

**Zoning
RIVERVIEW,
MICHIGAN**



Zoning Ordinance

Planning Commission Public Hearing: September 16, 2004

City Council Public Hearing: December 6, 2004

First Reading: December 20, 2004

Second Reading/Adoption: January 3, 2005

Effective: January 23, 2005

Riverview, Michigan

ACKNOWLEDGMENTS

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HOW TO USE THIS ORDINANCE

TO FIND OUT WHICH ZONING DISTRICT APPLIES TO YOUR PROPERTY:

Visit the City offices and find your property on the Official Zoning Map. For more information on the district, look up the specific district use standards in Articles 3—7.

IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

Step 1:	Find your zoning district on the Official Zoning Map (available in City Hall).
Step 2:	Look up the zoning district's purpose and list of permitted uses in Articles 3—7.
Step 3:	Look up any specific conditions related to a particular permitted land use uses in Article 8 (Design Standards for Specific Uses).
Step 4:	Look up minimum lot size, building height, yard requirements, and other dimensional standards for the zoning district in Article 9 (Schedule of Regulations).

TO DEVELOP PROPERTY OR ESTABLISH A PARTICULAR USE:

Step 1:	Go to Articles 3—7 to determine if the proposed use is permitted in the zoning district. The text will note whether there are supplemental design standards for this use in Article 8 (Design Standards for Specific Uses).
Step 2:	Go to Article 8 (Design Standards for Specific Uses) to look up design standards for your proposed use.
Step 3:	Look up the appropriate zoning district in Article 9 (Schedule of Regulations) for details on minimum lot size, required yards, and other district standards. You may also be referred to Article 13 through 17 for general parking, landscaping, screening, lighting, and sign regulations.
Step 4:	Go to Article 20 (Procedures and Standards), Section 20.01 (Site Plan Review) for details about the approval process. If the proposed use is identified as a "special land use," then also look up Section 20.02 (Special Land Uses).

TO REQUEST A VARIANCE FROM THE ZONING STANDARDS THAT APPLY:

The Zoning Board of Appeals is authorized to grant variances from specific regulations of this Ordinance in cases of special hardship. See Article 19, Section 19.05 (Zoning Board of Appeals Authority, Responsibility, and Procedures) for more information.

IF YOU WANT TO...

...**BUILD A FENCE**: See Article 15 (Walls and Fences).

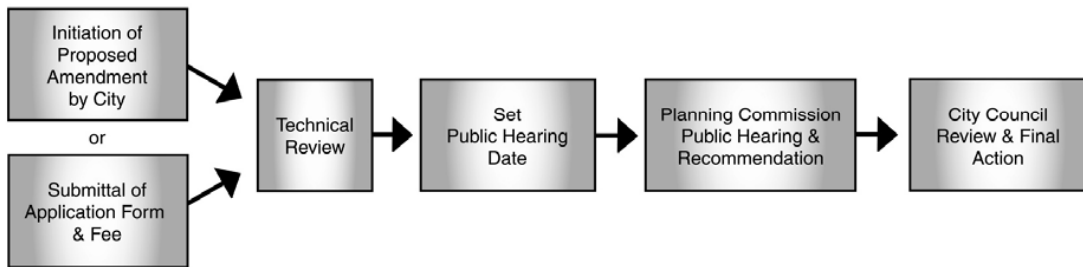
...**INSTALL A SIGN**: See Article 17 (Signs).

...**BUILD A GARAGE, SHED, OR POOL**: See Section 3.06 (Accessory Structures and Uses).

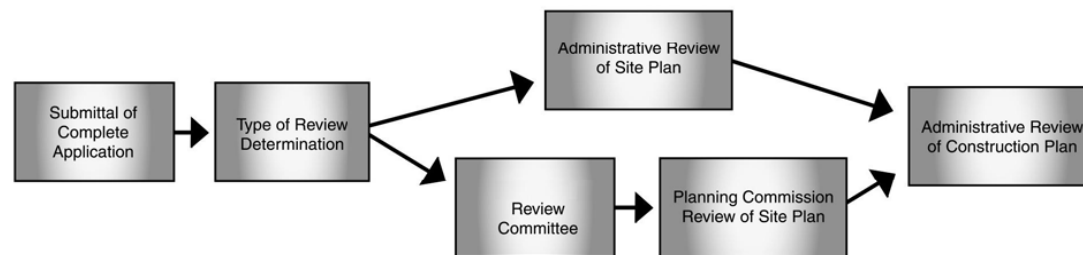
...**BUILD A DECK, PATIO, OR PORCH**: See Article 9 (Schedule of Regulations).

SELECTED ZONING ORDINANCE REVIEW PROCEDURES:

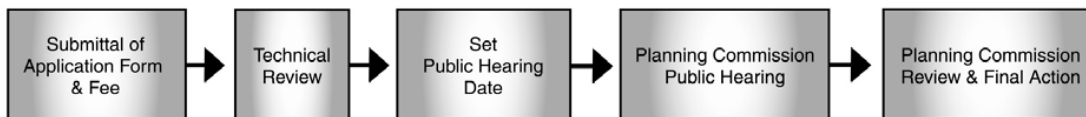
The following are some of the common types of development review and use approval procedures required under this Ordinance:



Amendments

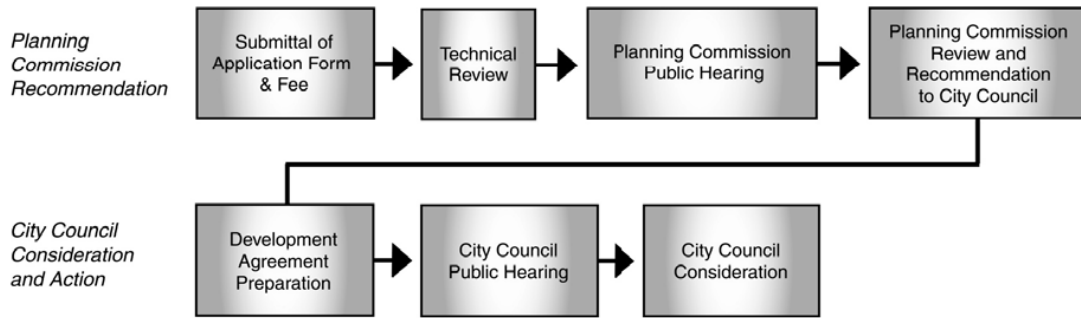


Site Plan Review Process



Special Land Use Review Procedure

Riverview, Michigan, Zoning
Zoning RIVERVIEW, MICHIGAN



Planned Unit Developments

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Zoning Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit
Supp. No. 1		
562	11-17-2003	Omit
580	1- 3-2005	Omit
594	8- 1-2005	Omit
595	9-19-2005	Include
605	4-16-2007	Include
Supp. No. 2		
632	7- 6-2010	Omit
633	10-18-2010	Include
652	6- 4-2012	Include
653	6- 4-2012	Include
Supp. No. 3		
662	3-18-2013	Include
Supp. No. 4		
676	7-20-2015	Include
Supp. No. 5		
684	6-20-2016	Include
685	6-20-2016	Include
688	10- 3-2016	Omit

