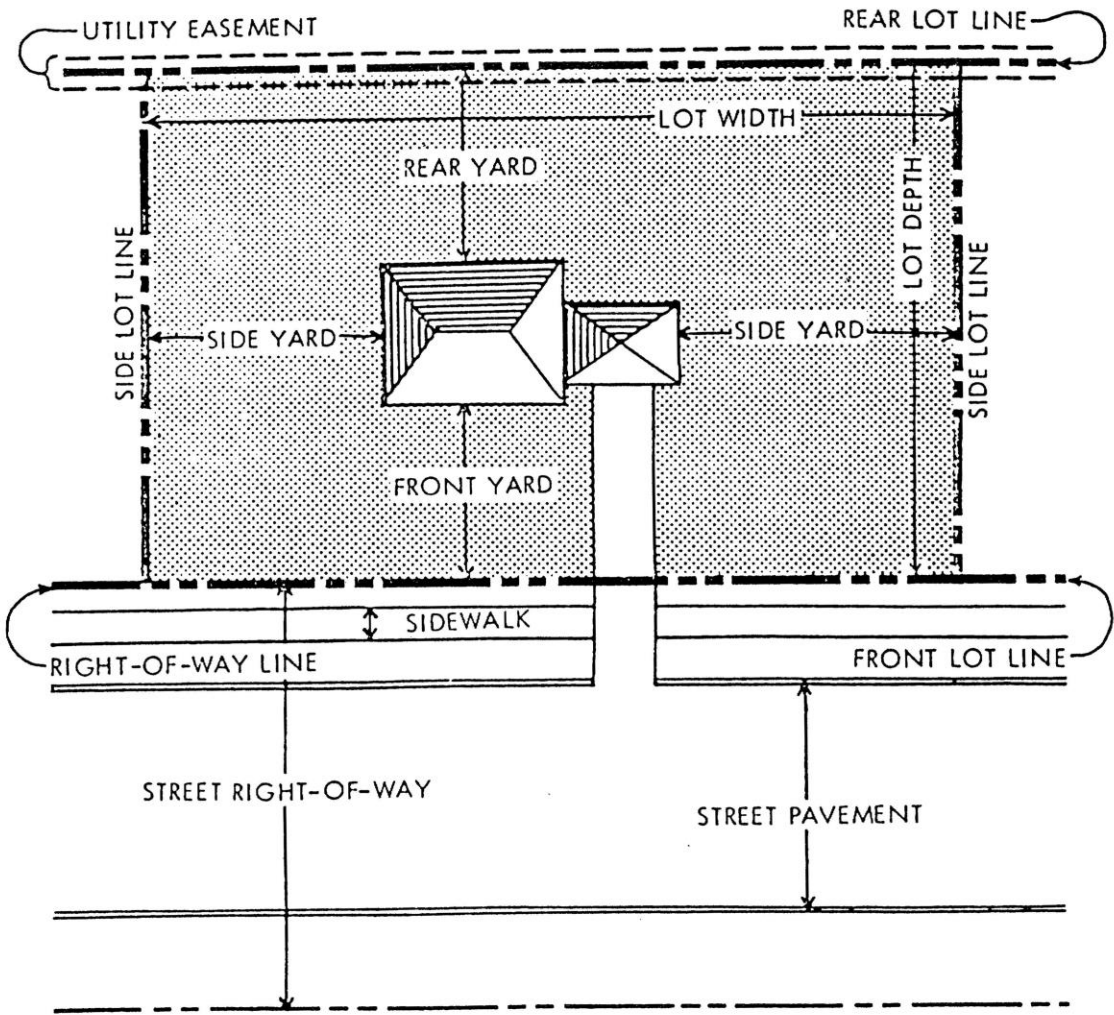
Lot means a parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal building or use and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. (See the illustrations "Lot Terms" and "Corner, Interior and Double Frontage Lots" for various terms relating to lots.)

Lot area means the total horizontal area within the lot lines of the lot.

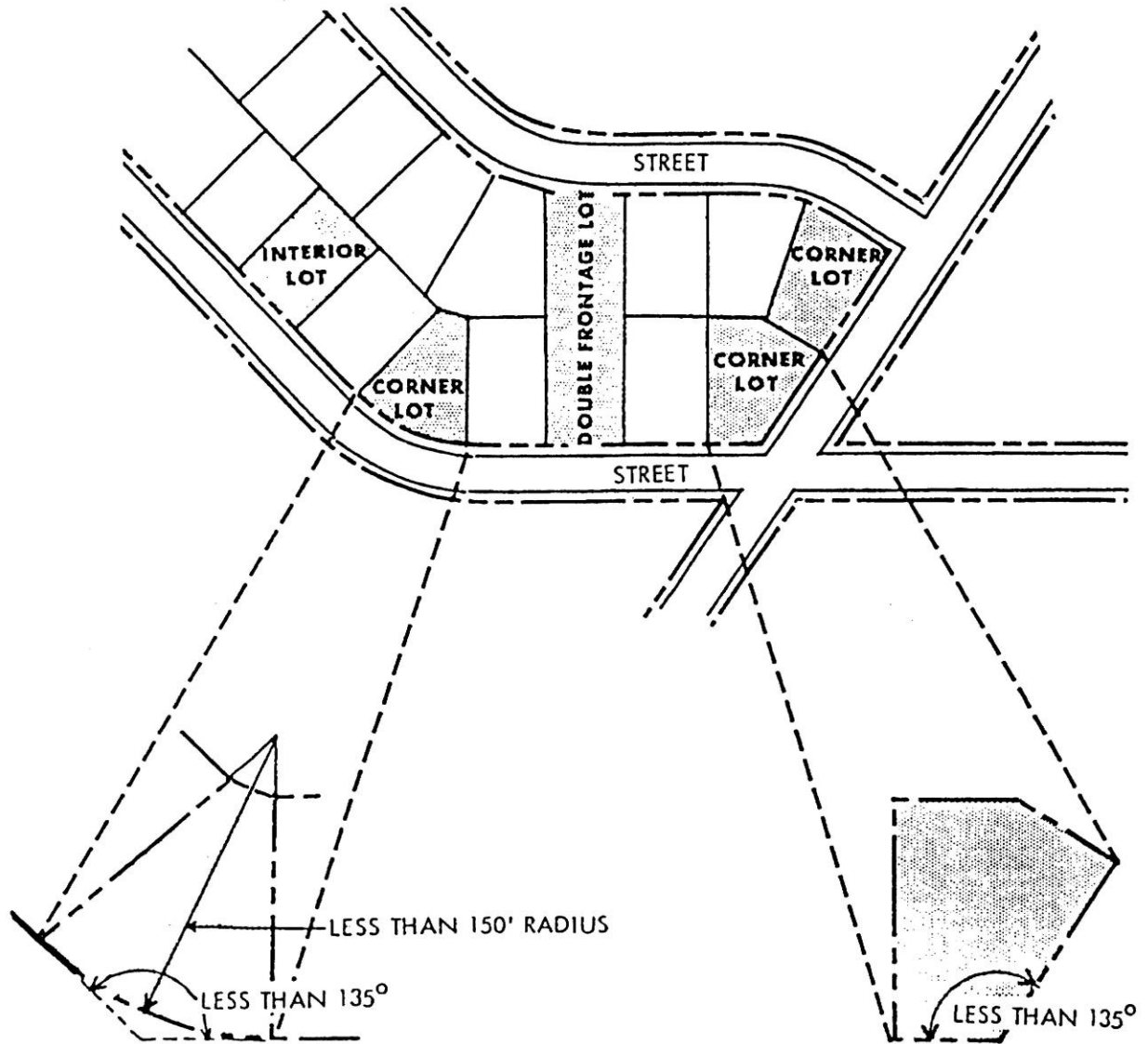
Lot, corner means a lot having at least two adjacent sides abutting for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot coverage means the part or percent of the lot occupied by buildings or structures including accessory buildings or structures, and permanent swimming pools.

LOT TERMS



CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



Lot depth means the mean horizontal distance from the front street line to the rear lot line.

Lot, double frontage means a lot, other than a corner lot, having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.

Lot, interior means a lot other than a corner lot with one lot line fronting on a street.

Lot line means any line dividing one lot from another or from a street right-of-way or any public place.

Lot line, front means, in the case of an interior lot abutting on one public or private street, the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating such lot from that street which is designated as the front street in the plat and/or in the request for a building permit.

Lot line, rear means that 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 that assumed line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot. In any case, where this definition does not apply, the building inspector shall designate the rear lot line.

Lot line, side means any lot boundary line that is 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 or lots is an interior side lot line.

Lot of record means a lot for which the dimension and configuration is shown on a map recorded in the office of the register of deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the state) and likewise so recorded on a file with the county.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

Major thoroughfare means a main traffic artery. For the purposes of this chapter, the following streets are designated as major thoroughfares: Allen Road, Dix Avenue, Greenfield Road, Oakwood Boulevard, Outer Drive, Raupp Avenue, and Schaefer Road.

Mobile home means a detached single-family dwelling unit, exceeding 32 feet in length, designed to be transportable after fabrication on its own wheels, suitable for yearround occupancy and containing a flush toilet, sleeping accommodations, a shower or bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. It is also known as a trailer coach or house trailer. A travel trailer is not to be considered as a mobile home.

Mobile home park means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

Motel means a building or a group of buildings with the majority of the rooms having direct access to the outside of the building or buildings, and occupied or used as a more or less temporary abiding place for individuals and in which no provision is made for cooking in individual rooms.

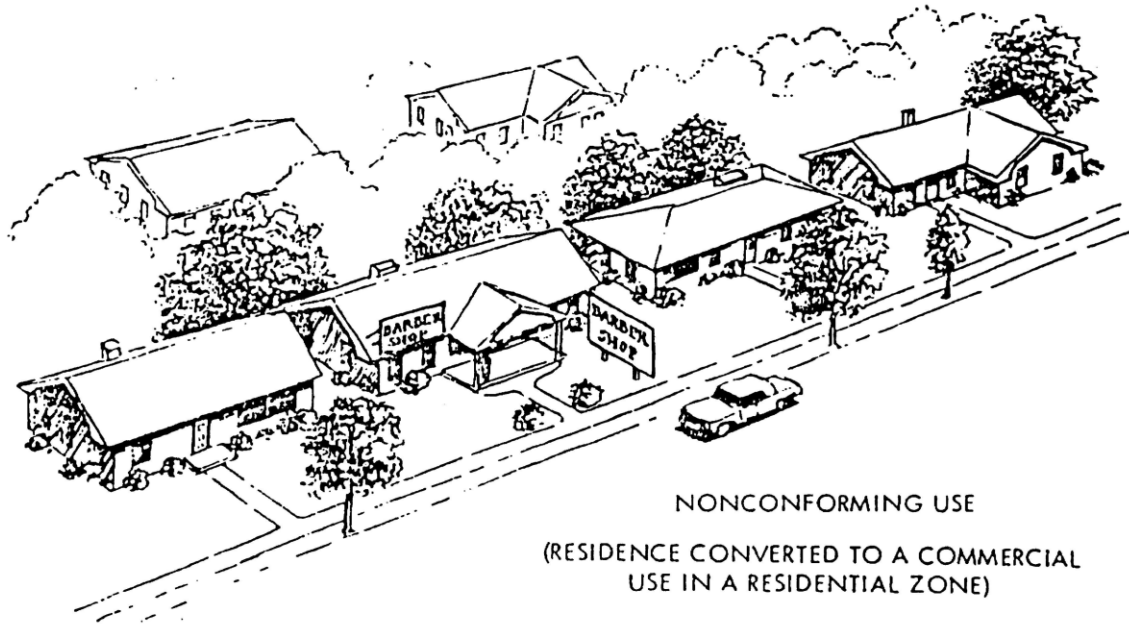
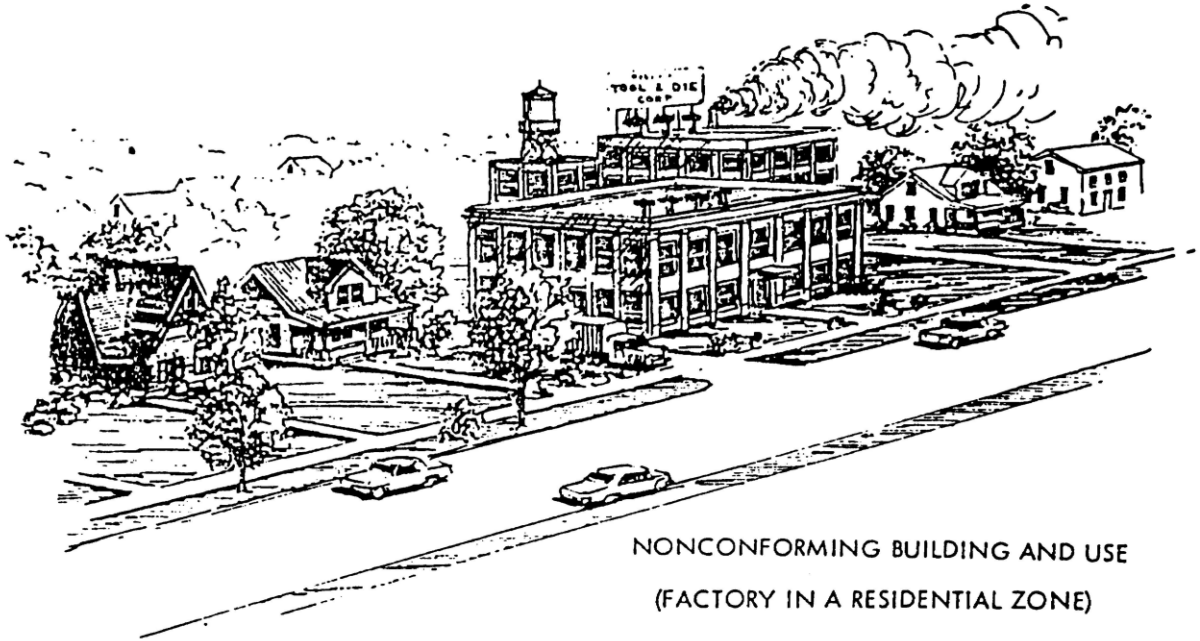
Nonconforming building means a building or portion thereof, lawfully existing in September, 1988, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located. (See illustration entitled "Nonconforming Use.")

Nonconforming use means a use which lawfully occupied a building or land in September, 1988, and that does not conform to the use regulations of the zoning district in which it is located.

Nursery school, day nursery, or child care center means an establishment wherein three 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.

NONCONFORMING USE



Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses means and shall include the following business uses:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, yard ceramics, and other home garden supplies and equipment.
- (2) Retail sale of fruit and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- (4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.
- (5) Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

Parking space means an area for the parking or storage of a motor vehicle, with such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of a permitted vehicle. Minimum permissible parking space sizes are included in this chapter.

Planning commission means and refers to the planning commission of the city.

Public utility means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public: transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

Restaurant, carry-out means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
- (2) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

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

- (1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which 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 means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption 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) means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to customers in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which such items are consumed.
- (2) Customers are served by a cafeteria-type operation, where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

Sign, outdoor advertising means any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded from this definition:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (3) Legal notices: identification, informational, or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Story means that portion of a building, other than a mezzanine or basement, included between the surface of a floor and 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. (See illustration entitled "Basic Structural Terms.")

- (1) *Basement* means for the purpose of this chapter, a story if over 50 percent 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 servants employed in the same building, including the family of the same.
- (2) *Half* means 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 of the floor area of such full story.
- (3) *Mezzanine* means and shall be considered as a story when it covers more than 50 percent 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 24 feet or more.