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SUPPLEMENT HISTORY TABLE

689	2- 6-2017	Omit
690	2- 6-2917	Omit
693	3-20-2017	Omit
Supp. No. 6		
694	12- 4-2017	Include
Supp. No. 7		
704	8-20-2018	Include
Supp. No. 8		
712	6-15-2020	Omit
716	10- 5-2020	Include
717	10-19-2020	Include

ARTICLE 1 SHORT TITLE AND INTENT¹

Section 1.01 Short Title.

This Ordinance shall be known and may be cited as the "Michigan Zoning Enabling Act." Within the following text it may be referred to as the "Ordinance" or the "Zoning Ordinance" or "Public Act 110 of 2006, as amended."

(Ord. No. 652, art. I, 6-4-12)

Section 1.02 Intent.

The intent of this Ordinance is to promote the public health, safety, morals, and general welfare of the City of Riverview; protecting the character and stability of neighborhoods; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision of water supply and sewage disposal, education, recreation, and other public improvements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties, and with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Master Plan adopted by the City of Riverview Planning Commission and endorsed by the City Council.

¹Editor's note(s)—Printed herein is Ordinance No. 580, the City of Riverview Zoning Ordinance, adopted January 3, 2005. Amendments have been included and are indicated by a history note immediately following the amended section.

ARTICLE 2 ESTABLISHMENT OF ZONING DISTRICTS

Section 2.01 Creation of Districts.

For the purposes of this Ordinance, the City of Riverview is hereby divided into the following Zoning Districts, as shown on the Official Zoning Map:

A. Residential Districts.

R-1	Single-Family Residential District (10,400 square feet)
R-2	Single-Family Residential District (8,750 square feet)
R-3	Single-Family Residential District (7,550 square feet)
R-4	Single-Family Residential District (6,000 square feet)
RM	Restricted Multiple-Family Residential District
RM-1	Multiple-Family Residential (Low-Rise) District
RM-2	Multiple-Family Residential (High Rise) District
MHP	Manufactured Housing Park District

B. Non-Residential Districts.

PSP	Public/Semi-Public Services District
OS-1	Office Service District
B-1	Local Business District
B-2	Community Business District
B-3	General Business District
M-1	Light Industrial District
M-2	General Industrial District
FP	Floodplain District

C. Planned Development Districts.

PD	Planned Unit Development District
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Section 2.02 Adoption of Zoning Map.

The boundaries of the Zoning Districts listed in Section 2.01 (Creation of Districts) are hereby established as shown on the map entitled "Official Zoning Map of the City of Riverview, Michigan." The Zoning Map, with all notations, references, and other information shown thereon is hereby declared to be a part of this Ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and the City and Village Zoning Act (P.A. Act 207 of 1921, as amended), changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the City Council and has been published in

a newspaper of general circulation in the City. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Section 20.04 (Amendments) of this Ordinance.

The official Zoning Map shall be located on file with the Community Development Department. The official Zoning Map shall be the final authority with regard to the current zoning status of all land in the City, regardless of the existence of copies of the Zoning Map, which may, from time to time, be made or published. This Official Zoning Map shall be identified by the signature the City Clerk, and bearing the following statement: "This is to certify that this is the Official Zoning Map of the City of Riverview adopted on the 3rd day of January, 2005."

Section 2.03 Interpretation of District Boundaries.

The following rules shall apply to the interpretation of zoning district boundaries:

1. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center line.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporate limits of the City at the time of the adoption of this Ordinance shall be construed as following such limits.
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a change in shore line, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
5. Zoning district boundaries that are shown as being a continuation of or parallel to a road centerline, alley centerline, plat boundary line, or other feature, shall be construed as being a continuation of or parallel to such a feature. Distances not specified on the official Zoning Map shall be determined using the scale on the map. 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.
6. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.
7. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

Section 2.04 Zoning Upon Annexation.

Any areas annexed to the City of Riverview shall immediately upon such annexation be automatically classified as an R-1, Single-Family Residential District (10,400 square feet) until a zoning map for said area has been adopted by the City Council. The Planning Commission shall recommend appropriate zoning for such area within three (3) months after referral of the matter by City Council.

Section 2.05 Zoning of Vacated Areas.

Whenever any street, alley, or other public way within the City of Riverview is vacated by action of the City Council, and when the lands within the boundaries become a part of lands adjoining the vacated lands, then the vacated lands shall automatically and without further action of the City Council take on the same zoning

classification applicable to lands to which the vacated lands are attached. When the centerline of the vacated street, alley or other public right-of-way is a boundary between zoning districts, the vacated land on either side of the centerline shall automatically take on the same zoning classification applicable to lands to which the vacated lands are attached and the centerline shall remain the boundary.

Section 2.06 Zoning of Filled Land.

Whenever any fill is permitted in any stream or other body of water, the newly created land automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly created land attaches.

Section 2.07 District Requirements.

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to Article 9 (Schedule of Regulations).

Section 2.08 District Regulations.

Each district, as created in this article, shall be subject to the regulations contained in this ordinance. Uses not expressly permitted are prohibited. Uses for enterprises that are contrary to federal, state or local laws or ordinances are prohibited. Waiver uses, because of their nature, require special restrictions and some measure of individual attention in order to determine whether or not such uses will be compatible with uses permitted by right in the district and with the purposes of this ordinance. Waiver uses are therefore prohibited uses unless a waiver of such prohibition is reviewed and findings submitted by the City Planning Commission as provided in this ordinance and approved by the City Council.

(Ord. No. 633, art. I, 10-18-10)

ARTICLE 3

R-1, R-2, R-3, R-4, R-5, RM, RM-1, RM-2 and MHP, RESIDENTIAL DISTRICTS

Section 3.01 Single-Family Residential Districts (R-1, R-2, R-3, R-4 and R-5).

A. Intent.

The intent of the Single-Family Residential Districts is to primarily provide for single-family detached residential dwellings and associated uses. The R-1, R-2, R-3, R-4 and R-5 Districts have different minimum area, density, and building placement requirements to provide for different housing types and residential densities that accommodate the varied needs of the population.

It is the further intent of these districts to permit a limited range of uses that are associated and compatible with single-family dwellings and residential land uses, and which would contribute to the richness and stability of residential neighborhoods. Multiple-family, office, business, commercial, industrial and other uses that would interfere with the quality of single-family residential life are prohibited in these districts.

B. Principal Uses and Structures.

In the R-1, R-2, R-3, R-4 and R-5 Districts, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single-family detached dwellings, subject to the standards of Section 8.108 (Single-Family Dwelling, Detached).
2. Publicly owned and operated parks, parkways, and recreation facilities, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
3. Private parks owned and maintained by homeowner associations, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
4. Child and adult residential care facilities of the following nature or as licensed by the State of Michigan:
 - a. Adult foster care family home [six (6) or fewer adults].
 - b. Foster family home [four (4) or fewer children twenty-four (24) hours per day].
 - c. Foster family group home [five (5) to six (6) children twenty-four (24) hours per day].
 - d. Family day care home [six (6) or fewer children less than twenty-four (24) hours per day].
5. Cemeteries that lawfully occupy land at the time of the adoption of Ordinance, subject to the standards of Section 8.201 (Cemeteries).
6. Fire stations.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the R-1, R-2, R-3, R-4 and R-5 Districts, subject to the provisions of Section 24.03 (Uses):

1. Home occupations, subject to the provisions of Section 8.104 (Home Occupations).
2. Signs, subject to the provisions of Article 17 (Signs).
3. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
4. Uses and structures incidental to and customarily associated with Single-Family detached dwelling units, such as private garages.
5. Private swimming pools, subject to the provisions of Section 24.06 (Accessory Structures and Uses).

D. Special Land Uses.

The following uses may be permitted in the R-1, R-2, R-3, R-4 and R-5 Districts by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Bed and breakfast inns, subject to the standards of Section 8.102 (Bed and Breakfast Inns).
2. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
3. Child and adult residential care facilities of the following nature or as licensed by the State of Michigan, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, Pre-Schools):

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- a. Group day care home [twelve (12) or fewer children less than twenty-four (24) hours per day].
 - b. Adult foster care small group home [twelve (12) or fewer adults].
 - c. Child care centers.
 4. Golf courses, subject to the standards of Section 8.308 (Golf Courses).
 5. Public utility facilities, subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
 6. Municipal buildings and uses.

(Ord. No. 717, art. I, 10-19-2020)

Section 3.02 Multiple-Family Residential Districts (RM, RM-1, and RM-2)

A. Intent.

The intent of the Multiple-Family Residential Districts is to address the varied housing needs of the community by providing locations for development of Multiple-Family housing at a higher density than is permitted in the Single-Family districts. In addressing these housing needs, Multiple-Family housing in the RM, RM-1 (Low Rise), and RM-2 (High Rise) Districts shall be designed in consideration of the following objectives:

1. Developments are generally considered suitable transitional uses between Single-Family detached housing and nonresidential development.
2. Multiple-Family housing shall be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
3. Multiple-Family housing shall be designed to be compatible with surrounding or nearby Single-Family housing.
4. Multiple-Family developments shall have direct access to a collector road or major thoroughfare.

B. Principal Uses and Structures.

In the RM, RM-1, and RM-2 Districts, no structure or land shall be used, erected, altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single-Family detached dwellings, subject to the standards of Section 8.108 (Single-Family Dwelling, Detached).
2. Single-Family attached dwellings, townhouses and stacked flats, subject to the standards of Section 8.106 (Multiple-Family Dwellings and Developments).
3. Two-family dwellings, subject to the standards of Section 8.110 (Two-Family Dwelling, Detached).
4. Multiple-Family dwellings, subject to the standards of Section 8.106 (Multiple-Family Dwellings and Developments).
5. Public recreation facilities, parks, parkways, and trails, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
6. Private parks owned and maintained by a homeowner association or the proprietor of a housing project, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).

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7. Child and adult residential care facilities of the following nature or as licensed by the State of Michigan:
 - a. Adult foster care family home [six (6) or fewer adults].
 - b. Foster family home [four (4) or fewer children 24 hours per day].
 - c. Foster family group home [five (5) to six (6) children 24 hours per day].
 - d. Family day care home [six (6) or fewer children less than 24 hours per day].

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the RM, RM-1, and RM-2 Districts, subject to the provisions of Section 24.03 (Uses):

1. Clubhouses, private swimming pools and fitness facilities for the exclusive use of residents and their guests.
2. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
3. Private garages, carports, community garages, or parking lots.

D. Special Land Uses.

The following uses may be permitted in the RM, RM-1, and RM-2 Districts by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
2. Municipal buildings and uses.
3. Hospitals, subject to the standards of Section 8.202 (Hospitals).
4. Senior housing, subject to the standards of Section 8.107 (Senior Housing).
5. Housing for the elderly, including assisted living facilities, congregate elderly housing, and nursing and convalescent homes, subject to the standards of Section 8.204 (Nursing and Convalescent Homes, Foster Care Large Group Homes, and Assisted Living Facilities).
6. Adult foster care large group home, subject to the standards of Section 8.204 (Nursing and Convalescent Homes, Foster Care Large Group Homes, and Assisted Living Facilities).
7. Child and adult residential care facilities of the following nature or as licensed by the State of Michigan, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, Pre-Schools):
 - a. Group day care home [12 or fewer children less than 24 hours per day].
 - b. Adult foster care small group home [12 or fewer adults].
 - c. Child care centers.

Section 3.03 Manufactured Housing Park (MHP) District.

A. Intent.

The Manufactured Housing Park (MHP) District is intended to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community and recreational facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with and not adversely impact adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance, including Section 8.105 (Manufactured Housing Parks), exceed the state law or general rules, they are intended to promote the health, safety and welfare of the City's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the City.

Further, the district is intended to meet the needs of the different age and family groups in the community, to provide for standards that ensure adequate light and air to windows and for privacy and open spaces to serve the residents of these districts, to prevent congestion on the public streets, and to reduce hazards to life and property.