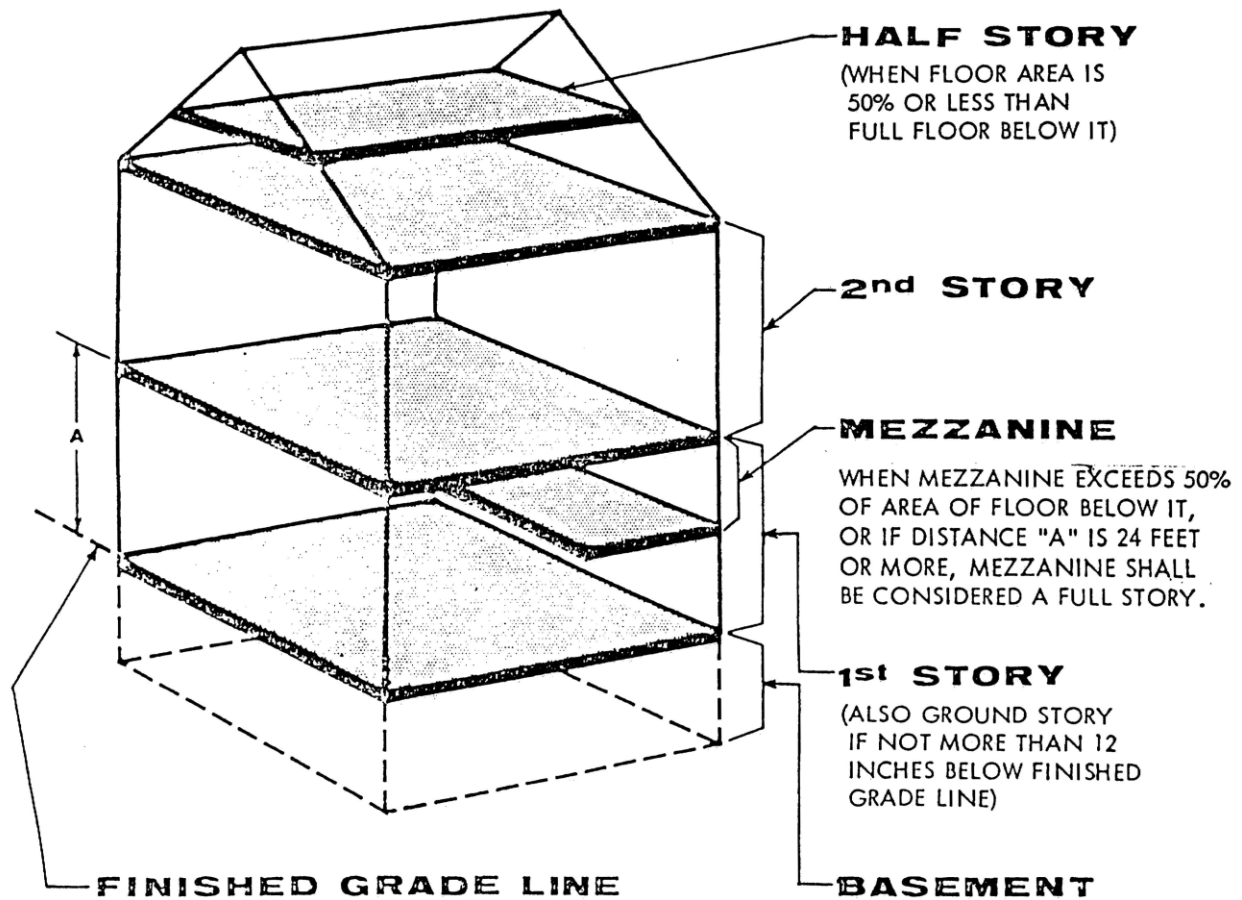
Street means a thoroughfare or way, other than an alley, dedicated to the use of the public, and which affords traffic circulation and principal means of access to abutting property. Avenue, place, way, drive, lane, boulevard, thoroughfare, highway and road are synonymous terms to street.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to anything having such location.

Swimming pool means any structure or container intended for swimming or bathing, located either above or below grade, and designed to hold water to a depth of greater than 24 inches. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and

maximum lot coverage.

BASIC STRUCTURAL TERMS



Temporary building or use means a structure or use permitted by the board of zoning appeals to exist, during periods of construction of the main use or for special events, for a specified period, but not to exceed one year.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Travel trailer means a portable nonmotorized vehicular unit primarily designed for travel and/or recreational usage, which may contain facilities for overnight lodging, and which does not exceed eight feet in width or 32 feet in length. This term shall also include folding campers and truck-mounted campers, but not mobile homes.

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

Variance means a modification of the literal provisions of this chapter as approved by the board of zoning appeals.

Variety/small box store means retail space under 12,000 square feet which sells a wide variety of relatively small and inexpensive items, as defined by "Planner's Dictionary" published by the American Planning Association.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight-foot height clearance is provided above the adjacent ground level.

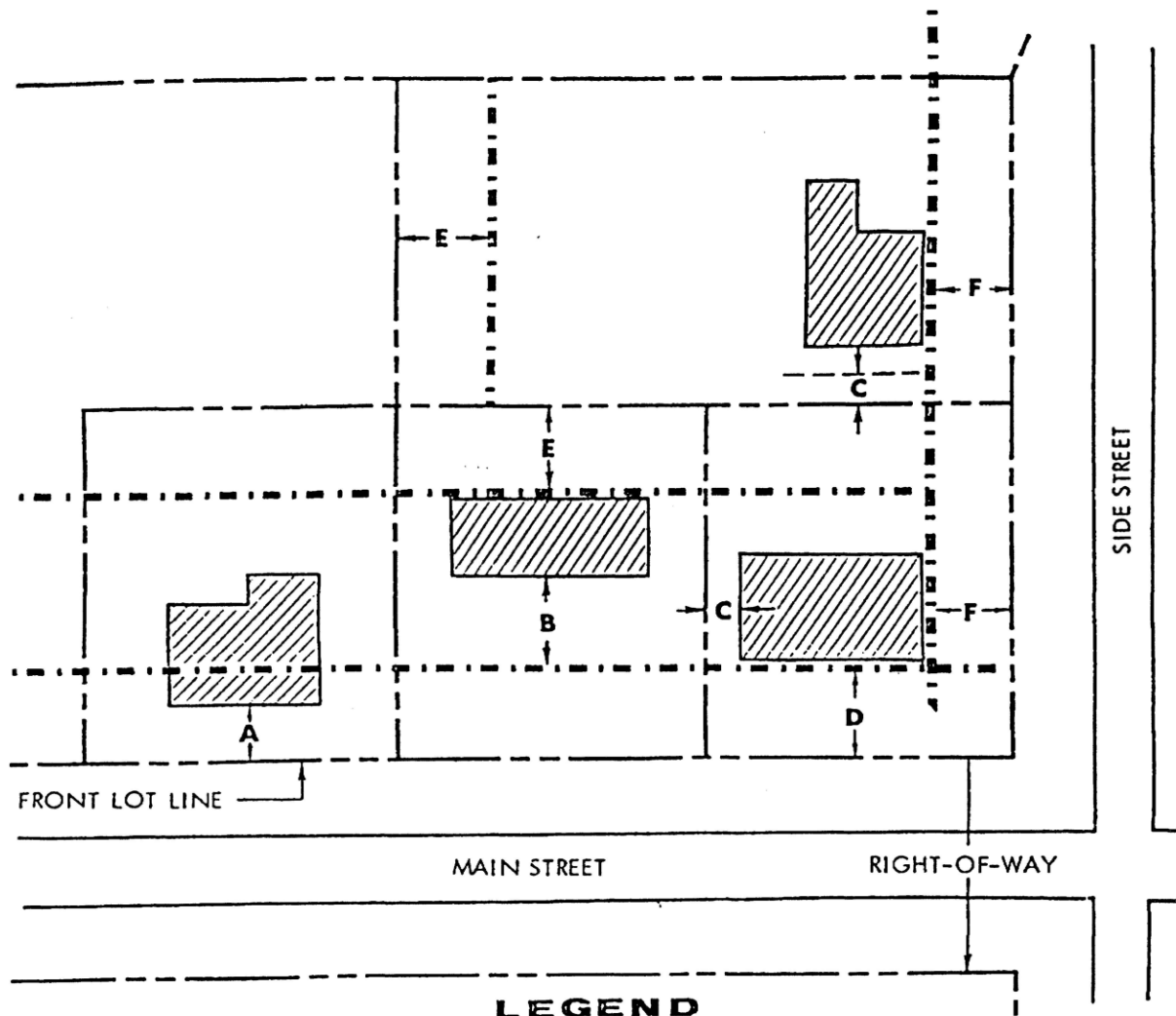
Yard, front means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. (See illustration entitled "Yard Requirements.")

Yard, rear means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point

of the main building.

YARD REQUIREMENTS



LEGEND

- | | |
|---|--|
| A ——— DEFICIENT FRONT YARD | D ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE |
| B ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | E ——— MINIMUM REAR YARD REQUIRED |
| C ——— MINIMUM SIDE YARD REQUIRED | F ——— MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT |

(Ord. No. 442, § 2.1, 8-19-81; Ord. No. 591, art. I(a), 8-19-98; Ord. No. 775, 11-6-19)

Cross reference— Definitions and rules of construction generally, § 1-2.

Secs. 24-32—24-50. - Reserved.

ARTICLE III. - ZONING DISTRICTS AND MAP

Sec. 24-51. - Districts.

For the purposes of this chapter, the city is divided into the following districts:

- R-1, One-Family Residential District
- R-2, Two-Family Residential District
- R-3, Multiple-Family Residential District
- R-4, Multiple-Family Residential District
- MHP, Mobile Home Park District
- C-1, General Shopping District
- C-2, General Commercial District
- PB-1, Professional Business District
- M-1, Light Manufacturing District
- M-2, General Manufacturing District

(Ord. No. 442, § 3.1, 8-19-81)

Sec. 24-52. - Map.

- (a) The locations and boundaries of these descriptions are hereby established on a map entitled "City of Melvindale Zoning Map" which is hereby adopted and made a part of this chapter. Regardless of the existence of copies of the zoning map, which may be made or published, the official zoning map shall be located in the office of the building inspector and shall be the final authority as to current zoning of property in the city. The zoning map and all notations, references, and other information shown thereon are a part of this chapter 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 on such map to a street or other designated line by the dimensions shown on such map, the district boundary lines follow lot lines or the centerlines of the streets or alleys or such lines extended and the corporate limits of the city.
- (c) Where a district boundary line, as established in this section 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 chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this chapter, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 25 feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.
- (d) Whenever any street, alley or other public way within the city has been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further governmental action, acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this chapter for such adjoining lands.
- (e) Disagreement concerning the exact location of district boundary lines shall be resolved by the board of zoning appeals.

(Ord. No. 442, § 3.2, 8-19-81)

Secs. 24-53—24-70. - Reserved.

ARTICLE IV. - GENERAL PROVISIONS

DIVISION 1. - GENERALLY

Secs. 24-71—24-95. - Reserved.

DIVISION 2. - PROVISIONS APPLICABLE TO ALL DISTRICTS

Sec. 24-96. - Conflicting regulations.

Whenever any provision of this chapter 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 chapter shall govern.

(Ord. No. 442, § 4.1, 8-19-81)

Sec. 24-97. - Scope.

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

(Ord. No. 442, § 4.2, 8-19-81)

Sec. 24-98. - Construction begun prior to adoption.

Nothing in this chapter shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to August 19, 1981, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two years from such date.

(Ord. No. 442, § 4.3, 8-19-81)

Sec. 24-99. - Voting place.

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

(Ord. No. 442, § 4.4, 8-19-81)

Sec. 24-100. - Streets, alleys, and railroad right-of-way.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad 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.

(Ord. No. 442, § 4.5, 8-19-81)

Sec. 24-101. - Permitted uses.

No building shall be erected, converted, enlarged, reconstructed or structurally altered; nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations of the district in which the building is located.

(Ord. No. 442, § 4.6, 8-19-81)

Sec. 24-102. - Permitted height.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, 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. Except for commercial radio, television, and other transmitting or relay antenna towers, no such structure may be erected to exceed by more than 20 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building. Commercial radio, television, and other transmitting or relay antenna towers shall be permitted in any commercial or industrial zoning district, subject to compliance with height limits and other standards of applicable federal, state and city ordinances. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of the tower. The structural plans must be approved by the building inspector.

(Ord. No. 442, § 4.8, 8-19-81)

Sec. 24-103. - Lot area, yards, and open space requirements.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this chapter for a building shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building.

(Ord. No. 442, § 4.9, 8-19-81)

Sec. 24-104. - Projections into yards.

Architectural features, such as eaves, overhangs, awnings, chimneys, and window bays, may extend or project into a required side yard not more than two feet for each required side yard, and may extend or project into a required front yard or rear yard not more than three feet, except that unenclosed terraces, platforms and steps may project up to seven feet into any required front yard in any residential district.

(Ord. No. 442, § 4.10, 8-19-81)

Sec. 24-105. - Street access.

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; provided that this chapter 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 before August 19, 1981.

(Ord. No. 442, § 4.11, 8-19-81)

Sec. 24-106. - Approval of plats.

No proposed plat of a new subdivision shall hereafter be approved by either the city council or the planning commission, unless the lots within such a plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter, and unless such plat fully conforms with the statutes of the state and all other provisions of this Code.

(Ord. No. 442, § 4.12, 8-19-81)

Sec. 24-107. - Essential services as a permitted use.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the city in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this chapter. The board of zoning appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use, if the board shall find such use, heights, area, building or structure reasonably necessary for the public convenience and service; provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(Ord. No. 442, § 4.13, 8-19-81)

Sec. 24-108. - Building grades.

- (a) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to reflect proper drainage of surface waters from the premises. Drainage flow shall be to adjoining streets and alleys, wherever possible, and not to adjoining properties.
- (b) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.

(Ord. No. 442, § 4.14, 8-19-81)

Sec. 24-109. - Buildings to be moved.

Any building or structure which has been wholly or partially erected on any premises within or outside the city shall not be moved to and/or placed upon any premises in the city unless a building permit for such building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this chapter, and all other applicable city ordinances in the same manner as a new building or structure.

(Ord. No. 442, § 4.15, 8-19-81)

Sec. 24-110. - Restoring unsafe buildings.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or required compliance with his lawful order, except as specified in section 24-507.

(Ord. No. 442, § 4.16, 8-19-81)

Sec. 24-111. - Excavations or holes.

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 public health, safety or welfare, is hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the Code of the city, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building inspector.

(Ord. No. 442, § 4.17, 8-19-81)

Sec. 24-112. - Excavation, removal and filling of land.

The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, sand, garbage, rubbish, or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of, the building inspector in accordance with a topographic plan, approved by the city engineer, submitted by the fee-owner of the property concerned. The topographic plan shall be drawn at a scale of not less than one inch equals 50 feet 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 will be sufficient in amount to rehabilitate the property upon default of the operator or 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 building inspector.

(Ord. No. 442, § 4.18, 8-19-81)

Sec. 24-113. - Accessory buildings and uses.

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

- (1) Accessory uses and buildings are permitted only in connection with, incidental to and on the same lot with a principal use or building which is permitted in the particular zoning district. Accessory buildings may not be constructed within a dedicated easement or right-of-way.
- (2) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.
- (3) All accessory uses and buildings shall comply with the use regulations applicable to the zoning district in which they are located.
- (4) No accessory use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- (5) Accessory buildings, except for parking attendants, guard shelters and gate houses, shall not be erected in any required yard except a rear yard, and shall not be closer than three feet to any side or rear lot line.

- (6) An accessory building shall not exceed one story or 15 feet in height and may not occupy more than 35 percent of any rear yard; provided, that in no instance shall the accessory building exceed the ground floor area of the main building.
- (7) No detached accessory building shall be located closer than ten feet to any main building.
- (8) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
- (9) Private garages are accessory buildings and shall comply with all regulations applicable to accessory buildings and regulations applicable to the zoning district which the private garage is to be located. No more than one private garage is permitted in any single-family residential district. The garage may not exceed 768 square feet in area.
- (10) Accessory buildings such as a tool shed is only permitted if it conforms to all regulations of this chapter. There shall not be more than one tool shed not exceeding 120 square feet per lot or contiguous lots, if commonly owned by property owner.

(Ord. No. 442, § 4.19, 8-19-81; Ord. No. 680, art. I, 1-2-02)

Sec. 24-114. - Fences, walls and other protective barriers.

All fences, walls and other protective barriers of any nature or description erected in the city shall comply with chapter ten of this Code governing the construction, maintenance and use of fences, except that section 24-412 shall supersede conflicting portions of such chapter.

(Ord. No. 442, § 4.20, 8-19-81)

Sec. 24-115. - Swimming pools.

All private swimming pools erected in the city shall comply with the BOCA National Building Code governing the construction, maintenance, operation and use of private swimming pools.

(Ord. No. 442, § 4.21, 8-19-81)

Sec. 24-116. - Signs.

All signs erected in the city shall comply with appropriate ordinances of the city governing the construction, maintenance, operation and use of signs, and article XVIII of this chapter.

(Ord. No. 442, § 4.22, 8-19-81)

Sec. 24-117. - Visibility.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted in the required yard spaces on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two feet in height above the curb level and shade trees where all branches are not less than eight feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points 25 feet from the intersection of the curb lines.

(Ord. No. 442, § 4.23, 8-19-81)

Sec. 24-118. - Site plan review.

The purpose of site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the city, the stability of land values and investments and the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. The following provisions in this section shall apply to all site plan review procedures unless otherwise provided in this article. The procedures of this section shall be minimum requirements, and additional procedures may be required by this article or by the planning commission.

- (1) Site plan review by the planning commission is required for all proposed new development including townhouse condominiums, except single-family and two-family housing. Additions to existing structures which would increase the gross floor area or change the size or design of parking or loading areas also require site plan review.
- (2) Every site plan submitted to the planning commission shall be in accordance with the requirements of this chapter. No site plan shall be approved until it has been reviewed by the police department, building department, fire department and engineering department for compliance with the standards of the respective departments.
- (3) Whenever site plan review is required by the planning commission under the provisions of this article, 12 copies of the site plan, including all items required together therewith, shall be submitted at a scale not less than one inch equals 50 feet if the property is less than three acres and one inch equals 100 feet if the property is three acres or more. The planning commission may prepare forms and require the use of such forms in site plan preparation.
- (4) The following information shall accompany all plans submitted for review:
 - a. A legal description of the property under consideration.
 - b. A general development plan with at least the following details shown to scale and dimensioned:
 1. Date, north point and scale.
 2. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
 3. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces.
 4. All pedestrian walks, malls and open areas for parks and recreation.
 5. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development.
 6. Types of surfacing, such as paving, turfing or gravel, to be used at the various locations.
 7. A grading plan of the area.
 8. The location of all existing and proposed structures within 100 feet of the subject property.
 9. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.
 - c. Plans and elevations of one or more structures, indicating proposed architecture and construction standards.
 - d. Such other information as may be required by the city to assist in the consideration of the proposed development.