B. Principal Uses and Structures.

In the MHP District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for the following principal permitted use:

1. Single-Family detached manufactured dwellings, subject to the standards of Section 8.105 (Manufactured Housing Parks).

C. Accessory Uses and Structures.

The following uses and structures accessory to principal uses and structures in the MHP District shall be permitted, subject to the standards of Section 24.03 (Uses) and Section 8.105 (Manufactured Housing Parks):

1. Clubhouses, private swimming pools and fitness facilities for the exclusive use of residents and their guests.
2. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
3. Private garages, carports, community garages, or parking lots.

ARTICLE 4

PSP, PUBLIC/SEMI-PUBLIC SERVICES DISTRICT

Section 4.01 Intent.

The PSP (Public/Semi-Public Services) District is hereby established for the purpose of accommodating public areas and land uses available to the residents and businesses of the City, and to provide areas for off-street parking as an accessory use to private land uses in certain adjoining zoning districts. This District is intended to be reserved for dedicated areas of open space, government buildings and uses, and institutional and recreational uses.

Section 4.02 Principal Uses and Structures.

In the PSP District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and public owned or operated pedestrian malls, parks, trails, playgrounds, and playfields.
2. Off-street parking facilities accessory to a permitted principal use in an adjoining Office-Service, Business or Industrial District.
3. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
4. Offices for governmental uses.
5. Other uses similar to the above uses, as determined by the Planning Commission.

Section 4.03 Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the PSP District, subject to the provisions of Section 24.03 (Uses):

1. Signs, subject to the provisions of Article 17 (Signs). Signs are prohibited accessory to a principal parking lot use in the PSP District, except for signs designating entrances, exits, other traffic directional signs and signs related to restrictions or conditions of use of the off-street parking area.
2. Off-street parking lots, subject to the provisions of Article 13 (Streets and Off-Street Parking).
3. Child or adult day care centers, child caring institutions, and nursery schools shall be permitted accessory to a principal use in the PSP District, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
4. Retail, restaurant or personal service establishments which serve the convenience needs of employees, visitors and patrons of a principal use in the PSP District shall be permitted accessory to and located entirely within a principal building occupied by the principal use. Such establishments shall be limited to convenience stores, credit unions, dry cleaners, printing or photographic reproduction, health clubs and fitness centers, indoor recreation facilities, and similar uses.
5. Indoor storage of goods or material normally incidental to a principal use, subject to the standards of Section 8.410 (Industrial Uses in Commercial Districts).
6. Other accessory structures and uses customarily incident to the principal uses permitted in the PSP District.

Section 4.04 Special Land Uses.

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Golf courses, public or privately owned or operated, subject to the standards of Section 8.308 (Golf Courses).
2. Airports and heliports, public or privately owned or operated.

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3. Indoor and outdoor recreation facilities, privately owned or operated, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
 4. Cemeteries, subject to the standards of Section 8.201 (Cemeteries).
 5. Public utility and service buildings and uses (without storage yards), subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
 6. Hospitals, sanitariums, urgent care centers, and similar facilities for human care, subject to the standards of Section 8.202 (Hospitals).
 7. Other uses similar to the above uses, as determined by the Planning Commission.

ARTICLE 5

OS-1, OFFICE-SERVICE DISTRICT

Section 5.01 Intent.

The OS-1 (Office-Service) District is hereby established for the purpose of accommodating various types of executive, administrative, business, medical, governmental and professional offices, and associated business services. A limited range of convenience retail, restaurant and personal service businesses shall also be permitted for the benefit of office personnel and visitors, provided that offices remain the predominant use within the district. The OS-1 (Office-Service) District is intended to be located along major streets, in close proximity to commercial and institutional uses, serving as a transition zone between these more-intensive uses, and the less intensive residential districts and uses. Retail uses and other activities that typically generate large traffic volumes, substantial parking requirements, or other significant adverse impacts shall be prohibited.

Section 5.02 Principal Uses and Structures.

In the OS-1 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Banks, credit unions, savings and loan associations, and similar financial-related uses.
2. Barber shops, beauty salons, nail care, and similar personal service establishments.
3. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
4. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
5. Medical, dental, osteopathic, chiropractic, and physical therapy offices and clinics. Therapeutic massage shall be permitted as a principal or accessory use, subject to the standards of Section 8.320 (Therapeutic Massage).
6. Offices for professional, executive, governmental, or administrative uses; accountants, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations.
7. Printing and copy centers.
8. Recording studios.
9. Studios for painters, photographers, decorators, dressmakers, artists, upholsterers, tailors, taxidermists, and similar vocations.

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10. Veterinary clinics and hospitals, subject to the standards of Section 8.318 (Veterinary Clinics and Hospitals).
 11. Other uses similar to the above uses, as determined by the Planning Commission.

Section 5.03 Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to permitted uses and structures in the OS-1 District, subject to the provisions of Section 24.03 (Uses):

1. Signs, subject to the provisions of Article 17 (Signs).
2. Off-street parking lots, subject to the provisions of Article 13 (Streets and Off-Street Parking).
3. Warehousing or indoor storage of goods or material normally incidental to a permitted use, subject to the standards of Section 8.410 (Industrial Uses in Commercial Districts).
4. Other accessory structures and uses customarily incident to the above permitted uses.

Section 5.04 Special Land Uses.

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 20.02 (Special Land Uses):

1. Pharmacies or apothecary shops, stores limited to sale of medical equipment, corrective garments or bandages, or optical service establishments shall be permitted accessory to a customarily related principal use authorized by this Article.
2. Workshops for the repair or service of bicycles, electronics, small appliances, furniture, shoes, and similar items.
3. Funeral homes, mortuary establishments, and crematoriums, subject to the standards of Section 8.307 (Funeral Homes, Mortuaries and Crematoriums).
4. Public utility and service buildings and uses (without storage yards), subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
5. Child or adult day care centers, child caring institutions, and nursery schools, subject to the standards of Section 8.102 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
6. Drive-in or drive-through facilities shall be permitted accessory to a permitted use in the OS-1 District, subject to the standards of Section 8.306 (Drive-in or Drive-through Lanes, Facilities or Establishments).
7. Hospitals, sanitariums, urgent care centers, and similar facilities for human care, subject to the standards of Section 8.202 (Hospitals).
8. Nursing and convalescent homes, subject to the standards of Section 8.204 (Nursing and Convalescent Homes, Foster Care Large Group Homes, and Assisted Living Facilities).
9. Research and development facilities, technical centers and laboratories.
10. Other uses similar to the above uses, as determined by the Planning Commission.

ARTICLE 6

B-1, B-2, B-3 AND FS DISTRICTS²

Section 6.01 Local Business (B-1) District.

A. **Intent.**

The Local Business (B-1) District is hereby established to provide for local service and convenience shopping facilities to meet the day-to-day needs of persons residing in nearby residential areas. It is the intent of the Local Business District to encourage concentrations of complementary businesses in a manner harmonious with the character of the neighborhood and surrounding uses, and to the mutual advantage of neighborhood residents and district merchants. Business establishments should be retail or service in character, and should deal directly with customers with all goods produced on the premises and sold at retail on the premises where produced. The intended potential customer base for these uses would be the residential neighborhoods immediately adjacent to the district.

Uses which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited, and building sizes for permitted uses are limited to promote such appropriately scaled business development in the district. Automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, disrupt the functioning of this district, or create hazards, offensive or loud noises, vibration, smoke, glare or heavy traffic shall also be prohibited.

B. **Principal Uses and Structures.**

In the B-1 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Banks, credit unions, savings and loan associations, and similar financial-related uses.
2. Barber shops, beauty salons, nail care, and similar personal service establishments.
3. Generally recognized retail businesses which supply commodities on the premises; such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, and notions or hardware.
4. Medical, dental, osteopathic, chiropractic, and physical therapy offices and clinics. Therapeutic massage shall be permitted as a principal or accessory use, subject to the standards of Section 8.320 (Therapeutic Massage).
5. Offices for professional, executive, governmental, or administrative uses; accountants, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations.
6. Pharmacies or apothecary shops, or optical service establishments.
7. Printing and copy centers.

²Editor's note(s)—Ord. No. 676, art. I, adopted July 20, 2015, changed the title of Article 6 from "B-1, B-2, and B-3, Business Districts" to "B-1, B-2, B-3 and FS Districts."

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8. Restaurants, bakeries, coffeehouses, delicatessens, and similar places serving food or beverages, subject to the standards of Section 8.316 (Restaurants).
 9. Self-service laundries and dry-cleaners. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
 10. Studios and showrooms, for painters, photographers, decorators, dressmakers, artists, upholsterers, tailors, taxidermists, and similar service establishments that require a retail adjunct.
 11. Workshops and showrooms for the repair or service of bicycles, electronics, small appliances, furniture, shoes, and similar items.
 12. Other uses similar to the above uses, as determined by the Planning Commission.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the B-1 District, subject to the provisions of Section 24.03 (Uses):

1. Signs, subject to the provisions of Article 17 (Signs).
2. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
3. Indoor storage of goods or material normally incidental to a principal use, subject to the standards of Section 8.410 (Industrial Uses in Commercial Districts).
4. Other accessory structures and uses customarily incident to the principal uses permitted in the B-1 District.

D. Special Land Uses.

The following uses may be permitted in the B-1 District by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Child or adult day care centers, child caring institutions, and nursery schools, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
2. Funeral homes, mortuary establishments, and crematoriums, subject to the standards of Section 8.307 (Funeral Homes, Mortuaries and Crematoriums).
3. Outdoor eating areas and sidewalk cafes may be permitted accessory to a principal restaurant use, subject to the standards of Section 8.313 (Outdoor Eating Areas and Sidewalk Cafes).
4. Public utility and service buildings and uses (without storage yards), subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
5. Veterinary clinics and hospitals, subject to the standards of Section 8.318 (Veterinary Clinics and Hospitals).
6. Other uses similar to the above uses, as determined by the Planning Commission.

Section 6.02 Community Business (B-2) District.

A. Intent.

The Community Business (B-2) District is hereby established to permit a wider range of business and entertainment activities than those permitted in the Local Business (B-1) District, and are generally characterized by an integrated or planned cluster of establishments served by common parking areas and generating large volumes of vehicular and pedestrian traffic. The intended potential customer base for uses in this District is the entire City, plus people in transit through the City. Business establishments should be retail or service in character, and should deal directly with customers with all goods produced on the premises and sold at retail on the premises where produced.

Because of the types of uses permitted in the Community Business (B-2) District, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Accordingly, development in the Community Business (B-2) District shall be compatible in design with the overall City character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and served by major streets or thoroughfares.

B. Principal Uses and Structures.

In the B-2 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
2. Banks, credit unions, savings and loan associations, and similar financial-related uses.
3. Barber shops, beauty salons, nail care, and similar personal service establishments.
4. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
5. Medical, dental, osteopathic, chiropractic, and physical therapy offices and clinics. Therapeutic massage shall be permitted as a principal or accessory use, subject to the standards of Section 8.320 (Therapeutic Massage).
6. Offices for professional, executive, governmental, or administrative uses; accountants, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations.
7. Pharmacies or apothecary shops, or optical service establishments.
8. Printing and copy centers.
9. Restaurants, bakeries, coffeehouses, delicatessens, and similar places serving food or beverages, subject to the standards of Section 8.316 (Restaurants). Outdoor eating areas and sidewalk cafes may be permitted accessory to a principal restaurant use, subject to the standards of Section 8.313 (Outdoor Eating Areas and Sidewalk Cafes).
10. Self-service laundries and dry-cleaners. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
11. Studios and showrooms for painters, photographers, decorators, dressmakers, artists, upholsterers, tailors, taxidermists, and similar service establishments that require a retail adjunct.
12. Workshops and showrooms for the repair or service of bicycles, electronics, small appliances, furniture, shoes, and similar items.
13. Other uses similar to the above uses, as determined by the Planning Commission.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the B-2 District, subject to the provisions of Section 24.03 (Uses):

-
1. Signs, subject to the provisions of Article 17 (Signs).
 2. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
 3. Indoor storage of goods or material normally incidental to a principal use, subject to the standards of Section 8.410 (Industrial Uses in Commercial Districts).
 4. Other accessory structures and uses customarily incident to the principal uses permitted in the B-2 District.