- (5) In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the planning commission shall determine whether the site plan meets the following criteria, unless the planning commission determines that one or more of such criteria are inapplicable:
 - a. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 - b. Pedestrian walkways shall be provided as deemed necessary by the planning commission for separating pedestrian and vehicular traffic.
 - c. There shall be satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - d. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this chapter.
 - e. Landscaping, fences and walks shall be provided as deemed necessary by the planning commission in pursuit of the objectives of compatible and harmonious relationships with adjoining properties and the general public.
 - f. The site plan shall provide for adequate storage space for the use therein.
- (6) The site plan shall be reviewed by the planning commission with a recommendation to city council for approval, disapproval, or approval with any conditions the planning commission feels should be imposed. The city council may review the site plan or accept the recommendations of the planning commission without review. If the city council fails to act on the recommendations of the planning commission within 30 days, the recommendations of the planning commission shall be considered final and conclusive as to both the planning commission and the city council.
- (7) Site plan approvals shall be effective for a period of one year. If a building permit is not obtained within the year and if construction is not begun within three months after the building permit is obtained, then the site plan approval shall expire.
- (8) The building permit may be revoked by the building inspector in any case where the conditions of the site plan as approved by the planning commission or city council have not been complied with.
- (9) Any desired changes to the approved site plan must be reviewed and approved under the same procedure as indicated in this section.
- (10) In instances where specific requirements of this chapter are not satisfied on the site plan, requests for variance may be initiated by the petitioner to the board of zoning appeals, subject to planning commission recommendation on the proposed variance.

(Ord. No. 442, § 4.24, 8-19-81)

Sec. 24-119. - Special approval use review.

The planning commission shall have the following specific powers and duties concerning special approval uses:

- (1) *Purpose.* 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 those uses upon

neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

- a. Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and
 - b. 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.
- (2) *Authorization.* The special approval of specific land uses and activities, as listed under sections 24-183, 24-203, 24-223, 24-248, 24-293, 24-318, 24-363 and 24-388 may be authorized by the planning commission, after a public hearing by the planning commission, provided that the planning commission deems that the requirements of this section and other applicable sections of this chapter have been satisfied.
- (3) *Application.* An application for special approval for a land use shall be filed 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.
- (4) *Public hearing notice of request for special approval.* Notice of a request for special approval of a land use shall be given in compliance with Act 110 of the Public Acts of 2006 (MCL 125.3103); and as hereinafter amended.
- (5) *Standards.* No special approval shall be granted by the planning commission unless the special use:
- a. Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity, for those landowners and residents who are adjacent, and for the city as a whole.
 - b. Is necessary for the public convenience at that location.
 - c. Is compatible with adjacent uses of land.
 - d. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 - e. 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.
 - f. Will not cause injury to the value of other property in the neighborhood in which it is to be located.
 - g. Will protect the natural environment and help conserve natural resources and energy.
 - h. 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 plan review requirements.
 - i. Is related to the valid exercise of the city's police power and purposes which are affected by the proposed use or activity.
- (6) *Approval.* Requests for special use approvals shall be reviewed by the planning commission with a recommendation to city council for approval, disapproval, or approval with any conditions the planning commission determines to be appropriate. The city council may review the special use application or accept the recommendation of the planning commission without review. If the city council fails to act on the recommendation of the planning commission within 30 days, the recommendation of the planning commission shall be considered final and conclusive as to both the planning commission and the city council.

- (7) *Record.* The conditions imposed with respect to the special approval of a land use shall be recorded in the record of the special approval action and remain unchanged except upon the mutual, consent of the city council and the landowner.

(Ord. No. 442, § 4.25, 8-19-81; Ord. No. 574, § 1, 8-6-97; Ord. No. 748, art. I, 3-3-10)

Sec. 24-120. - Performance guarantee.

Where in this chapter there is delegated to the city council, board of zoning appeals or the planning commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval, or variance, the city council, board of zoning appeals or the planning 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 cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the city clerk in an amount determined by the city council, board of zoning appeals or the planning commission, taking into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. 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 deposits 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 cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended.

(Ord. No. 442, § 4.26, 8-19-81)

Secs. 24-121—24-135. - Reserved.

DIVISION 3. - PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS

Sec. 24-136. - Substandard lots.

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the registrar of deeds of the county, on August 19, 1981, even though the lot does not have the minimum lot width or the minimum lot area specified for the district, provided that the minimum yard requirements are satisfied and provided that such lot on August 19, 1981, did not adjoin land under the same ownership and available for use in connection with the lot.

(Ord. No. 442, § 4.61, 8-19-81)

Sec. 24-137. - Repairs to, parking and storage of motor vehicles, recreation vehicles, or other vehicles in residential districts.

- (a) No person as owner or tenant shall perform mechanical or body work on any truck, automobile, camper, travel trailer, boat, or other motor vehicle in a residential district except under the following conditions:
- (1) Work may be done only on a vehicle used by the property owner or tenant, or his immediate family, as family transportation.

- (2) The property owner or tenant must have proof of ownership available for inspection.
 - (3) The vehicle being repaired must be currently licensed by the state.
 - (4) No work shall be done between the hours of 11:00 p.m. and 7:00 a.m.
- (b) No unlicensed, inoperable, partially dismantled, wrecked, junked or discarded vehicle nor any of the parts thereof, shall be parked, stored, or placed in the open, for longer than 48 hours, on any premise in any residentially zoned area.
- (c) No recreation vehicle, including but not limited to special purpose automobiles, boats, floats, rafts, camping or travel trailers, motorized homes or detachable travel equipment adaptable to light duty trucks, but excluding bicycles, motor bikes and motorcycles, shall be stored or parked anywhere on the public street or utility right-of-way or easements. These provisions shall also apply to utility trailers or trailers used for display by demonstration purposes.
- (d) No recreation vehicle, excluding bicycles, motor bikes and motorcycles, may be kept or stored out of doors on any property in any residentially used area under this section for a period of longer than one week except in compliance with all of the following conditions:
- (1) The recreation vehicle must be owned, rented or leased by the owners or occupants of the property on which the same is stored and must be currently state licensed.
 - (2) Not more than one recreation vehicle may be kept or stored outdoors at one time. Recreation vehicle size for recreation vehicles kept or stored outdoors may not exceed eight feet in width or 32 feet in length.
 - (3) Storage of the same shall be in the rear yard only and, in addition, shall conform to the yard space requirements for accessory buildings in the zoning district wherein located. In instances where the building inspector determines that there is no access available to the rear yard, they may be located in the side yard.
 - (4) Such uses so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of such uses is prohibited.
 - (5) The storage of such uses shall be in such a manner as not to be objectionable in appearance when viewed from streets and other properties in the same neighborhood and as not to be detrimental to the general appearance of the neighborhood area.
 - (6) Such uses shall not be used for living, lodging or housekeeping purposes.

(Ord. No. 442, § 4.62, 8-19-81)

Sec. 24-138. - Commercial vehicles parking in residential districts.

A vehicle exceeding one ton load capacity and not primarily intended for private passenger use may not be parked or stored outdoors in residential districts, except for loading or unloading. For purposes of this section, a bus shall be considered a commercial vehicle, except that a school bus is exempted from these provisions when parked or stored at a school.

(Ord. No. 442, § 4.63, 8-19-81)

Sec. 24-139. - One single-family structure per lot.

No single-family residential structure shall be erected upon a lot with another single-family residential structure.

(Ord. No. 442, § 4.64, 8-19-81)

Sec. 24-140. - Temporary mobile home use.

The use and occupancy of a mobile home for residential purposes is permitted only in the MHP district, subject to the terms and conditions therein, except that temporary occupancy of a mobile home for residential purposes is permitted in accordance with the requirements of this Code.

(Ord. No. 442, § 4.65, 8-19-81)

Sec. 24-141. - Existing dwellings located on the rear half of a lot.

An existing dwelling, located wholly within the rear one-half of a lot, existing on August 19, 1981, and located in a residential district, may be continued, repaired or altered; provided, however, when the following repairs, or alterations are made, the house must be moved to the front of the lot and made to conform with the yard requirements of the zoning ordinance:

- (1) When the cost of an improvement of a building, by the addition of an approved foundation and/or part basement, exceeds 100 percent of its then city assessed value of the building.
- (2) When a full basement is placed under a house, which has no basement.
- (3) When alterations and extension of a building increase the existing floor space by 40 percent or more.
- (4) When a building is damaged in any way by more than 100 percent of its then city assessed value above the foundation of the building.

(Ord. No. 442, § 4.66, 8-19-81)

Sec. 24-142. - Front porches.

All one and two story family dwellings shall have a front porch or a landing. The porch or landings shall be constructed of brick, stone, concrete or a combination of such materials. Materials specifically prohibited for front porch construction are wood or a wood composite. If an homeowner requests the use of materials not specifically prohibited but not noted as an approved material in this subsection, said materials may be reviewed for approval by the planning commission. The planning commission may approve alternative materials only when it determines that such materials will:

- (1) Be in direct harmony with the intent and purpose of this section and will stand to further promote the uniform and qualitative visual environment of the city;
- (2) Meet all applicable requirements of the city's Building Code; and
- (3) Notwithstanding the above prohibition, the planning commission may approve wood or wood composite material for a porch on a home originally constructed with a wood porch where such porch construction will further promote the uniform and qualitative visual environment of the city.

(Ord. No. 739, art. I, 5-20-09)

Secs. 24-143—24-160. - Reserved.

DIVISION 4. - PROVISIONS APPLICABLE TO NONRESIDENTIAL DISTRICTS

Sec. 24-161. - Dwellings in nonresidential districts.

No dwelling unit shall be erected in nonresidential districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in such districts when accessory to the principal use of the property.

(Ord. No. 442, § 4.86, 8-19-81)

Sec. 24-162. - Performance standards.

All nonresidential uses shall comply with the performance standards established by applicable federal, state, county and city laws.

(Ord. No. 442, § 4.87, 8-19-81)

Sec. 24-163. - Reserved.

Editor's note— Ord. No. 591, art. I(b), adopted Aug. 19, 1998, repealed § 24-163 in its entirety. Formerly, said section pertained to uses having serious objectional operational characteristics. See the Code Comparative Table.

Sec. 24-164. - Mechanical appurtenances.

Freestanding industrial and commercial mechanical appurtenances, such as blowers, ventilating fans and air-conditioning units, are permitted only in the rear yard, and provided that they are located no closer than 20 feet to surrounding properties.

(Ord. No. 442, § 4.89, 8-19-81)

Sec. 24-165. - Exterior wall materials.

- (a) Except where otherwise regulated in this section, the exterior building walls of a non-residential building and any related accessory building in a C1, C2 or PB1 district shall consist of the exterior building wall materials and/or combinations of materials expressly permitted in this section.
- (b) The exterior building walls of a non-residential building shall consist of the following materials or combinations thereof:
 - (1) Face brick defined as follows: material consisting of kiln-baked clay or shale masonry units, the exterior dimensions of which shall not exceed 12 inches in length and three and one-quarter inches in height and the individual shape of which shall be rectangular in appearance.
 - (2) Glazed kiln-baked clay or shale ceramic masonry units, or cut stone or field *stone*, when these materials are used on not more than 20 percent of the building as accent materials.
 - (3) Precast concrete in a form and pattern which may consist of its natural color or which may be treated (impregnated, not painted) with earth tone colors may be utilized on not more than 20 percent of the building as accent materials.
 - (4) Finished cementitious materials, including finished systems and stucco, which shall be treated (impregnated, not painted) with earth tone colors may be utilized on not more than 20 percent of the building as accent materials.
 - (5) Metal materials, including standing, seamed or ribbed panels and stainless steel may be utilized on not more than 20 percent of the building as accent materials.

(Ord. No. 740, art. I, 6-3-09)

Sec. 24-166. - Regulations for variety stores and small box stores.

- (a) Variety/small box stores are prohibited unless the proposed use is located more than 2,500 feet from another variety/small box store.
- (b) If located at least 2,500 feet from another variety/small box store, use is permitted by conditional use permit only.
- (c) When reviewing a request for a conditional use permit (CUP) for a variety/small box store use, the city shall consider;
 - (1) Whether the variety/small box store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
 - (2) The availability of healthy food options in the area of the proposed use, including the proximity of full service grocery stores within one half mile of the proposed use, and effect of the use on the retail food environment.
 - (3) A CUP approved under this section must stipulate that a minimum of 15 percent of the floor area of the variety/small box store must be dedicated to fresh produce, meat, and dairy products.

(Ord. No. 775, 11-6-19)

Secs. 24-167—24-180. - Reserved.

ARTICLE V. - R-1, ONE-FAMILY RESIDENTIAL DISTRICT

Sec. 24-181. - Statement of purpose.

The R-1, one-family residential district, is established as a district in which the principal use of land is for single-family dwellings. For the R-1 residential district, in promoting the general purpose of this chapter, the specific intent of this section is: to encourage the construction of, and the continued use of the land for single-family dwellings; to prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district; to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter; to discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

(Ord. No. 442, § 5.1, 8-19-81)

Sec. 24-182. - Principal permitted uses.

In the R-1 district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) Single-family detached dwellings.
- (2) Churches and other facilities normally incidental thereto, provided that minimum site size shall be two acres and all ingress and egress must be directly to a major thoroughfare.
- (3) Publicly owned and operated parks, playfields, other recreation facilities, museums, and libraries.

- (4) Public, parochial, or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- (5) Municipal, state or federal administrative or service buildings.
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (7) Off-street parking in accordance with the requirements of article XVII of this chapter.
- (8) Signs, in accordance with the requirements of applicable city ordinances and article XVIII of this chapter.

(Ord. No. 442, § 5.2, 8-19-81)

Sec. 24-183. - Permitted uses after special approval.

The following uses shall be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Private noncommercial recreation areas.
- (2) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
- (3) Nursery schools, day nurseries and child care centers.
- (4) Cemeteries.
- (5) Planned residential development (PRD) in accordance with the requirements of article XVI of this chapter.
- (6) Home occupations.
- (7) Temporary buildings, for use incidental to construction work.
- (8) Business parking lots.

(Ord. No. 442, § 5.3, 8-19-81)

Sec. 24-184. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 5.4, 8-19-81)

Sec. 24-185. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in section 24-411.

(Ord. No. 442, § 5.5, 8-19-81)

Sec. 24-186. - Mobile homes and modular homes in an R-1 district.

A single-family detached dwelling as provided in subsection 24-182(1) and as permitted in the R-1 district shall include mobile homes and modular homes subject to the following requirements:

All mobile and modular homes shall:

1. Contain a minimum square footage of 896 square feet. The minimum floor area shall not include areas of basements, porches, garages, breezeways and other buildings.
2. Have a minimum width along any exterior side elevation of 24 feet and a minimum internal height of seven and one-half feet.
3. Be firmly attached to a solid foundation which shall be a fully closed basement or crawl space.
4. Not have wheels, towing mechanisms, under carriage or chassis exposed.
5. Be connected to a public sewer and water supply as approved by the city and local health department.
6. Be aesthetically compatible in design and appearance to conventionally on-site built homes.
7. Not have additions of rooms or other areas which are constructed with dissimilar quality of workmanship as the original structure.
8. Comply with all pertinent building and fire codes.
9. Meet all area, height, bulk and placement requirements unless otherwise specified are as provided in section 24-411.

(Ord. No. 623, art. I, 10-20-99)

Secs. 24-187—24-200. - Reserved.

ARTICLE VI. - R-2, TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 24-201. - Statement of purpose.

The R-2, two-family residential district, is established as a district in which the principal use of land is for two-family dwellings. For the R-2 residential district, in promoting the general purpose of this chapter, the specific intent of this section is: to encourage the construction of, and the continued use of the land for two-family dwellings; to prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single- and two-family dwellings in the district; to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter; to discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

(Ord. No. 442, § 6.1, 8-19-81)

Sec. 24-202. - Principal permitted uses.

In the R-2 district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) All principal permitted uses in the R-1 district subject to the terms and conditions therein.
- (2) Two-family dwellings.
- (3) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (4) Off-street parking in accordance with the requirements of article XVII.

(Ord. No. 442, § 6.2, 8-19-81)

Sec. 24-203. - Permitted uses after special approval.

The following uses shall be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) All permitted uses after special approval in the R-1 district.
- (2) Boarding and lodging homes.

(Ord. No. 442, § 6.3, 8-19-81)

Sec. 24-204. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 6.4, 8-19-81)

Sec. 24-205. - Area, height, bulk, and placement requirements.

Area, height, bulk, and placement requirements, unless otherwise specified are as provided in section 24-411.

(Ord. No. 442, § 6.5, 8-19-81)

Secs. 24-206—24-220. - Reserved.

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

Sec. 24-221. - Statement of purpose.

The R-3, multiple-family residential district, is designed primarily for multiple-family dwellings not to exceed three stories in height. It is designed to promote a harmonious mixture of multiple-family and group housing and related educational, cultural and religious land uses in a basically residential environment.

(Ord. No. 442, § 7.1, 8-19-81)

Sec. 24-222. - Principal permitted uses.