D. Special Land Uses.

The following uses may be permitted in the B-2 District by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Child or adult day care centers, child caring institutions, and nursery schools, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
2. Drive-in or drive-through facilities shall be permitted accessory to a principal use in the B-2 District, subject to the standards of Section 8.306 (Drive-in or Drive-through Lanes, Facilities or Establishments).
3. Fueling (gasoline) stations for automobiles, trucks and other motor vehicles, subject to the standards of Section 8.304 (Vehicle Repair Garages, Service Centers, or Fueling (Gas) Stations).
4. Funeral homes and mortuary establishments, subject to the standards of Section 8.307 (Funeral Homes, Mortuaries and Crematoriums).
5. Hotels, subject to the standards of Section 8.311 (Hotels and Motels).
6. Private gymnasiums, health clubs and fitness centers, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
7. Public utility and service buildings and uses (without storage yards), subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
8. Veterinary clinics and hospitals, subject to the standards of Section 8.318 (Veterinary Clinics and Hospitals).
9. Other uses similar to the above uses, as determined by the Planning Commission.

Section 6.03 General Business (B-3) District.

A. Intent.

The General Business (B-3) District is hereby established to provide sites for more diversified business types incompatible with pedestrian traffic and are often located so as to serve the passerby traffic. The intended potential customer base for permitted uses in this district would be the entire City, plus surrounding communities in the southeastern Michigan region. This district is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses incompatible with the pedestrian-oriented character, scale and mix of permitted uses in the B-1 or B-2 Districts. Accordingly, this district should generally abut major streets and thoroughfares to prevent potential nuisances and use conflicts.

Because of the types of uses permitted in the General Business District, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Development in the district shall be compatible in design with the overall City character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and served by major streets or thoroughfares.

B. Principal Uses and Structures.

In the B-3 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
2. Banks, credit unions, savings and loan associations, and similar financial-related uses.
3. Barber shops, beauty salons, nail care, and similar personal service establishments.
4. Bus passenger stations.
5. Christmas tree lots and other seasonal sales operations, subject to the standards of Section 8.503 (Temporary Structures and Uses).
6. Indoor sales or showroom for automobiles, trucks, or other motor vehicles, boats, trailers, recreational vehicles or similar items.
7. Medical, dental, osteopathic, chiropractic, and physical therapy offices and clinics. Therapeutic massage shall be permitted as a principal or accessory use, subject to the standards of Section 8.320 (Therapeutic Massage).
8. Offices for professional, executive, governmental, or administrative uses; accountants, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations.
9. Pharmacies or apothecary shops, or optical service establishments.
10. Printing and copy centers.
11. Private gymnasiums, health clubs and fitness centers, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
12. Restaurants, bakeries, coffeehouses, delicatessens, and similar places serving food or beverages, subject to the standards of Section 8.316 (Restaurants). Outdoor eating areas and sidewalk cafes may be permitted accessory to a principal restaurant use, subject to the standards of Section 8.313 (Outdoor Eating Areas and Sidewalk Cafes).
13. Self-service laundries and dry-cleaners. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
14. Studios and showrooms for painters, photographers, decorators, dressmakers, artists, upholsterers, tailors, taxidermists, and similar service establishments that require a retail adjunct.
15. Workshops and showrooms for the repair or service of bicycles, electronics, small appliances, furniture, shoes, and similar items.
16. Other uses similar to the above uses, as determined by the Planning Commission.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the B-3 District, subject to the provisions of Section 24.03 (Uses):

-
1. Signs, subject to the provisions of Article 17 (Signs).
 2. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
 3. Indoor storage of goods or material normally incidental to a principal use, subject to the standards of Section 8.410 (Industrial Uses in Commercial Districts).
 4. Other accessory structures and uses customarily incident to the principal uses permitted in the B-3 District.

D. Special Land Uses.

The following uses may be permitted in the B-3 District by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Amusement arcades, subject to the standards of Section 8.302 (Amusement Arcades).
2. Automobile car wash, subject to the standards of Section 8.305 (Car Washes).
3. Automobile service stations, subject to the standards of Section 8.304 (Vehicle Repair Garages, Service Centers, or Fueling (Gas) Stations).
4. Bars, cocktail lounges, taverns, brewpubs, night clubs, and similar establishments, subject to the standards of Section 8.317 (Bar and/or Lounge).
5. Child or adult day care centers, child caring institutions, and nursery schools, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
6. Drive-in or drive-through facilities shall be permitted accessory to a principal use in the B-3 District, subject to the standards of Section 8.306 (Drive-in or Drive-through Lanes, Facilities or Establishments).
7. Fueling (gasoline) stations for automobiles, trucks and other motor vehicles, subject to the standards of Section 8.304 (Vehicle Repair Garages, Service Centers, or Fueling (Gas) Stations).
8. Funeral homes and mortuary establishments, subject to the standards of Section 8.307 (Funeral Homes, Mortuaries and Crematoriums).
9. Hotels and motels, subject to the standards of Section 8.311 (Hotels and Motels).
10. Indoor commercial recreation establishments, such as bowling alleys, pool or billiard parlors, archery or tennis clubs, and similar recreational activities located entirely within an enclosed building, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
11. Institutional uses [as defined in Section 25.02 (Definitions)], subject to the standards of Section 8.203 (Institutional Uses).
12. Open air businesses not otherwise specified in this Article, subject to the standards of Section 8.312 (Open Air Businesses).
13. Outdoor commercial recreational establishments, such as children's amusement parks, miniature golf courses, and similar open air recreational activities, subject to the standards of Section 8.315 (Recreation, Indoor and Outdoor).
14. Outdoor sales or display areas, subject to the standards of Section 8.303 (Outdoor Sales or Display Areas).
15. Pawnshops and dealers of secondhand merchandise.

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16. Plant materials nurseries for the retail sale of plant materials, including fruits or vegetables, greenhouses and garden centers, subject to the standards of Section 8.310 (Greenhouses, Nurseries, and Garden Centers). Accessory sales of lawn furniture, playground equipment, garden supplies, and similar items shall be permitted, subject to the standards of Section 8.303 (Outdoor Sales or Display Areas).
 17. Public utility and service buildings and uses (without storage yards), subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
 18. Veterinary clinics and hospitals, subject to the standards of Section 8.318 (Veterinary Clinics and Hospitals).
 19. Other uses similar to the above uses, as determined by the Planning Commission.

(Ord. No. 684, art. I, 6-20-2016)

Section 6.04 Fort Street (FS) District.