In the R-3 district, no uses shall be permitted unless otherwise provided in this article, except the following:

- (1) All principal permitted uses in the R-2 district, subject to the terms and conditions therein.
- (2) All permitted uses after special approval in the R-2 district.
- (3) Multiple-family dwellings, including apartments, townhouses and row houses, provided all such dwellings shall have at least one property line abutting a major thoroughfare or have vehicular access to a major thoroughfare through property zoned R-3 or R-4. All ingress and egress shall be directly onto such major thoroughfare.
- (4) Private schools and educational institutions.
- (5) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (6) Off-street parking in accordance with the requirements of article XVII of this chapter.

(Ord. No. 442, § 7.2, 8-19-81)

Sec. 24-223. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Hospitals, medical clinics, medical office complexes, dental clinics.
- (2) Convalescent homes, nursing homes and foster care group homes.
- (3) Temporary buildings for uses incidental to construction work.

(Ord. No. 442, § 7.3, 8-19-81)

Sec. 24-224. - Screening requirement.

Where required parking lots of any use permitted in an R-3 district are erected such that the headlights of the cars in the parking lot will face into any other residential zoned property, a solid masonry wall or other barrier of material approved by the planning commission, which shall be a minimum of three feet in height, shall be required along that parking lot boundary line facing the residentially zoned property.

(Ord. No. 442, § 7.4, 8-19-81)

Sec. 24-225. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 7.5, 8-19-81)

Sec. 24-226. - Area, height, bulk, and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in section 24-411.

(Ord. No. 442, § 7.6, 8-19-81)

Secs. 24-227—24-245. - Reserved.

ARTICLE VIII. - R-4, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 24-246. - Statement of purpose.

The R-4, multiple-family residential district, is designed primarily to permit high rise apartment residential development. Due to the large traffic volumes generated by such development, this district is intended to be located adjoining major streets. For its potential benefits as walk-in trade, it should ideally adjoin shopping concentrations. For the purposes of this chapter a high rise structure shall be any structure four or more stories in height.

(Ord. No. 442, § 8.1, 8-19-81)

Sec. 24-247. - Principal permitted uses.

In the R-4 district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) All principal permitted uses in the R-3 district, subject to the terms and conditions therein.
- (2) High rise multiple-family residential structures subject to the following conditions:
 - a. All dwelling units above the first story shall be served by elevators.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from such major thoroughfare.
 - c. The entire area of the site shall be designed to serve the residents of the site, and any accessory buildings, uses, or services shall be developed primarily for the use of residents of the site. Uses considered herein as accessory uses include: parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.
- (3) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (4) Off-street parking in accordance with the requirements of article XVII.

(Ord. No. 442, § 8.2, 8-19-81)

Sec. 24-248. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Hospitals.
- (2) Retail and service uses located within high rise multifamily structures.
- (3) Temporary buildings for uses incidental to construction work.

(Ord. No. 442, § 8.3, 8-19-81)

Sec. 24-249. - Screening requirement.

Where required parking lots of any use permitted in an R-4 district 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 approved by the planning commission, which shall be a minimum of three feet in height, shall be required along that parking lot boundary line facing the residentially zoned property.

(Ord. No. 442, § 8.4, 8-19-81)

Sec. 24-250. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 8.5, 8-19-81)

Sec. 24-251. - Area, height, bulk, and placement requirements.

Area, height, bulk, and placement requirements, unless otherwise specified are as provided in section 24-411.

(Ord. No. 442, § 8.6, 8-19-81)

Secs. 24-252—24-270. - Reserved.

ARTICLE IX. - MHP, MOBILE HOME PARK DISTRICT

Sec. 24-271. - Statement of purpose.

The purpose of the MHP, mobile home park district is to encourage a suitable location for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure.

(Ord. No. 442, § 9.1, 8-19-81)

Sec. 24-272. - Principal permitted uses.

In the MHP district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) Mobile homes, when located in a mobile home park.
- (2) Mobile home parks, subject to the requirements as established and regulated by Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended.
- (3) All principal permitted uses in the R-1 district, subject to the terms and conditions therein.
- (4) Accessory uses and buildings customarily incidental to the above principal permitted uses.
- (5) Off-street parking in accordance with the requirements of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended.
- (6) Signs, in accordance with the requirements of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended.

(Ord. No. 442, § 9.2, 8-19-81)

Sec. 24-273. - Site plan review.

Site plan review requirements are as provided in Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended.

(Ord. No. 442, § 9.3, 8-19-81)

Sec. 24-274. - Area, height, bulk and placement requirements.

These requirements are included in Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended.

(Ord. No. 442, § 9.4, 8-19-81)

Secs. 24-275—24-290. - Reserved.

ARTICLE X. - C-1, GENERAL SHOPPING DISTRICT

Sec. 24-291. - Statement of purpose.

The C-1, general shopping district, is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the 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.

(Ord. No. 442, § 10.1, 8-19-81)

Sec. 24-292. - Principal permitted uses.

In the C-1 district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) Business service, including the following:
 - a. Bank.
 - b. Office.
 - c. Post office or postal station.
 - d. Uses similar to the above.
- (2) Clothing service, including the following:
 - a. Laundry agency, self-service laundry.
 - b. Dry cleaning establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonexplosive and nonflammable.
 - c. Dressmaking.
 - d. Millinery.
 - e. Tailor and pressing shop.
 - f. Shoe repair shop.
- (3) Equipment service, including the following:
 - a. Radio or television shop.
 - b. Electric appliance shop.
 - c. Record shop.
 - d. Watch repair shop.
 - e. Shoe repair shop.
 - f. Uses similar to the above.
- (4) Food service (excluding drive-in type businesses), including but not limited to the following:
 - a. Grocery, including beer, wine and liquor, fruit, vegetables, meat, dairy products and baked goods.
 - b. Restaurant and delicatessen.

- c. Uses similar to the above.
- (5) Offices, including the following:
 - a. Business.
 - b. Medical.
 - c. Professional.
- (6) Personal service, including the following:
 - a. Barber shop.
 - b. Beauty shop.
 - c. Health salon.
 - d. Photographic studio.
 - e. Uses similar to the above.
- (7) Retail service and retail stores generally, including the following:
 - a. Drug store.
 - b. Hardware store, paint, wallpaper.
 - c. Stationer.
 - d. Newsdealer.
 - e. Apparel shop.
 - f. Household appliances.
 - g. Flower shop.
 - h. Gift shop.
 - i. Antique shop.
 - j. Variety store.
 - k. Sporting goods.
- (8) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (9) Off-street parking in accordance with the requirements of article XVII.
- (10) Signs, in accordance with the requirements of applicable city ordinances and article XVIII.
- (11) Residential uses existing as of 8-16-2000. The residential use shall not be expanded in size or character of the use existing on 8-16-2000.
- (12) Churches and other facilities normally incidental thereto, provided that the minimum site size shall be two acres and all ingress and egress must be directly to a major thoroughfare.

(Ord. No. 442, § 10.2, 8-19-81; Ord. No. 641, art. I, 9-6-00; Ord. No. 694, art. I, 6-4-03)

Sec. 24-293. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Public utility buildings, telephone exchange buildings, electric transformers.
- (2) Department stores.

- (3) Shopping centers containing five or more stores.
- (4) Radio and television towers.
- (5) Temporary buildings for uses incidental to construction work.
- (6) Drive-in restaurants and other drive-in establishments.
- (7) Uses similar to the principal permitted uses of section 24-292, and not listed elsewhere in this chapter as a principal permitted use or special approval use.
- (8) Funeral homes or mortuaries.

(Ord. No. 442, § 10.3, 8-19-81; Ord. No. 676, art. I, 9-10-01; Ord. No. 704, art. I, 7-21-04)

Sec. 24-294. - Required conditions.

The following conditions are required for all uses in the C-1 district:

- (1) All business, service or processing shall be conducted wholly within a completely enclosed building; provided further, that all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property.
- (2) All business or service establishments shall be for the purpose of dealing with consumers. All goods produced or processed on the premises shall be sold at retail on the premises where produced and/or processed.
- (3) All exterior walls of any building hereinafter erected which faces a street or property classified as residential shall be architecturally finished in a uniform manner similar to the exterior surface of the front of such building.

(Ord. No. 442, § 10.4, 8-19-81)

Sec. 24-295. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 10.5, 8-19-81)

Sec. 24-296. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in section 24-412.

(Ord. No. 442, § 10.6, 8-19-81)

Secs. 24-297—24-315. - Reserved.

ARTICLE XI. - C-2, GENERAL COMMERCIAL DISTRICT

Sec. 24-316. - Statement of purpose.

The C-2, general commercial district, is intended to permit a wider range of business and entertainment activities than those permitted in the general shopping district. The permitted uses are intended to provide businesses and services usually found in major business areas along major streets 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.

(Ord. No. 442, § 11.1, 8-19-81)

Sec. 24-317. - Principal permitted uses.

In the C-2 district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) All uses permitted in the C-1 district.
- (2) Retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- (3) Business service establishments, such as office machine and typewriter repair, printing, blueprinting.
- (4) Any service establishment of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator, building contractor and similar establishments that require retail outlet, except that no outdoor storage yards shall be permitted.
- (5) Government buildings and uses.
- (6) Physical culture facilities, such as gymnasiums and reducing salons.
- (7) Automobile, truck, motorcycle, trailer, recreation vehicle, or boat showrooms, excluding outdoor storage or display of sales product. Automotive bump shops are permitted as an accessory use to a new car dealer.
- (8) Business schools or private schools operated for a profit.
- (9) Automotive service, entirely within an enclosed building, limited to the following: motor repair, truck equipment installation, auto glass installation, waxing and polishing, tire sales and tire mounting, muffler and battery service.
- (10) Printing and publishing.
- (11) Bus passenger station.
- (12) Funeral homes or mortuaries.
- (13) Assembly halls, private clubs, lodges and fraternal organizations.
- (14) Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens or other similar uses.
- (15) Business recreation uses, including the following: indoor theater, bowling alley, billiard room, dance hall and skating rink.
- (16) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (17) Off-street parking in accordance with the requirements of article XVII.
- (18) Signs, in accordance with the requirements of applicable city ordinances and article XVIII of this chapter.

(Ord. No. 442, § 11.2, 8-19-81; Ord. No. 573, § 1, 8-6-97)

Sec. 24-318. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) All permitted uses after special approval in the C-1 district.
- (2) Cocktail lounge, night club or tavern.
- (3) Pinball parlors.
- (4) Automobile car wash establishments.
- (5) Drive-in restaurants and other drive-in establishments.
- (6) Automobile gasoline and automobile service stations.
- (7) Wholesale stores, storage facilities, warehouses, distributing plants, freezers and lockers.
- (8) Open air business uses (see definition).
- (9) New or used motor vehicle or recreation vehicle, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, sales or rental, wherein motor vehicles or recreation vehicles are stored or displayed outside of completely enclosed buildings.
- (10) New or used mobile homes and excavation equipment sales.
- (11) Hotels and motels.
- (12) Radio or television tower.
- (13) Bump shops, automotive body repair, painting and refinishing.
- (14) Uses similar to the principal permitted uses of section 24-317 and not listed elsewhere in this chapter as a principal permitted use or special approval use.

(Ord. No. 442, § 11.3, 8-19-81; Ord. No. 573, § 1, 8-6-97; Ord. No. 591, art. I(c), 8-19-98)

Sec. 24-319. - Required conditions.

The following conditions are required for all uses in the C-2 district:

- (1) All business service or processing shall be conducted wholly within a completely enclosed building except as hereinbefore provided; provided further that all lighting in connection with permitted uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property.
- (2) All goods produced on the premises shall be sold at retail on the premises.
- (3) All exterior walls of any building hereafter erected which face a street or property classified as residential shall be architecturally finished in a uniform manner similar in material to the exterior surface of the front of such building.

(Ord. No. 442, § 11.4, 8-19-81)

Sec. 24-320. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 11.5, 8-19-81)

Sec. 24-321. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in section 24-412.

(Ord. No. 442, § 11.6, 8-19-81)

Secs. 24-322—24-340. - Reserved.

ARTICLE XII. - PB-1, PROFESSIONAL BUSINESS DISTRICT

Sec. 24-341. - Statement of purpose.

The PB-1, professional business district is designed to accommodate office uses for professional and personal services and further to act as transition from other nonresidential districts to residential districts.

(Ord. No. 442, § 12.1, 8-19-81)

Sec. 24-342. - Principal permitted uses.

In the PB-1 district no use shall be permitted except as otherwise provided in this chapter, except the following:

- (1) Offices, where personal services are sold, such as, but not limited to: real estate, insurance, banking, barber and beauty shops.
- (2) General offices for any recognized business.
- (3) Professional offices and services.
- (4) Medical and dental clinics.
- (5) Other uses similar to the above uses.
- (6) Community buildings, including educational, recreational, social, neighborhood or community centers.
- (7) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (8) Off-street parking in accordance with the requirements of article XVII.
- (9) Signs in accordance with the requirements of applicable city ordinances and article XVIII of this chapter.
- (10) Residential uses existing as of 8-16-2000. The residential use shall not be expanded in size or character of the use existing on 8-16-2000.

(Ord. No. 442, § 12.2, 8-19-81; Ord. No. 642, art. I, 9-6-00)

Sec. 24-343. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 12.3, 8-19-81)

Sec. 24-344. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in section 24-412.

(Ord. No. 442, § 12.4, 8-19-81)

Secs. 24-345—24-360. - Reserved.

ARTICLE XIII. - M-1, LIGHT MANUFACTURING DISTRICT

Sec. 24-361. - Statement of purpose.

In the M-1, light manufacturing district, the intent is to permit certain industries which are of a light manufacturing, wholesaling and warehousing character to locate in planned areas of the city. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the types of uses permitted and other features of industrial operations so as to avoid adverse effects.

(Ord. No. 442, § 13.1, 8-19-81)

Sec. 24-362. - Principal permitted uses.

In the M-1 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- (1) Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, 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.
- (2) Industrial establishments:
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
 - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, 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 saw and planing mills) and yarns.
 - c. 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.
 - d. Laboratories - research or testing.
 - e. Central dry cleaning plants and laundries.
- (3) Public utility buildings, telephone exchange buildings, electric transformers.
- (4) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (5) Off-street parking in accordance with the requirements of article XVII.

- (6) Signs, in accordance with the requirements of applicable city ordinances and article XVIII of this chapter.

(Ord. No. 442, § 13.2, 8-19-81)

Sec. 24-363. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Truck terminals.
- (2) Truck tractor and trailer sales and display, rental and repair.
- (3) Recreational vehicle storage yards.
- (4) Radio and television towers.
- (5) Painting, varnishing and bump shops.
- (6) Temporary buildings for uses incidental to construction work.

(Ord. No. 442, § 13.3, 8-19-81)

Sec. 24-364. - Open storage.

- (a) All manufacturing activities shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visually screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a nondeciduous planted screen, at least five feet in height and at least 80 percent solid; such fence or wall shall be of such design and 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 inspector determines that any wall required by section 24-412 will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.
- (b) The storage of lumber or other combustible materials shall not be less than 20 feet from any interior lot line and a roadway shall be provided, graded and maintained from the street to the storage area to permit free access of fire trucks at any time.
- (c) Waste materials, incidental to the principal operations, shall be kept in neatly stored containers screened from public view and removed and emptied periodically.

(Ord. No. 442, § 13.4, 8-19-81)

Sec. 24-365. - Compliance with other governmental regulations.

Any use permitted in the M-1 district must also comply with all applicable federal, state, county and city health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter.

(Ord. No. 442, § 13.5, 8-19-81)

Sec. 24-366. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 13.6, 8-19-81)

Sec. 24-367. - Area, height, bulk, and placement requirements.

Area, height, bulk, and placement requirements unless otherwise specified, are as provided in section 24-412.

(Ord. No. 442, § 13.7, 8-19-81)

Secs. 24-368—24-385. - Reserved.

ARTICLE XIV. - M-2, GENERAL MANUFACTURING DISTRICT

Sec. 24-386. - Statement of purpose.

The intent of the M-2, general manufacturing district, is to permit certain industrial uses to locate in desirable areas of the city, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, 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.

(Ord. No. 442, § 14.1, 8-19-81)

Sec. 24-387. - Principal permitted uses.

In the M-2 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- (1) All principal permitted uses in the M-1 district.
- (2) All permitted uses after special approval in the M-1 district.
- (3) The assembly and/or manufacture of automobiles, automobile bodies, automotive engines, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
- (4) Metal stamping, pressing, polishing, plating and buffing plants.
- (5) Any other uses similar to any of the above principal permitted uses.
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (7) Off-street parking in accordance with the requirements of article XVII.
- (8) Signs, in accordance with the requirements of applicable city ordinances and article XVIII of this chapter.

(Ord. No. 442, § 14.2, 8-19-81)

Sec. 24-388. - Permitted uses after special approval.

The following uses may be permitted subject to the conditions imposed in sections 24-119 and 24-413 and subject further to the approval of the planning commission:

- (1) Open storage yards of building and construction contractors, lumber yards.
- (2) Breweries, distilleries, canning factories, chemical plants.
- (3) Junk yards.
- (4) Kennels.
- (5) Outdoor theatres.
- (6) Mining, excavating or other removal of sand, earth, minerals, or other material naturally found in the earth.
- (7) All other bona fide manufacturing and industrial uses not otherwise listed in this chapter.

(Ord. No. 442, § 14.3, 8-19-81)

Sec. 24-389. - Open storage.

- (a) Front yard areas and side yard areas adjacent to street frontage shall not be used for the external storage of materials.
- (b) The storage of lumber or other combustible materials shall not be less than 20 feet from any interior lot line and a roadway shall be provided, graded and maintained from the street to the storage area to permit free access of fire trucks at any time.
- (c) Waste materials incidental to the principal operations shall be screened from public view from a public street by a building or an enclosure wall or a 20-foot greenbelt planting strip.

(Ord. No. 442, § 14.4, 8-19-81)

Sec. 24-390. - Compliance with other governmental regulations.

Any use permitted in the M-2 district must also comply with all applicable federal, state, county and city health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, and drifting and airborne matter.

(Ord. No. 442, § 14.5, 8-19-81)

Sec. 24-391. - Site plan review.

Site plan review requirements are as provided in section 24-118.

(Ord. No. 442, § 14.6, 8-19-81)

Sec. 24-392. - Area, height, bulk, and placement requirements.

Area, height, bulk, and placement requirements unless otherwise specified are as provided in section 24-412.

(Ord. No. 442, § 14.7, 8-19-81)

Secs. 24-393—24-400. - Reserved.

ARTICLE XIV.5. - LOCATION OF ABATTOIRS AND RENDERING PLANTS

Sec. 24-401. - Statement of purpose.

To protect the people of the city against the nuisance of and incident to the proliferation of slaughterhouses and rendering plants in the city, with the resulting detriment and danger to public health, safety and welfare, the public interest, convenience and necessity require the regulation thereof and to that end the purposes of this article are specifically as follows:

- (1) To protect local residents and businesses against the health and safety menace and the pollution resulting from such facilities.
- (2) To prevent the interference with the comfortable enjoyment of life and property, the exposure to elements offensive to the senses, or the potential for injury or endangerment to the comfort, repose, health or safety of the residents and businesses of the city.

(Ord. No. 629, art. I, 3-1-00)

Sec. 24-402. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context requires otherwise:

Abattoir or slaughterhouse means any establishment within the city within which cattle, sheep, swine, goats or any such animals are slaughtered for meat for human consumption. The term shall include stockyards and all other operations and facilities necessary, useful or incidental to such abattoirs or slaughterhouse.

Rendering plant means any establishment at which any animal or parts thereof, or the proteins and fats from animals, poultry, fish or any other waste organic material, in whole or in part, is processed for commercial use. The term "rendering plant" shall include related industry or other operations and facilities necessary, useful or incidental to such rendering plant.

(Ord. No. 629, art. I, 3-1-00)

Sec. 24-403. - Prohibited locations—For abattoirs.

- (a) It shall be unlawful for any person to erect, establish, enlarge, or expand an abattoir or slaughterhouse in the corporate limits of the city without permission of city council.
 - (1) Any abattoir or slaughterhouse seeking permission to erect, establish, enlarge, or expand shall have the right to a hearing before the city council, provided a written request is filed with the city clerk within 15 days of the meeting to which the issue is placed on the agenda.
 - (2) All supporting documents for consideration by city council must be supplied at the time of the written request. Exceptions will only be deemed appropriate if the circumstances allow for copying and distribution of documents more than five days prior to the scheduled meeting.
 - (3) The city council may refuse to issue permission to erect, establish, enlarge, or expand an abattoir or slaughterhouse if to do so is contrary with the intent of this ordinance as referenced in [section] 24-401.
 - (4) To the extent that an abattoir or slaughterhouse exists prior to the enactment of this ordinance, this section shall only apply to the prohibition against all additions, expansions, or enlargements.

(Ord. No. 629, art. I, 3-1-00)

Sec. 24-404. - Prohibited locations—For rendering plants.

- (a) It shall be unlawful for any person to erect, establish, enlarge, or expand a rendering plant in the corporate limits of the city without permission of city council.
- (1) Any rendering plant seeking permission to erect, establish, enlarge, or expand shall have the right to a hearing before the city council, provided a written request is filed with the city clerk within 15 days of the meeting to which the issue is placed on the agenda.
 - (2) All supporting documents for consideration by city council must be supplied at the time of the written request. Exceptions will only be deemed appropriate if the circumstances allow for copying and distribution of documents more than five days prior to the scheduled meeting.
 - (3) The city council may refuse to issue permission to erect, establish, enlarge, or expand an abattoir or slaughterhouse [rendering plant] if to do so is contrary with the intent of this ordinance as referenced in [section] 24-401.
 - (4) To the extent that a rendering plant exists prior to the enactment of this ordinance, this section shall only apply to the prohibition against all additions, expansions, or enlargements.

(Ord. No. 629, art. I, 3-1-00)

Secs. 24-405—24-410. - Reserved.

ARTICLE XV. - SCHEDULE OF REGULATIONS

Sec. 24-411. - Schedule of regulations—Residential districts.

Zoning District	Minimum Lot Width (In Feet)	Minimum Lot Area (In Sq. Ft.)	Maximum Lot Coverage (Percent)	In Stories	In Feet	Front	Leas t One	Tota l of Two	Minimum Yard Setbacks in Feet		Minimum Floor Area Per Dwelling Unit (In Sq. Ft.) ^e
									Sides;sup\sup	Rear	
R-1	40 ^a	4,000 ^a	30	2½	25	25	3 ^c _d	10 ^c _d	35		896 ^f
R-2	50	6,000	30	2½	25	20	4 ^c _d	12 ^c _d	30		^g

R-3	100	h	35	3	35	20;sup p \sup;	10 ^{c, d,i}	20 ^{c, d,i}	20;sup \sup;	;sup \sup;
R-4	100	k	35	1	1	20 ^m	10 ^{c, d}	20 ^{c, d,m}	20 ^m	;sup \sup;

FOOTNOTES TO SECTION 24-411

^a See Section 24-136.

^b The aggregate width of side yards between dwellings on adjacent lots shall not be less than ten feet.

^c For every lot on which a nonresidential structure is the principal use there shall be a minimum side yard on each side of such lot of not less than 15 feet in width with an increase of one foot in width for each five feet or part thereof by which such building or structure exceeds 35 feet in overall dimension along the side yard, to a maximum required side yard width of 35 feet.

^d In all residential districts the width of side yards for all buildings, structures and accessory uses, which abut upon a street on the same side of which other residential lots front on the same block, shall not be less than the required front yard setback for such homes.

^e The minimum floor area for dwelling units shall not include areas of basements, porches, garages, breezeways and other buildings.

^f Minimum floor area of a one-story dwelling shall be 896 square feet.

Minimum floor area of a one- and one-half-story dwelling shall be 720 square feet on the first floor, with aggregate total of 896 square feet.

Minimum floor area of a two-story dwelling shall be 720 square feet on the first floor, with aggregate total of 1,400 square feet.

No residential building shall have a minimum width of less than 24 feet at the building line.

^g No building used as a two-family detached dwelling shall hereafter be erected or altered having a ground floor area of less than 600 square feet and a second floor area of less than 450 square feet per dwelling unit.

^h Minimum lot area shall be 3,000 square feet for each dwelling unit containing more than two bedrooms plus an additional 500 square feet for each additional bedroom in excess of two per dwelling unit.

;sup \sup; In the case of planned residential developments involving the ultimate construction of more than one multiple-family structure on a parcel, lot or combination of lots under single ownership, a detailed site plan shall be submitted to the planning commission for review and approval. Such site plan shall indicate minimum front, side and rear yard as well as the following design criteria:

- (1) No dwelling shall be further than 200 feet from a street or vehicular access.
- (2) Play areas planned for children under eight years of age shall be provided in all group housing developments of eight or more dwelling units on one lot or parcel. Such play areas shall be provided as an integral part of the development, conveniently located to the dwelling units served, and fully equipped. Play areas shall equal a minimum total of 75 square feet of land for each dwelling unit.
- (3) There shall be a minimum distance of 20 feet between the front of a building and the nearest edge of any driveway or parking area used by three or more dwelling units.
- (4) The moving lanes of a driveway to be used by three or more dwelling units shall be a minimum of 16 feet wide for one-way traffic and 20 feet wide for two-way traffic.
- (5) All service drives shall have 100 feet of clear sight distance and a minimum curb radius of ten feet. Acute angles in alignment and intersections of service drives shall be avoided. In all cases drives shall be designed for a minimum inside turning radius of 30 feet.
- (6) The least distance between buildings shall in no case be less than:
 - Seventy feet for rear to rear and rear to front relationships.
 - Fifty feet for front to front relationships.
 - Thirty feet for end to front and end to rear relationships.
 - Twenty feet for end to end relationships.
 - Fifteen feet for corner to corner relationships.

Except that:

- The front to front, front to rear and rear to rear spacing may be decreased as much as ten feet on one end providing it is increased by an equal amount at the other end in an oblique relationship.
- The front and rear yard depths may be varied as much as 20 percent provided that the sum of the front and rear yard depths total not less than 60 feet.
- Street front and street side yards shall be not less than 20 feet.
- Variations in setbacks may be required by the planning commission in order to avoid the monotony of fixed alignments.

^j Where multiple, row, terrace or efficiency dwellings are permitted housing, the required floor space per unit shall be as follows:

Efficiency unit	350 square feet
-----------------	-----------------

One bedroom unit	600 square feet
Two bedroom unit	800 square feet
Three bedroom unit	1,000 square feet
(plus 80 square feet for each bedroom over three bedrooms in a dwelling unit)	

^k For buildings exceeding three stories in height, dwelling unit densities may not exceed the following schedule:

—Apartment houses of four or more stories of living space except senior citizen housing—22 units per gross acre.

—Apartment houses of four or more stories of living space, designed specifically as senior citizen housing, with all dwelling units being one-bedroom and/or efficiency units, except for up to ten percent of the units which may be two-bedroom units—40 units per gross acre for apartment houses containing four to eight stories of living space.

^l Multiple-family structures shall have a maximum height of eight stories and also be limited only by structural, fireproofing or other building code requirements and by the yard requirements.

^m Structures in excess of 35 feet in height shall provide minimum yard depths equal to the height of the structures.

ⁿ No building may be erected nearer to the centerline of Dix Avenue than the distances shown below. Where a specific front yard is required from any district, such front yard shall be in addition to the following distances:

Location along Dix	Distance from Centerline
South of Wabash R.R.	60 ft.
North of Wabash R.R., east side	87 ft.
North of Wabash R.R., west side	33 ft.

(Ord. No. 576, § 1, 8-6-97; Ord. No. 729, art. I, 2-21-07)

Sec. 24-412. - Same—Nonresidential districts.

Zoning District	Maximum Height of Building (In Feet)	Front ^h	Minimum Yard Setbacks (In Feet)			Minimum Ground Floor Building Size (In Sq. Ft.)
			Sides; ^{sup\sup;}	Rear		
C-1 General Shopping	35	a	10 ^{b,g}	20 ^{f,g}	1,000	
C-2 General Commercial	35	a	10 ^{b,g}	20 ^{f,g}	1,000	
PB-1 Professional Business	30	10	10 ^{b,g}	20 ^{f,g}	400	
M-1 Light Manufacturing	40	25	20 ^{c,g}	20 ^{c,g}	—	
M-2 General Manufacturing	45	50	30 ^{d,e,g}	50 ^{e,g}	—	

^a The first story of a business building or structure shall not be erected in the area bounded by the property lines of intersecting streets and a line joining points on such property lines eight feet distant from their point of intersection or, in the case of a rounded corner, the points of intersection of their tangents.

^b; Side yards not required along an interior side lot line where all walls abutting upon such interior side lot line are wholly without windows or other openings and are of fireproof construction.

^c When abutting a residential district, with no street or alley between the districts, a 35-foot yard shall be provided.

^d When abutting a residential district street or alley, a 35-foot yard shall be provided.

^e Shall not apply when adjacent to a railroad right-of-way.

^f No required rear yard when property abuts a public alley.

g In any location where a business or industrial district borders a residential zoned district, there shall be provided along the lot line bordering the residentially zoned district, an ornamental wall four feet in height above grade for business districts and six feet in height above grade for industrial districts constructed of reinforced face brick or comparable masonry material on which there shall be no advertising. Where a public alley is located between the business or industrial district and the residentially zoned district, no wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the business or industrial district and the residentially zoned district, no wall is required in those locations where the front yard of the business or industrial district adjoins the residentially zoned district.

h No building may be erected nearer to the centerline of Dix Avenue than the distances shown below. Where a specific front yard is required for any district, such front yard shall be in addition to the following distances:

Location along Dix	Distance from Centerline
South of Wabash R.R.	60 feet
North of Wabash R.R., east side	87 feet
North of Wabash R.R., west side	33 feet

Sec. 24-413. - Same—Requirements for permitted uses after special approval.

Use	Zoning Districts Permitted	Minimum Lot Area	Special Minimum Yard Space Requirements	Special Screening Requirements	Other Requirements
Automobile car wash establishments	C-2	—	Minimum front yard setback of 40 feet for all structures	—	Required off-street storage space for at least four automobiles per stall for manual or self-service establishment and at least 25 automobiles per stall

					for automatic establishments.
Automobile gasoline and service stations	C-2	—	Minimum front and side yard setbacks of 20 feet for all structures	—	Not permitted within 400 feet of: (a) any place of public assembly having a building capacity exceeding 25 persons; (b) a dwelling or residence of any type; (c) any public park; (d) police station; or (e) fire station. Not permitted within 1,000 feet of the location of another automobile gasoline and/or service station. No pumps may be located closer than 12 feet to any property line; and pumps located perpendicular to street lines must be set back a minimum of 18 feet from such street lines. Provided, however, that this section shall not apply to any automobile, gasoline and service station already in existence as of Aug. 2, 2000.
Boarding and lodging houses	R-2	—	—	—	Site to be evaluated for degree of potential residential-

					commercial use conflicts.
Breweries, distilleries, canning factories, chemical plants	M-2	—	—	—	Special consideration of potential odor and pollution nuisances.
Bump shops	C-2	—	—	—	Special consideration of potential noise nuisance.
Business parking lots	R-1, R-2	—	—	Ornamental reinforced masonry wall four feet in height above grade constructed of face brick or comparable masonry material on which there shall be no advertising, required along all property lines bordering R-1 or R-2 zoning except that the wall height shall be decreased to three feet in height where bordering a public street, with parking lot entranceways excepted from the wall requirement	Parking lot must immediately adjoin, or be across a public street or alley from, business property owned or under lease by the applicant.
Cemeteries	R-1	—	All structures to be minimum of 100 feet	—	Site must abut major thoroughfare, with all ingress and egress

			from any lot line		directly to major thoroughfare.
Cocktail lounges, night clubs, taverns	C-2	—	—	—	Not permitted within 500 feet of any church or school.
Convalescent homes, nursing homes and foster care group homes	R-3	—	—	—	Site to be evaluated for degree of potential residential-commercial use conflicts.
Department stores	C-1, C-2	—	—	—	Site must abut major thoroughfare, with all ingress and egress directly to major thoroughfare.
Drive-in restaurants or other drive-in establishments	C-1, C-2	—	—	—	Site must abut major thoroughfare, with all ingress and egress directly to major thoroughfare.
Home occupations	R-1, R-2	—	—	—	Site to be evaluated for degree of potential residential-commercial use conflicts.
Hospitals	R-3, R-4	Two acres	All structures to be minimum of 100 feet from any lot lines of adjacent residentially zoned districts	Ambulance and delivery areas to be obscured from all residential property view with a wall or barrier of suitable material at least four feet in height	Site must abut major thoroughfare, with all ingress and egress directly to major thoroughfare.

Hotels and motels	C-2	250 square feet per unit	—	Planting strip five feet in width, required adjoining front lot line with opening only for driveway access	Floor area for each motel unit shall provide one room of 150 square feet and a bathroom of 25 square feet. In the case of a kitchenette unit, an additional 50 square feet shall be provided.
Junk yards	M-2	Ten acres	50-foot-wide greenbelt adjoining all property lines	Masonry wall six feet in height, required at interior boundaries of greenbelt	Junk may not be stacked higher than height of screening wall.
Kennels	M-2	Five acres	—	—	All outdoor runs or breeding areas to be enclosed on all sides by an obscuring wall or fence not less than four feet in height and located at least 50 feet from any property line.
Medical clinics, medical office complexes, dental clinics	R-3	—	—	—	Special consideration of parking and screening needs.
Mining, excavating	M-2	—	All structures to be minimum of 100 feet from all property lines	Submission of screening plan required, except for topsoil removal	
Nursery schools, day nurseries	R-1, R-2	—	Outdoor play area of 100 square feet per	—	—

and child care centers			child cared for, with a total minimum area of 1,500 square feet		
Open air business uses (see definition)	C-2	—	—	Subject to requirements of planning commission based on analysis of potential impact on surrounding properties	Lot area to be provided with a permanent durable and dustfree surface having an asphaltic or concrete binder with a storm drainage system subject to approval by the city engineer. No major repair or refinishing allowed on the lot.
Open storage yards of building and construction contractors, lumberyards	M-2	—	—	Subject to requirements of planning commission based on analysis of potential impact on surrounding properties	—
Outdoor theaters	M-2	Ten acres	All structures to be minimum of 100 feet from any lot lines	Screen may not face a major thoroughfare. Entire property to be fenced	Site must abut a major thoroughfare, with all ingress and egress directly to major thoroughfare. No viewing areas may be located closer than 40 feet to any lot line.
Painting, varnishing	M-1	—	—	—	Special considerations of odor and safety problems.