A. Intent.

The Fort Street (FS) District is hereby established to promote a flexible mix of land uses, both horizontally and vertically, with an emphasis on retail, office, and high-density residential. The FS District does not prohibit existing permitted uses, but rather encourages quality mixed-use developments, high-quality architecture, gateway features, and pedestrian-friendly design to enhance the Fort Street streetscape. The FS District utilizes form-based provisions and places greater emphasis on physical development and building form to create a sense of place and contribute to the overall image of the City.

The FS District recognizes the importance of Fort Street as both a gateway into and the main corridor through the City and is designed to implement the goals of the Fort Street Strategic Vision. Specifically, the FS District will do the following:

1. Create a sense of place and an identity for Riverview through unique streetscape elements, pedestrian-oriented design, attractive architecture and pedestrian spaces;
2. Improve the economic development potential of the entire district by permitting mixed-use development in both horizontal and vertical forms and utilize place-making strategies to promote job creation;
3. Limit the impact of off-street parking areas which interrupt the flow and consistency of the "street wall." Orient building entrances and storefronts to the street to add visual interest, increase pedestrian traffic, and create memorable outdoor spaces;
4. Visually distinguish Fort Street from the rest of Riverview by encouraging full use of property, consistency, and density while respecting adjacent single-family residential areas;
5. Encourage attractive attached single-family and multi-family residential developments that promote traditional urban form and walkability and support adjacent commercial and office uses;
6. Improve public health, safety and welfare by reducing the number of traffic hazards, reducing the number of pedestrian and vehicular conflict points, and improving emergency vehicle access and circulation. Encourage collaboration between adjacent property owners in the form of shared access and lot combinations;
7. Give the Planning Commission flexibility in waiving strict dimensional requirements if such waivers promote quality development.

B. FS Zones.

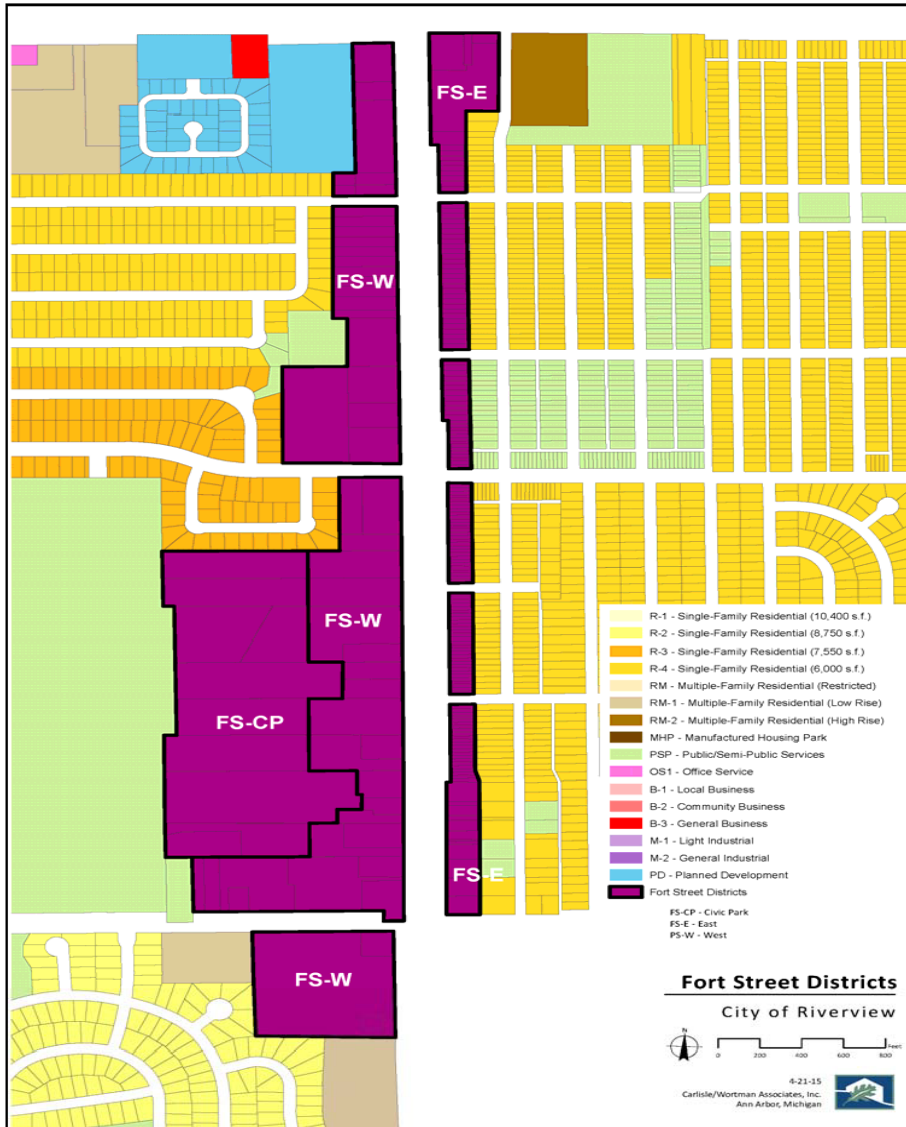
The Fort Street District is further divided into three (3) separate zones: Fort Street - East, Fort Street - West and Fort Street - Civic Park. The purpose of separating the FS District into zones is to allow use and development regulations to be adapted to the unique conditions present in each zone. Although each zone is unique, combined, they are intended to create a cohesive Fort Street District. The intent of each FS Zone is described as follows:

1. **Fort Street - East (FS-E).** The intent of the FS-E Zone is to create an active, walkable corridor through a strong mix of commercial, office and residential uses. Due to the shallow and narrow lots along the east side of Fort Street, quality mixed-use development within this zone relies heavily on coordination between adjacent property owners in terms of shared parking, shared access, and pedestrian amenities. Lot combinations are highly encouraged for new developments to create larger-scale developments.
2. **Fort Street - West (FS-W).** The intent of the FS-W Zone is similar to that of the FS-E Zone in that it encourages vertical and mixed commercial, office and residential developments. However, due to the presence of wider and deeper lots, the FS-W Zone is more capable of accommodating larger-scale and taller developments. Coordination between adjacent property owners is highly encouraged in terms of shared parking, shared access, and pedestrian amenities.
3. **Fort Street - Civic Park (FS-CP).** The intent of the FS-CP Zone is to accommodate two-family, townhouse and multiple-family neighborhoods, as well as associated neighborhood commercial uses, which provide views to and access to Young Patriots Park and the Civic Center complex. This zone is further intended to provide pedestrian connectivity between adjacent residential developments and to commercial/office uses along Fort Street. Note that existing M-1 within the FS-CP Zone will be considered legally conforming and may be permitted to expand. However, it is not the intent of the FS-CP Zone to permit new industrial uses.