Pinball parlors	C-2	—	—	—	Not permitted within 500 feet of any church or school.
Planned residential development (PRD)	R-1	20 acres	—	—	See Article XVI.
Private non-commercial recreation areas	R-1, R-2	—	All structures to be minimum of 100 feet from any lot lines of adjacent residentially zoned districts	—	Special consideration of potential noise problems.
Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations	R-1, R-2, C-1, C-2	—	—	Subject to requirements of the planning commission based on analysis of potential effect on surrounding properties	No storage yards in residential districts. Application must provide evidence of necessity of proposed location.
Radio and television towers	C-1, C-2, M-1	—	—	—	Tower to be located at a distance from each lot line equivalent to or greater than the height of the tower.
Recreation vehicle storage yards	M-1	5 acres	—	—	Storage area to be enclosed by a cyclone fence five feet in height. Additional

					height may be permitted for barb wire cradling.
Retail and service uses located within high-rise multifamily structures	R-4	—	—	—	Uses, parking and signage to be sized, designed and located to be in harmony with the character and quality of the multifamily development.
Shopping centers containing five or more stores	C-1, C-2	—	—	—	Site must abut major thoroughfare with all ingress and egress directly to major thoroughfare.
Temporary buildings for use incidental to construction work	R-1, R-2, R-3, R-4, C-1, C-2, M-1, M-2	—	—	—	Allowed for period not to exceed one year.
Truck terminal	M-1	7.5 acres	—	Subject to requirements of planning commission based on analysis of potential impact on surrounding properties	—
Truck, tractor and trailer sales and display, rental and repair	—	—	—	Subject to requirements of planning commission based on analysis of potential impact on	—

				surrounding properties	
Wholesale stores, storage facilities, warehouses, distributing plants, freezers and lockers	C-2	—	—	Subject to requirements of planning commission based on analysis of potential impact on surrounding properties	—

Note: The requirements noted in this section are in addition to, or where in conflict, supercede those general requirements by zoning districts as indicated in sections 24-411 and 24-412. For all permitted uses after special approval, the planning commission shall conduct a public hearing prior to making a decision on the proposed use. The planning commission may impose such requirements and conditions as may be necessary to protect neighboring property; promote public convenience, health, safety and welfare; or make the use conform more closely with the spirit, purpose and intent of this chapter. In determining other requirements and whether the proposed use is essential and desirable, the following information shall be considered by the planning commission:

- (1) The possible substantial and permanent effect on neighboring property.
- (2) The consistency with the spirit, purpose and intent of the chapter.
- (3) The possible effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.
- (4) The tendency of the proposed use to create any type of blight within the immediate area.
- (5) The economic feasibility for the area.
- (6) Any other factor as may relate to the public health, safety and welfare for persons and property.

(Ord. No. 591, art. I(d), 8-19-98; Ord. No. 640, art. I, 8-2-00; Ord. No. 677, art. I, 9-10-01)

Secs. 24-414—24-430. - Reserved.

ARTICLE XVI. - PROCEDURES FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD)

Sec. 24-431. - Statement of intent.

The intent of this article is to provide, through the use of the planned residential development (PRD) concept, an added degree of flexibility in the density, placement, bulk and interrelations of the buildings and uses within the R-1 district and the implementation of new design concepts so as to encourage a more efficient use of land and of public services through the use of a unified planning approach, while at the same time maintaining adequate amounts of light, air, access and required open space. To further this intent, the R-1 district regulations may be waived by the planning commission as a part of a PRD, as provided for in this article. The general boundaries of any PRD approved by the planning commission shall be indicated on the city zoning map, as information for zoning purposes.

(Ord. No. 442, § 16.1, 8-19-81)

Sec. 24-432. - Review procedure.

The review procedure for a PRD in accordance with section 24-119 except that, where the provisions of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, may apply, an applicant may, at any time, submit the information and plans as required by such act and all other local procedures or regulations pertaining to platting approval, and approval by the city council of any portion of the PRD area under such act will supersede any approval of the PRD under this article for that portion of the PRD area.

(Ord. No. 442, § 16.2, 8-19-81)

Sec. 24-433. - Development regulations.

The following standards shall apply to all PRD's:

- (1) *Overall PRD density.* The overall PRD density standard shall be recommended by the planning commission.
- (2) *Densities per type of development area.* For areas of detached single-family housing, the density, lot sizes and other developmental provisions of the R-1 district shall apply; for areas for uses other than detached single-family housing the density, lot sizes, and other development provisions of the R-3 district 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 the R-1 and R-3 districts.

(Ord. No. 442, § 16.3, 8-19-81; Ord. No. 658, art. I, 6-6-01; Ord. No. 707, art. I, 10-20-04)

Secs. 24-434—24-450. - Reserved.

ARTICLE XVII. - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 24-451. - Required off-street parking generally.

Off-street parking in conjunction with all land and building uses shall be provided as herein prescribed:

- (1) For the purpose of this article, 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that the standard shall be 325 square feet where parking is perpendicular to the access aisle, and except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

- (2) When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (3) The minimum number of off-street parking spaces shall be determined in accordance with the following table in section 24-452. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the board of zoning appeals from requirements for similar uses.
- (4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing on August 19, 1981, in connection with the operation of an existing building or use shall not be reduced to an amount less than would hereinafter be required for such building or use.
- (5) Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.
- (6) Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- (7) Residential off-street parking space shall consist of a parking strip or driveway, garage, or a combination thereof and shall be located on the premises it is intended to serve and not closer than three feet from any street lot line. Parking strip or driveway width may not exceed the width of the garage and no more than one of the required parking spaces may be provided in the required front yard.
- (8) Nothing in this article shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- (9) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 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 article.

(Ord. No. 442, § 17.1, 8-19-81)

Sec. 24-452. - Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and 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 the initial part of this section:

	Use	Number of Minimum Parking Spaces Per Unit of Measure
(1)	<i>Residential</i>	
	a. Residential, one-family and two-family	Two for each dwelling unit.

	b.	Residential, multiple-family	One and one-half for each dwelling unit.
	c.	Residential, multiple-family, senior citizens housing	One for each two dwelling units. Should units revert to general occupancy, then one and one-half spaces per unit shall be provided.
	d.	Trailer park and mobile home courts	Two for each trailer or mobile home site and one for each employee of the trailer or mobile home court.
	e.	Boarding and rooming house	One for each sleeping room.
(2)	<i>Institutional</i>		
	a.	Churches, temples or synagogues	One for each three seats, based on maximum seating capacity in the main unit of worship.
	b.	Hospitals	One per 600 square feet of gross floor area.
	c.	Sanitariums, convents, homes for the aged, convalescent homes, children's homes	One for each four beds.
	d.	Elementary and junior high schools	One for each one teacher and administrator, in addition to the requirements of the auditorium.
	e.	Senior high schools	One for each one teacher and administrator and one for each ten students, in addition to the requirements of the auditorium.
	f.	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
	g.	Stadium, sports arena, or similar place of outdoor assembly	One for each three seats or six feet of bench.
	h.	Theatres and auditoriums (indoor)	One for each four seats plus one for each two employees.

(3)	<i>Business and commercial</i>	
a.	Automobile service stations	Two for each lubrication stall, rack or pit; and one for each employee.
b.	Automobile wash establishments	One for each one employee.
c.	Beauty parlor or barber shop	Two spaces for each beauty or barber chair.
d.	Bowling alleys	Five for each one bowling lane.
e.	Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls and assembly halls without fixed seats.	One for each three seats or one for each 100 square feet of gross floor area, whichever is greater.
f.	Drive-in establishments	One for each 40 feet of gross floor area, with a minimum of 25 parking spaces for drive-in restaurants where on-site consumption of beverages, food or refreshments is intended.
g.	Establishments for sale and consumption on the premises of beverages, food or refreshments	One for each 100 square feet of gross floor area.
h.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair or other similar uses	One for each 800 square feet of floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see industrial establishments below.
i.	Laundromats and coin-operated dry cleaners	One for each two washing machines.
j.	Miniature golf courses	Three for each one hole plus one for each one employee.
k.	Mortuary establishments	One for each 50 square feet of parlor area.
l.	Motel, hotel or other commercial lodging establishments	One for each one occupancy unit plus one for each one employee, plus extra spaces for dining

			rooms, ballrooms, or meeting rooms based upon maximum occupancy load.
	m.	Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	One for each 400 square feet of gross floor area of sales room.
	n.	Open air businesses except motor vehicle sales and service, trailer sales and rental, boat showrooms	One for each 600 square feet of lot area.
	o.	Restaurant, carry-out	One for each 100 square feet of gross floor area.
	p.	Retail stores, except as otherwise specified herein	One for each 200 square feet of gross floor area.
	q.	Shopping center or clustered commercial	Four square feet of parking and circulation space for every one square foot of usable floor area within the shopping center.
(4)	<i>Offices</i>		
	a.	Banks, savings and loan offices	One for each 200 square feet of gross floor area.
	b.	Business offices or professional offices except as indicated in the following item c.	One for each 400 square feet of gross floor area.
	c.	Medical or dental clinics, professional offices of doctors, dentists or similar professions	One for each 200 square feet of gross floor area.
(5)	<i>Industrial</i>		
	a.	Industrial or research establishments	One for every 1½ employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
	b.	Wholesale or warehouse establishments	One for each one employee in the largest working shift.

(Ord. No. 442, § 17.2, 8-19-81)

Sec. 24-453. - Off-street parking lot layout, construction and maintenance.

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

- (1) The building of a parking lot is subject to the requirements for a building permit. The building inspector shall review the application on the basis of the requirements set forth in subsections (2) through (8) below.
- (2) Each parking space shall constitute a net land area of at least 180 square feet. The total parking lot space, including access lanes, shall constitute at least 300 square feet of land area per parking space.
- (3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- (4) There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the lot line.
- (5) The parking lot shall be drained to eliminate surface water, with one catch basin provided for each acre of land or fraction thereof. Drainage plans are subject to approval by the city engineer.
- (6) The surface of the parking lot, including drives and aisles, shall be permanent and dustfree having an asphaltic or concrete binder. Lighting shall be arranged to reflect away from residential areas and public streets.
- (7) Parking lots shall be used only for the parking of automobiles and no commercial activities such as washing or greasing, sale of merchandise, or purveying of foodstuffs, repair, work or servicing of any kind shall be done thereon.

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- (8) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74°	18 ft.	9 ft.	20 ft.	38 ft.	58 ft.
75° to 90°	23 ft.	9 ft.	20 ft.	43 ft.	63 ft.

(Ord. No. 442, § 17.3, 8-19-81)

Sec. 24-454. - Off-street waiting area for drive-through facilities.

- (a) An off-street waiting space is defined as an area ten feet wide by 24 feet long and shall not include the use of any public space, street, alley, or sidewalk, and shall be located entirely within the business zoning districts:
- (b) On the same premises with every building, 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 five off-street waiting spaces for each service window.

(Ord. No. 442, § 17.4, 8-19-81)

Sec. 24-455. - Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display, or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading, and designed to avoid interference with public use of the streets or alleys. Such loading and unloading space shall be an area in minimum ten feet in width by 25 feet in length with a 14-foot height clearance, and shall be provided according to the following table:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area
0— 2,000	None.
2,001— 20,000	One space.
20,001— 100,000	One space for each 20,000 square feet.
100,000— 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.

Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.
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(Ord. No. 442, § 17.5, 8-19-81)

Sec. 24-456. - Paving of all parking lots.

Any lot, or any portion of any lot, used to park any motor vehicle within the city shall be paved and constructed in conformity with the provision of section 24-453, section 24-502 notwithstanding. In order to provide for an orderly transition in the implementation of this provision, the effective dates for conformity herewith are as follows:

- (1) All parking lots located in C-1, C-2 and PB-1 zones shall conform to the requirements of this section on or before May 1, 1990.
- (2) All parking lots located in M-1 and M-2 zones shall conform to the requirements of this section on or before May 1, 1991.
- (3) All parking lots located in R-3, R-4 and MHP zones shall conform to the requirements of this section on or before May 1, 1992.
- (4) All parking lots used by churches and other places of worship shall conform to the requirements of this section on or before May 1, 1992.
- (5) Any portion of any lot used to park any motor vehicle in R-1 and R-2 zones shall conform to the requirements of this section on or before May 1, 1992.

(Ord. No. 442-7, § 17.6, 6-17-87)

Sec. 24-457. - Paving of parking lots of 6,000 total square footage or less.

- (a) Every parking lot of 6,000 total square feet or less within the city shall be paved and constructed in conformity with the provisions of sections 24-453 and 24-456 above, with the exception of subsection 4-453(5).
- (b) The required parking spaces for businesses with 6,000 total square footage or less within the city shall be paved and constructed in conformity with the provisions of section 24-453, with the exception of subsection (5).
- (c) The parking spaces constructed shall have the proper grade to allow water runoff, therefore eliminating surface water. Drainage plans are subject to approval by the city engineer.

(Ord. No. 442-09, § 17.7, 5-16-90)

Secs. 24-458—24-470. - Reserved.

ARTICLE XVIII. - WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Sec. 24-470.1. - Purpose.

The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this article are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage users of towers and antennas to configure them in way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and,
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City of Melvindale shall give due consideration to the its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.2. - Definitions.

As used in this article, the following terms shall have the meanings set forth below:

Alternative tower structure means manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas means any tower or antenna for which a building permit or variance has been properly issued prior to the effective date of this article, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.3. - Applicability.

- (a) *New towers and antennas.* All new towers or antennas and associated equipment shelters in the City of Melvindale shall be subject to these regulations, except as provided in sections 24-470.3(b) through (d), inclusive.
- (b) *Amateur radio station operators receive only antennas.* This article shall not govern any tower, or the installation of any antenna, that is under 55 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (c) *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the requirements of sections 24-470.4(f) and (g).
- (d) *AM array.* For purposes of implementing this article, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.4. - General requirements.

- (a) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Melvindale or within one mile of the border thereof including specific information about the location, height, and design of each tower. The zoning administrator may share such information with other applicants applying for administrative approvals or variance under this article or other organizations seeking to locate antennas within the jurisdiction of Melvindale, provided, however that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) *Aesthetics.* Towers and antennas shall meet the following requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (e) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (g) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the building inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owners expense.
- (h) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Melvindale irrespective of municipal and county jurisdictional boundaries.
- (i) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (j) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and or operation of a wireless communication system in the City of Melvindale have been obtained and shall file a copy of all required franchises with the zoning administrator.
- (k) *Public notice.* For purposes of this article, any variance request, or appeal of an administratively approved use or variance shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section 24-470.7(b)(5)b, Table 2, in addition to any notice otherwise required by the zoning ordinance.
- (l) *Signs.* No signs shall be allowed on an antenna or tower.
- (m) *Multiple antenna/tower plan.* The City of Melvindale encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.5. - Permitted uses.

- (a) *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a variance.
- (b) *Permitted uses.* The following uses are specifically permitted:
 - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Melvindale provided a license or lease authorizing such antenna or tower has been approved by the council.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.6. - Administratively approved uses.

- (a) *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.
- (1) The zoning administrator may administratively approve the uses listed in this section.
 - (2) Each applicant for administrative approval shall apply to the zoning administrator providing the information set forth in sections 24-470.7(b)(1) and 24-470.7(b)(3) of this article and a non-refundable site plan review fee as established by resolution of the council to reimburse the city for the costs of reviewing the application.
 - (3) The zoning administrator shall review the application for administrative approval and determine if the proposed use complies with sections 24-470.4, 24-470.7(b)(4) and 24-470.7(b)(5) of this article.
 - (4) The zoning administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
 - (5) In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 24-470.7(b)(4) or separation distances between towers in section 24-470.7(b)(5) by up to 50 percent.
 - (6) In connection with any such administrative approval, the zoning administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - (7) If an administrative approval is denied; the applicant shall file an application for a variance pursuant to section 24-470.7 prior to filing any appeal that may be available under the zoning ordinance.
- (b) *List of administratively approved uses.* The following uses may be approved by the zoning administrator after conducting an administrative review:
- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any general manufacturing zoning district.
 - (2) Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.
 - a. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the zoning administrator as an accessory use to any commercial, manufacturing, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 1. The antenna does not extend more than 20 feet above the highest point of the structure;
 2. The antenna complies with all applicable FCC and FAA regulations; and
 3. The antenna complies with all applicable building codes.
 - b. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the zoning administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning administrator allows reconstruction as a monopole.

2. Height:
 - (i) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the towers existing height, to accommodate the collocation of an additional antenna.
 - (ii) The height change referred to in subsection 3.(i) may only occur one time per communication tower.
 - (iii) The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 24-470.7. The tower's premodification height shall be used to calculate such distance separations.
3. Onsite location:
 - (i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
 - (ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (iii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 24-470.7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of section 24-470.7(b)(5).
 - (iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section 24-470.7(b)(5) shall only be permitted when approved by the zoning administrator.
- (3) *New towers in non-residential zoning districts.* Locating any new tower in a non-residential zoning district other than general manufacturing, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the zoning administrator concludes the tower is in conformity with the goals set forth in section 24-470.1 and the requirements of section 24-470.4; the tower meets the setback requirements in section 24-470.7(b)(4) and separation distances in section 24-470.7(b)(5); and the tower meets the following height and usage criteria:
 - a. For a single user, up to 90 feet in height;
 - b. For two users, up to 120 feet in height; and
 - c. For three or more users, up to 150 feet in height.
- (4) Locating any alternative tower structure in any manufacturing or commercial that in the judgment of the zoning administrator is in conformity with the goals set forth in section 24-470.1 of this article.
- (5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.7. - Variances.

- (a) *General.* The following provisions shall govern the issuance of a variance for towers or antennas by the board of zoning appeals:
 - (1) If the tower or antenna is not a permitted use under section 24-470.5 of this article or permitted to be approved administratively pursuant to section 24-470.6 of this article, then a variance shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

- (2) Applications for a variance under this section shall be subject to the procedures and requirements of section 24-536 of the zoning ordinance, except as modified in this section.
 - (3) In granting a variance, the board of zoning appeals may impose conditions to the extent the board of zoning appeals concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - (5) An applicant for a variance shall submit the information described in this section and a non-refundable site plan review fee as established by resolution of the council to reimburse the city for the costs of reviewing the application.
- (b) *Towers.*
- (1) *Information required.* In addition to any information required for applications for a variance pursuant to section 24-536 of the zoning ordinance, applicants for a variance for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in section 24-470(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this article.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to section 24-470.4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - g. A description of compliance with sections 24-470.4(c), (d), (e), (f), (g), (j), and (l), 24-470.7(b)(4), 24-470.7(b)(5) and all applicable federal, state or local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city.
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - k. A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - (2) *Factors considered in granting variance for towers.* In addition to any standards for consideration of variance pursuant to section 24-356 of the zoning ordinance, the board of zoning appeals shall consider the following factors in determining whether to issue a variance, although the board of

zoning appeals may waive or reduce the burden on the applicant of one or more of these criteria if the board of zoning appeals concludes that the goals of this article are better served thereby:

- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in section 24-470.7(b)(3) of this article.
- (3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all towers for which a variance by the board of zoning appeals or approval by the council is required; provided, however, that the board of zoning appeals (or the council, as the case may be) may further reduce these setback requirements if the goals of this article would be better served thereby:
- a. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.

- b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a variance is required; provided, however, that the board of zoning appeals (or the council, as the case may be) may further reduce these separation requirements if the goals of this article would be better served thereby.
- a. Separation from off-site uses/designated areas.
 - 1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1. except as otherwise provided in Table 1.
 - 2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1.

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	200 feet or 100% height of tower whichever is greater ²
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 100% height of tower whichever is greater ²
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

- b. Separation distances between towers.

1. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

2. **Table 2.**

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 feet in Height	750	750	750	750

- (6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the board of zoning appeals (or the council, as the case may be) may waive such requirements, as it deems appropriate.
- (7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a variance is required; provided, however, that the board of zoning appeals (or the council, as the case may be) may waive such requirements if the goals of this article would be better served thereby.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower or associated equipment shelter would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.8. - Reserved.

Sec. 24-470.9. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the building inspector notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90-day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. No. 569, § 1, 4-16-97)

Sec. 24-470.10. - Nonconforming uses.

- (a) *Not expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this article.
- (c) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding section 24-470.9 bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a variance and without having to meet the separation requirements specified in sections 24-470.7(b)(4) and 24-470.7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section 24-470.9.

(Ord. No. 569, § 1, 4-16-97)

ARTICLE XVIII. - SIGNS

Sec. 24-471. - Findings.

The city planning commission finds that signs have an obvious impact on the character and quality of the city. Further, it finds that failure to regulate their size, location, and construction has in specific instances resulted in poor identification of individual businesses, deterioration of the business and residential areas of the city, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices, and safety hazards to pedestrians and motorists.

(Ord. No. 442, § 18.1, 8-19-81)

Sec. 24-472. - Purpose.

The purpose of this article is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this article has the following objectives:

- (1) To prevent the placement of onsite signs in a manner that will conceal or obscure signs of adjacent businesses;

- (2) To keep the number of onsite signs at a level reasonably necessary to identify a business and its products;
- (3) To keep onsite signs within a reasonable scale with respect to the building to which they relate;
- (4) To prevent offsite signs from conflicting with business, residential, and public land uses;
- (5) To keep an area adjacent to streets clear of signs which might obstruct the view of motorists;
- (6) To reduce the visual distractions for motorists on the streets;
- (7) To control the use of signs and of their motion, colors, illumination, and their insistent and distracting demand for attention which can be injurious to the mental and physical well-being of the public and can be destructive to adjacent property values and to natural beauty;
- (8) Accordingly, it has become necessary to the public interest to regulate the sizes, location, character and other pertinent features of all signs in the city.

(Ord. No. 442, § 18.2, 8-19-81)

Sec. 24-473. - Prohibited signs.

Signs are prohibited which:

- (1) Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- (2) Contain or are an imitation of an official traffic sign or signal or contain the words stop, go slow, caution, danger, warning, or similar words. Traffic directional signs in a private parking area are exempted from this provision.
- (3) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- (4) Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- (5) Contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations, or similar devices.
- (6) Have a moving part except for the conveyance of noncommercial information.
- (7) Are freestanding exterior signs and are not anchored or secured to a building or the ground.
- (8) Are a part of a structure designed to be moved from one location to another with a change in message.

(Ord. No. 442, § 18.3, 8-19-81)

Sec. 24-474. - Violations and removal thereof.

- (a) Any sign erected, altered, or converted and subsequent to the passage of this article and in violation of any on the provisions thereof is hereby declared to be a nuisance per se.
- (b) Upon discovery of a violation of this article, the building inspector shall provide written notice to the person in possession of the property upon which the sign is erected as shown by the records of the city assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this article or removed.
- (c) The building inspector shall also post a copy of such notice upon the violative sign or upon the premises upon which the sign is erected.

- (d) If the violative sign has not been removed or brought into compliance with this article within seven days from the issuance of the order specified in subsection (b) above, the owner of the sign and the owner of the premises on which the sign is located shall be guilty of a misdemeanor.
- (e) Nothing in this section shall prevent the building inspector from ordering the summary removal of any sign presenting an immediate threat to the safety of the public.

(Ord. No. 442, § 18.4, 8-19-81; Ord. No. 442-21, § 1, 4-17-96)

Sec. 24-475. - Illumination.

- (a) Signs in residential districts may be illuminated with not more than 200 watts of nonflashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.
- (b) No sign shall have blinking, flashing, rotating, or fluttering illumination.
- (c) No sign shall be illuminated in a manner which changes light intensity, brightness or color.
- (d) No sign shall have colored lights which may be confused with or construed as traffic control devices or emergency vehicles.
- (e) No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.

(Ord. No. 442, § 18.5, 8-19-81)

Sec. 24-476. - Nonconforming signs.

- (a) Signs lawfully erected prior to the effective date of this article which do not meet the standards thereof may be maintained except as hereafter provided.
- (b) No nonconforming signs:
 - (1) Shall be changed to another nonconforming sign;
 - (2) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message;
 - (3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming;
- (c) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to the article.

(Ord. No. 442, § 18.6, 8-19-81)

Sec. 24-477. - Signs for nonconforming uses.

- (a) Onsite signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
 - (1) One-half square foot of sign area for each lineal foot of building frontage or one-fourth square foot of sign area for each lineal foot of lot frontage whichever is greater, not to exceed a maximum of 25 square feet in area; or
 - (2) The maximum sign area permitted for the zoning district in which the sign is located.

- (b) Offsite signs shall comply with all the provisions of the district in which the nonconforming use is located.

(Ord. No. 442, § 18.7, 8-19-81)

Sec. 24-478. - Offsite signs.

- (a) Offsite signs are permitted only in the M-1 and M-2 districts. The maximum area per sign face of an offsite sign shall not exceed 350 square feet.
- (b) Offsite signs shall not be located in any required yard area.
- (c) No offsite sign structure shall be closer than 300 feet to another offsite sign structure.
- (d) Offsite signs shall comply with the height limitations for the respective zoning districts in which the signs are located.

(Ord. No. 442, § 18.8, 8-19-81)

Sec. 24-479. - Public signs.

Public signs are exempted from the provisions of this article.

(Ord. No. 442, § 18.9, 8-19-81)

Sec. 24-480. - Temporary signs.

The following signs shall be permitted in any zoning district:

- (1) Unilluminated signs which identify a construction project and the architects, engineers, contractors, and other firms or individuals involved with such construction project. However, such signs shall not include product advertisements or endorsements. Such signs shall be confined to the construction site and must be removed within 14 days from the beginning of the intended use of the project. The total area of all such signs is limited to 16 square feet per firm.
- (2) Signs announcing the candidates seeking political office and other pertinent data are permitted provided the maximum area of all such signs on one lot does not exceed 32 square feet. Removal of such signs must be accomplished within seven days after the election for which they were made.
- (3) Unilluminated signs pertaining to the availability for sale, lease, or rent of a lot or building existing thereon, provided that the total area of all such signs on any one lot shall not exceed six square feet, for lots of less than one acre in size, 30 square feet for lots from one to five acres in size, and 100 square feet for lots exceeding five acres in size. Each such sign shall be removed immediately after the sale, lease, rent, or development of the property. In no event shall any type of sold sign be permitted.
- (4) Special event signs or banners approved by the city council in conjunction with an exhibition provided that all such signs and banners are removed immediately after the end of the exhibition.
- (5) One unilluminated rummage sale sign not exceeding three square feet in area provided any such sign is removed promptly after the end of the sale.
- (6) All such signs may be erected anywhere within the limits of the property.
- (7) No such sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other such sign shall extend more than ten feet above the average grade at the base of the sign.

(8) Unless otherwise provided any such sign may be illuminated in accordance with section 24-475.

(Ord. No. 442, § 18.10, 8-19-81)

Sec. 24-481. - Signs in R-1 and R-2 districts.

- (a) In any R-1 or R-2 district, only the following onsite signs may be displayed either flatly against the surface of the building involved or, at least ten feet from any street lot line.
 - (1) Signs indicating the names and addresses of the occupants, not to exceed a total of two square feet.
 - (2) One temporary announcement sign or permanent bulletin board for each church not to exceed 12 square feet in area and located a minimum of ten feet from any lot line.
 - (3) For other nonresidential uses, one identification sign not to exceed four square feet in area.
- (b) No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other sign shall extend more than six feet above the average grade at the base of the sign.

(Ord. No. 442, § 18.11, 8-19-81)

Sec. 24-482. - Signs in R-3 and R-4 districts.

- (a) In any R-3 or R-4 district only the following onsite signs may be displayed either flatly against the surface of the building involved, or at least ten feet from any street lot line:
 - (1) Any sign permitted in the R-1 or R-2 districts, as permitted therein.
 - (2) One identification sign for each apartment project of three stories or less in height, not to exceed 12 square feet in area.
 - (3) One identification sign for each apartment building of four or more stories in height, not to exceed 16 square feet in area.
 - (4) One identification sign for each nonapartment use, not to exceed eight square feet in area.
- (b) The height restriction on signs in the R-3 and R-4 districts shall be the same as specified for the R-1 district.

(Ord. No. 442, § 18.12, 8-19-81)

Sec. 24-483. - Signs in C-1 and C-2 districts.

- (a) In any C-1 or C-2 district, only the following onsite identification signs may be displayed, provided no portion of such sign is located nearer than ten feet from any street lot line unless otherwise provided:
 - (1) Signs facing the front lot line whose area does not exceed 1½ square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever is greater, to a maximum of 100 square feet.
 - (2) Signs located on corner lots facing other than the front lot line whose area does not exceed three-fourths square foot for each lineal foot of building length along the respective lot line or one-fourth square foot for each lineal foot of lot length along the respective lot line, whichever is greater, to a maximum of 60 square feet.
 - (3) Signs on the vertical faces of marquee provided that no such sign shall project above or below the marquee if the marquee is located over the required yard area or public right-of-way.

- (4) Signs attached to the principal building and signs for automobile service stations are exempt from the setback requirements of this section, except that no flat sign may overhang the public street right-of-way by more than 18 inches.
- (b) No sign shall be displayed on, attached to, or over a building to project above the roof line of the associated structure. No other sign shall extend more than 35 feet above the average grade at the base of the sign.
- (c) The total area of all signs permitted for any property use, including corner lots, shall not exceed 200 square feet.

(Ord. No. 442, § 18.13, 8-19-81)

Sec. 24-484. - Signs in PB-1 districts.

- (a) In any PB-1 district only the following onsite signs may be displayed either flatly against the surface of the associated building, provided that such sign not extend more than 18 inches into the public street right-of-way, or at least ten feet from any street lot line:
 - (1) One identification sign for each office building use, not to exceed one-half square foot in area for each lineal foot of building frontage or one-fourth square foot in area for each lineal foot of lot frontage, whichever is greater. However, no sign shall exceed a maximum of 25 square feet in area.
- (b) The height restriction on signs in PB-1 districts shall be the same as specified for the R-1 district.

(Ord. No. 442, § 18.14, 8-19-81)

Sec. 24-485. - Signs in M-1 and M-2 districts.

- (a) In any M-1 or M-2 district, only the following onsite signs are permitted, provided no portion of such sign is located closer to the street lot line than the required front yard building setback:
 - (1) One onsite sign per use facing each lot line that abuts a street subject to the following size limitations:
 - a. The onsite sign facing the front lot line shall not exceed 1½ square feet in area for each lineal foot of building frontage, or one-half square foot in area for each lineal foot of lot frontage, whichever is greater, to a maximum of 300 square feet.
 - b. The onsite signs facing other than the front lot line shall not exceed three-fourths square foot in area for each lineal foot of building length along the respective lot line or one-fourth square foot in area for each lineal foot of lot length along the respective lot line, whichever is greater, to a maximum of 200 square feet.
- (b) Maximum height for signs in the M-1 and M-2 districts shall be the building height limit allowed in those districts.
- (c) Offsite signs are permitted in accordance with section 24-478.

(Ord. No. 442, § 18.15, 8-19-81)

Secs. 24-486—24-500. - Reserved.

ARTICLE XIX. - NONCONFORMING USES AND BUILDINGS

Sec. 24-501. - Nonconformance regulated.

Any lawful use of the land or buildings existing on August 19, 1981, and located in a district in which it would not be permitted as a new use under the regulations of this article, is hereby declared to be a nonconforming use and not in violation of this article; provided, however, that a nonconforming use shall be subject to, and the owner shall comply with, the regulations in this article.

(Ord. No. 442, § 19.1, 8-19-81)

Sec. 24-502. - Nonconforming uses of land.

Where lawful use of land exists on August 19, 1981, which would not be permitted by the regulations imposed by this chapter and where such use involves no individual structure with an assessed value exceeding \$500.00, the use may be continued so long as it remains otherwise lawful provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on August 19, 1981.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on August 19, 1981 or amendment of this chapter.
- (3) If any such nonconforming use land ceases for any reason for a period of more than one year, such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Ord. No. 442, § 19.2, 8-19-81)

Sec. 24-503. - Nonconforming uses of structures.

If lawful use, involving individual structures with an assessed value of \$500.00 or more of structure and premises in combination, exists on August 19, 1981, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) If any such nonconforming use of a structure ceases for any reason for a period of more than six months, such use shall conform to the regulations specified by this chapter for the district in which such use is located.
- (3) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (4) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the board of zoning appeals 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.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.

(Ord. No. 442, § 19.3, 8-19-81)

Sec. 24-504. - Nonconforming structural configuration.

Where a lawful structure exists on August 19, 1981, that could not be built under the terms of this chapter by reason 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 provisions:

- (1) 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.
- (2) If any such nonconforming structure ceases being used for any reason for a period of more than six months, any subsequent use of such structure shall conform to the regulations specified by this chapter for the district in which such structure is located.

(Ord. No. 442, § 19.4, 8-19-81)

Sec. 24-505. - Nonconforming lots of record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record on August 19, 1981. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on August 19, 1981, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this chapter.

(Ord. No. 442, § 19.5, 8-19-81)

Sec. 24-506. - Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent that the sum total of the repairs, including labor, materials and slated changes do not exceed 25 percent of the state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If a nonconforming structure or 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 inspector 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.

(Ord. No. 442, § 19.6, 8-19-81)

Sec. 24-507. - Reconstruction of damaged nonconforming buildings and structures.

Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy wherein the sum total of the expense including labor, materials and other charges of such reconstruction does not exceed 50 percent of the state equalized valuation of the entire building or

structure at the time such damage occurred; provided that such restoration and resumption shall take place within six months of the time of such damage and that it is completed within one year from the time of such damage; and provided further, that such use be identical with the nonconforming use permitted and in effect directly preceding such damage. Where pending insurance claims require an extension of time, the building inspector may grant a time extension provided that the property owner submit 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.

(Ord. No. 442, § 19.7, 8-19-81)

Sec. 24-508. - Moving.

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, yard 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.

(Ord. No. 442, § 19.8, 8-19-81)

Sec. 24-509. - Certificate of occupancy.

- (a) At any time after August 19, 1981, should the city become aware of a nonconforming use, the owner of the nonconforming use shall be notified by the building inspector of the provisions of this section, and that his property constitutes a nonconforming use. Within 30 days after receipt of the notice, the owner shall apply for and be issued a certificate of occupancy 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. If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this chapter. The building inspector and the city attorney shall take appropriate action.
- (b) If the building inspector shall find, 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 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 ordinance in effect at the time of construction or alteration, he shall not issue the certificate of occupancy but shall declare such use to be in violation of this chapter.

(Ord. No. 442, § 19.9, 8-19-81)

Sec. 24-510. - Plans already filed.

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, and where a building permit for such building or structure has been issued and construction work started before August 19, 1981, such work may proceed provided it is completed within one year of such date.

(Ord. No. 442, § 19.10, 8-19-81)

Secs. 24-511—24-525. - Reserved.

ARTICLE XX. - BOARD OF ZONING APPEALS

Sec. 24-526. - Establishment.

There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided in section 5 of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq.), as amended, in such a way that the objectives of this title shall be observed, public safety secured, and substantial justice done.

(Ord. No. 442, § 20.1, 8-19-81)

Sec. 24-527. - Membership.

- (a) The board of zoning appeals shall consist of six members.
- (b) All members shall be qualified and registered electors residing in the city and shall be residents of the city for a minimum of two years prior to appointment; provided, that no employee of the city may serve simultaneously as a member of the board of zoning appeals.
- (c) One member shall be appointed from the membership of the planning commission, and the board of zoning appeals and planning commission shall at all times have one member in common.
- (d) Each member shall hold office for a period of three years.
- (e) Members may be removed for cause by the city council only after consideration of written charges and a public hearing. Any vacancy on the board shall be filled by the mayor with the consent of the city council, for the remainder of the unexpired term.

(Ord. No. 442, § 20.2, 8-19-81)

Sec. 24-528. - Officers.

The chairman and the vice-chairman of the board shall be elected annually by the members of the board at the first meeting held in each calendar year. The city clerk shall serve as the secretary of the board, but not be a voting member.

(Ord. No. 442, § 20.3, 8-19-81)

Sec. 24-529. - Meetings; recordkeeping; subpoena power; freedom of information.

- (a) All meetings of the board shall be held at the call of the chairman or by the vice-chairman in the absence of the chairman or upon the written request of any two members of the board. Four members of the board shall constitute a quorum for the conduct of business.
- (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 shall have the power to subpoena and require the production of books, papers, files, and other evidence pertinent to the matters before it.
- (d) The business which the board of zoning appeals may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of Michigan of 1976 (MCL 15.261 et seq.). Public notice of the time, date, and place of the meeting shall be given in the manner required by such act.

- (e) A writing prepared, owned, used, in the possession of, or retained by the board of zoning appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.) as amended.

(Ord. No. 442, § 20.4, 8-19-81)

Sec. 24-530. - Appeals; procedure; hearing.

- (a) An appeal may be taken to the board by any person or by any officer, department, board, or bureau affected by a decision of the building inspector concerning this chapter. Such appeals shall be taken within 60 days from the decision by filing with the building inspector and with the board a notice of appeal specifying the grounds thereof. The building inspector 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 inspector certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the board of zoning appeals or by the circuit court on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
- (c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(Ord. No. 442, § 20.5, 8-19-81)

Sec. 24-531. - Notice of hearing.

The board of zoning appeals in conducting any public hearing shall fix a reasonable time for the hearing of the appeal and shall give notice in compliance with Act 110 of the Public Acts of 2006 (MCL 125.3103), and as hereinafter amended.

(Ord. No. 442, § 20.6, 8-19-81; Ord. No. 747, art. I, 3-3-10)

Sec. 24-532. - Appeals; fees.

The schedule of fees for hearings before the board of zoning appeals shall be as adopted by the city council. Such fees shall be paid to the city treasurer for credit to the general fund of the city at the time notice of the appeal is filed.

(Ord. No. 442, § 20.7, 8-19-81)

Sec. 24-533. - Powers and duties generally.

The board, as created in this chapter, is a body of limited powers. The board shall have the specific powers and duties as set forth in sections 24-533 through 24-539.

(Ord. No. 442, § 20.8, 8-19-81)

Sec. 24-534. - Administrative review.

The board has the power to hear and decide appeals when it is alleged by the appellant that there is an error of law in any order, requirement, permit, decision, determination, or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provision of this title.

(Ord. No. 442, § 20.9, 8-19-81)

Sec. 24-535. - Interpretation of zoning district boundaries.

In cases of any question as to locations of any boundary line between zoning districts, the board shall interpret the zoning map.

(Ord. No. 442, § 20.10, 8-19-81)

Sec. 24-536. - Variances.

- (a) The board has the power to authorize, upon an appeal, a variance from the strict application of any provision of this title where by reason of exceptional irregularity, narrowness, shallowness, shape or area of a specific piece of property on August 19, 1981, or by reason of exceptional topographic conditions or other extraordinary conditions of such property, the strict application of the provisions of this chapter would result in peculiar or exceptional practical difficulties to or unnecessary undue hardship upon the owner of such property.
- (b) In hearing and deciding appeals for variances, the board shall adhere to the following criteria in determining whether practical difficulties and/or unnecessary hardships exist:
 - (1) That if the property owner complies with the provisions of this title he can secure no reasonable return from or make no reasonable use of his property;
 - (2) That the hardship results from the application of this title to his property, rather than from some other factor;
 - (3) That the hardship of which he complains is suffered merely by his property directly, and not by others;
 - (4) That the hardship is not the result of his own actions; and
 - (5) That the hardship is peculiar to the property of the applicant.
- (c) Specific variances which the board may grant, subject to conformance with the criteria delineated in subsection (b) of this section, include the following:
 - (1) *Height, yard spaces and area requirements.* The board may permit such modification of the height, yard space, and area requirements as may be necessary to secure appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
 - (2) *Additions to buildings.* The board may permit modification of zoning requirements for additions or enlargements to existing buildings provided that all requirements for the particular use in the zoning district where such use is first permitted cannot be met without extreme physical hardship owing to the shape of the lot, adjacent land uses, or topography.

(Ord. No. 442, § 20.11, 8-19-81)

Sec. 24-537. - Parking and loading waivers.

The board has the power to permit a modification of the vehicle parking and loading space requirements of article XVII where it deems that such modification would not be inconsistent with the purpose and intent of such requirements.

(Ord. No. 442, § 20.12, 8-19-81)

Sec. 24-538. - Vote required to reverse decisions; limitation of power.

- (a) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on any matter upon which the board is authorized by this chapter to render a decision.
- (b) The power or authority to alter or change the zoning ordinance or the zoning map is reserved to the city council in the manner provided by law.

(Ord. No. 442, § 20.13, 8-19-81)

Sec. 24-539. - Standards for judging appeals and variances.

In consideration of all appeals and all proposed variations of this title, the board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation involves exceptional circumstances not found in other areas of the same zoning district; will be in harmony with the general purposes and intent of this chapter; will not in any respect impair the public health, safety, comfort, or welfare of the inhabitants of the city; and meets the following general standards:

- (1) The proposed use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
- (2) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- (3) The location, size, intensity, site layout, and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- (4) The location of height of buildings or structures and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(Ord. No. 442, § 20.14, 8-19-81)

Sec. 24-540. - Conditions of appeals and variances.

- (a) The board of zoning appeals, in acting favorably on any appeal in connection with a request for a variance, may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the standards set forth in section 24-538. In addition, the board shall have the authority to require performance bonds to ensure compliance with any requirements deemed necessary for approving any variance. Following establishment of any land use pursuant to a variance, any change and/or modification, as well as the original provisions of the building and site plan which have not been modified, shall be maintained as a condition of the establishment of any use to which

they are appurtenant and applicable. The board may also deny any appeal but only in accordance with such standards.

- (b) In exercising the above powers of this chapter, the board may reverse or affirm, wholly or partly, or may modify the order, requirements, 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 inspector from whom the appeal is taken.

(Ord. No. 442, § 20.15, 8-19-81)

Sec. 24-541. - Period of validity.

No order of the board permitting the erection or alteration of a building, open air land use or parking lot shall be valid for a period longer than six months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(Ord. No. 442, § 20.16, 8-19-81)

Sec. 24-542. - Circuit court appeal.

- (a) The decision of the board of zoning appeals shall be final. However, a person having an interest affected by this chapter may appeal to the circuit court. Upon appeal, the court shall review the record and decision of the board of zoning appeals 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.
 - (4) Represents the reasonable exercise of discretion granted by law to the board of zoning appeals.
- (b) If the court finds the record of the board of zoning appeals 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 of zoning appeals, the court shall order further proceedings before the board of zoning appeals on conditions which the court considers proper. The board of zoning appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision 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 of zoning appeals.

(Ord. No. 442, § 20.17, 8-19-81)

Secs. 24-543—24-560. - Reserved.

ARTICLE XXI. - ADMINISTRATION AND ENFORCEMENT

Sec. 24-561. - Enforcement.

The provisions of this chapter shall be administered and enforced by the building inspector of the city.

(Ord. No. 442, § 21.1, 8-19-81)

Sec. 24-562. - Duties of building inspector.

- (a) The building inspector shall have the power to grant building permits, certificates of occupancy and other related permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. To this end, the building inspector shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate, and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed work or use is in conformance with this chapter:
- (1) The actual shape, location, and dimension of the lot.
 - (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
 - (3) The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate.
 - (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (b) If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this chapter, the building inspector shall issue a permit. If any application for such permit is not approved, the building inspector shall state in writing, on the application, the cause of such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter.
- (c) The building inspector is under no circumstances permitted to grant exceptions to the actual meaning of any clause, or to alter any regulations contained in this chapter.

(Ord. No. 442, § 21.2, 8-19-81)

Sec. 24-563. - Permits.

A permit shall be required for the following:

- (1) *Permits required.* It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, or moving of an existing building or to commence any work as provided herein without first obtaining the appropriate building, zoning, or occupancy permit from the building inspector.
 - a. *Permit for new use of land.* A zoning permit shall be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
 - b. *Permits for new use of buildings or structures.* An occupancy permit shall be obtained for any change in use of an existing building or structure to a different class or type.
 - c. *Permits for detached accessory structures.* A zoning permit shall be obtained for any detached accessory structures used as tool or storage sheds, playhouses or any other uses.
 - d. *Permits for the pouring of concrete or pavement.* A zoning permit shall be obtained for any installation of concrete or pavement.
 - e. *Permits for alteration and repair.* A building permit shall be obtained for any alteration of an existing building or structure. Alteration or repair of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class

of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the building code, the housing law of the state, or this chapter except for minor repairs or changes not involving any of the aforesaid provisions.

f. *Permits where required by other applicable laws.* Other building, electrical, mechanical, or plumbing permits shall be obtained where required pursuant to the state building codes, as adopted by the city.

(2) *Issuance of permits.* No permit shall be issued until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and all applicable building codes. No permit shall be issued prior to site plan approval where required, in accordance with section 24-118. No permit shall be issued until the building inspector has determined that the plans and designated use indicate that the improvement, structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter, all applicable zoning codes and all applicable building codes.

(Ord. No. 442, § 21.3, 8-19-81; Ord. No. 678, art. I, 9-10-01)

Sec. 24-564. - Certificates of occupancy.

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the building inspector shall have issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

(Ord. No. 442, § 21.4, 8-19-81)

Sec. 24-565. - Amendments.

The city council may, after recommendation from the planning commission, amend, supplement or change the regulations or the district boundaries of this chapter as established herein, subsequently pursuant to the authority and procedure set forth in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq.), as amended. Any applicant desiring to have any change made in this chapter shall, with his petition for such change, deposit such fee, as established by city council, with the city treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for such change.

(Ord. No. 442, § 21.5, 8-19-81)

Secs. 24-566—24-580. - Reserved.

ARTICLE XXII. - INTERPRETATION AND APPLICATION

Sec. 24-581. - Interpretation and application.

In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any law, ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this chapter, 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 chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land

or upon height of buildings; or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control. Where, however, 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 lot 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 the provisions of this chapter, the provisions of the state housing code or other ordinance or regulations shall govern.

(Ord. No. 442, § 22.1, 8-19-81)

Sec. 24-582. - Violations.

- (a) Any person, firm or corporation, or anyone acting on behalf of any such person, firm or corporation, who shall violate any provision of this chapter or who shall fail to comply with any regulatory measures or conditions adopted pursuant hereto, shall be responsible for a municipal civil infraction and fined as prescribed in section 1-18 of this Code.
- (b) Use of land, dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this title 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.

(Ord. No. 442, § 22.2, 8-19-81; Ord. No. 557, § 4, 10-16-96; Ord. No. 563, § 2, 1-2-97)

Secs. 24-583—24-589. - Reserved.

ARTICLE XXIII. - SEXUALLY ORIENTED BUSINESSES

Sec. 24-590. - Location of sexually oriented businesses.

- (a) No sexually oriented business, as defined in Article VIII of Chapter 6 of the Code of Ordinances of the City of Melvindale, shall be permitted in any zoning district other than M-1 (Light manufacturing district), and M-2 (General manufacturing district), as defined and described in Chapter 24 of the City of Melvindale Code of Ordinances.
- (b) No sexually oriented business, as defined in Article VIII of Chapter 6 of the Code of Ordinances of the City of Melvindale, shall be permitted within 500 feet of:
 - (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (2) A public or private educational facility including but not limited to child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, private schools, secondary schools, continuation schools, special education schools, junior colleges, and universities, school includes the school grounds but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (3) A boundary of a residential district as defined in the City of Melvindale Code of Ordinances;
 - (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, golf course, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
 - (5) A public library;

- (6) An area that has been designated as an historic area by the City of Melvindale, County of Wayne or State of Michigan;
 - (7) The property line of a lot devoted to a residential use as defined in the City of Melvindale Code of Ordinances; or
 - (8) An entertainment business which is oriented primarily toward children or family entertainment.
- (c) No sexually oriented business, as defined in Article VIII of Chapter 6 of the Code of Ordinances of the City of Melvindale, shall be permitted within 1,000 feet of another sexually oriented business.
 - (d) No sexually oriented business, as defined in Article VIII of Chapter 6 of the Code of Ordinances of the City of Melvindale, shall be permitted in the same building, structure, or portion of any other sexually oriented business.
 - (e) For the purpose of subsection (b) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b). Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
 - (f) For purposes of subsection (c) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
 - (g) No merchandise, pictures or depictions of the products or entertainment on the premises shall be displayed in window areas or any areas where they can be viewed from a public sidewalk adjacent to the establishment.
 - (h) Any sexually oriented business lawfully operating on the effective date of this article, that is in violation of subsection (a) through (g) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and has continually operated at a particular location is the conforming use and the later established business(es) is/are nonconforming.
 - (i) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection (b) of this section within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(Ord. No. 579, § 1, 11-19-97)

ARTICLE XIV. - TATTOO, BRANDING AND BODY PIERCING BUSINESSES

Sec. 24-591. - Location of tattoo, branding and body piercing businesses.

- (a) No tattoo, branding, or body piercing business, as defined in section 24-592 of this article, shall be permitted in any zoning district other than M-1 (Light manufacturing district), and M-2 (General manufacturing district).
- (b) No tattoo, branding or body piercing business, as defined in section 24-592 of this article, shall be permitted within 500 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (2) A public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, private schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (3) A boundary of a residential district as defined in this Code;
 - (4) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, golf course, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
 - (5) A public library;
 - (6) An area that has been designated as an historic area by the city, county or state;
 - (7) The property line of a lot devoted to a residential use as defined in this Code; or
 - (8) An entertainment business which is oriented primarily toward children or family entertainment.
- (c) No tattoo, branding or body piercing business, as defined in section 24-592 of this article, shall be permitted within 1,000 feet of another tattoo, branding or body piercing business.
- (d) No tattoo, branding or body piercing business, as defined in section 24-592 of this article, shall be permitted in the same building, structure, or portion of any other tattoo, branding or body piercing business.
- (e) For the purpose of subsection (b) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a tattoo, branding or body piercing business is conducted, to the nearest property line of the premises of a use listed in subsection (b). Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- (f) For purposes of subsection (c) of this section, the distance between any two tattoo, branding or body piercing businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (g) Any tattoo, branding or body piercing business lawfully operating on the effective date of this article, that is in violation of subsection (a) through (f) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more tattoo, branding or body piercing businesses are within 1,000 feet of one another and otherwise in a permissible location, the tattoo, branding or body piercing business which was first established and has continually operated at a particular location is the conforming use and the later established business(es) is/are nonconforming.
- (h) A tattoo, branding or body piercing business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the tattoo, branding or body piercing business license, of a use listed in subsection (b) of this section within 500 feet of the tattoo, branding or body piercing business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(Ord. No. 682, art. I, 1-2-02)

Sec. 24-592. - Definitions.

As used in this article:

Body piercing means the perforation of human tissue other than an ear for a nonmedical purpose.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

Tattoo means one or more of the following:

- (1) An indelible mark made upon the body of another individual by the insertion of a pigment under the skin.
- (2) An indelible design made upon the body of another individual by production of scars other than by branding.

(Ord. No. 682, art. I, 1-2-02)