C. Fort Street District Boundaries.

The boundaries of the Fort Street District shall be that which is displayed on the Official Zoning Map and as illustrated in the figure below:

Figure 1. Fort Street District and Zone Boundaries



D. Applicability.

1. The requirements of the FS District shall apply to any new use, structure, or building addition that requires full site plan approval pursuant to Section 20.01, with the following exceptions:
 - a. Continuation of an existing use permitted at the date of adoption of this Ordinance, which shall be granted conforming land-use status, pursuant to Article 22.
 - b. Uses, structures, structural expansions or other site alterations that can be accommodated through the administrative site plan review process, as follows:
 - (1) Changes of use within an existing structure provided the new use is permitted.

- (2) Minor building modifications, landscaping changes, decorative fencing not exceeding thirty-six (36) inches in height, or parking lot improvements that do not increase the number of existing parking spaces.
 - (3) An increase in the existing floor area of a building of up to twenty-five hundred (2,500) square feet.
 - (4) Other projects eligible for administrative review, pursuant to Section 20.01(C).
- c. Where expansion to an existing use or structure exceeds twenty-five hundred (2,500) square feet, all of the FS standards shall apply, with the possible exceptions as noted in Subsection (D)2.
2. The Planning Commission shall have the authority to waive or modify the standards of this Article during the site plan review stage upon consideration of the following:
 - a. The standards provided herein would prevent reasonable development of the site due to the size of the parcel, limited circulation or right-of-way, site constraints due to existing structures on-site, or the location of utilities.
 - b. Demonstration by the applicant that the site design will improve pedestrian features beyond the requirements of this Article.
 - c. Demonstration by the applicant that architectural or design elements not otherwise permitted in the FS District would enhance the overall economic potential of the District and meet the overall intent of the District.
 3. Where the standards of this Article conflict with other articles of the Zoning Ordinance, the standards of this Article shall take precedence.

E. Uses Permitted.

Permitted uses within the Fort Street District shall be restricted to those listed as either permitted principal, special or accessory uses in the Use Matrix. In addition to the development and design standards of this District, permitted uses may also be subject to the special Fort Street use standards of Subsection (F) and the specific use standards of Article 8. Where the standards of this Article conflict with other standards of the Zoning Ordinance, this Article shall take precedence.

The following standards apply to all uses within the Use Matrix:

1. Certain uses shall be subject to the additional use standards contained in Subsection (F) and Article 8, as indicated within the Use Matrix.
2. Uses not listed in the Use Matrix shall be considered prohibited. However, other uses similar to those permitted in the Use Matrix may be permitted as a special use. In determining that a use is similar, the Planning Commission shall find that the use will meet the intent of the FS District, the Special Land Use standards of Section 20.02 and, if necessary, the specific use standards of Article 8.
3. Land uses existing at the time of adoption of this Article shall be granted conforming land-use status and shall not be burdened with customary non-conforming status.
4. Special land uses permitted within the Use Matrix shall be subject to the specific use standards of Article 8 and the procedural standards of Section 20.02.

Table 1. Fort Street District Use Matrix

Land Use	FS Zone	FS Use Standards	Specific Use
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				(Section X.06)	Standards Section Number
P = Principal Permitted	S = Special	A = Accessory	x = Not		
	E	W	CP		
Residential and Day Care					
Single-family attached dwellings, townhouses and stacked flats	x	x	P	(1)	8.106
Two-family dwellings	x	x	P	(1)	8.106
Multiple-family dwellings	x	x	P	(1)	8.106
Mixed-use development with upper story residential	P	P	P	(2)	
Assisted living facilities, congregate elderly housing, and nursing and convalescent homes	S	S	S		8.204
Child and adult residential care facilities of the following nature or as licensed by the State of Michigan: 1) Adult foster care family home (6 or fewer adults); 2) Foster family home (4 or fewer children, 24 hours per day); 3) Foster family group home (5 - 6 children, 24 hours per day); 4) Family day care home (6 or fewer children less than 24 hours per day).	x	x	P		8.103
Child and adult residential care facilities of the following nature or as licensed by the State of Michigan: 1) Group day care home (12 or fewer children less than 24 hours per day); 2) Adult foster care small group home (12 or fewer adults, 24 hours a day); 3) Adult foster care large group home (13 - 20 adults, 24 hours a day); 4) Adult foster care facilities; 5) Child care centers; 6) Nursery schools.	S	S	S		8.103
Senior housing facilities	S	S	S		8.107
Civic/Institutional					
Hospitals	S	S	x		8.202
Institutional uses (as defined in Section 25.02)	P	P	S		8.203
Municipal buildings and uses	S	S	S		
Private parks owned and maintained by a homeowner association or the proprietor of a housing project	P	P	P		
Public recreation facilities, parks, parkways, and trails	P	P	P		
Public utility, substations and service buildings and uses (without storage yards)	S	S	S	(5)	8.205

Office					
Medical, dental, osteopathic, chiropractic, urgent care offices, and physical therapy offices and clinics. Therapeutic massage shall be permitted as a principal or accessory use per Section 8.320.	P	P	x		
Offices for professional, executive, governmental, or administrative uses	P	P	S		
Studios for painters, photographers, decorators, recording artists, dressmakers, artists and similar vocations	P	P	S		
Veterinary clinics and hospitals	S	S	x		8.318
Retail, Entertainment and Service					
Adult regulated uses	S	S	x		8.301
Amusement arcades	S	S	x		8.302
Any retail business located entirely within an enclosed building	P	P	S		
Automobile car wash	S	S	x	(3)	8.305
Banks, credit unions, savings and loan associations and similar financial-related uses	P	P	S		
Barber shops, beauty salons, nail care, and similar service establishments	P	P	P		
Bars, cocktail lounges, taverns, brewpubs, night clubs	P	P	x		8.317
Bus passenger stations	S	S	x		
Data processing, electronic data maintenance, and computer centers	P	P	x		
Drive-in or drive-through facilities accessory to a permitted use	S	S	x		8.306
Fueling (gasoline) stations, repair garages or service centers for automobiles, trucks and other motor vehicles	S	S	x	(4)	8.304
Funeral homes, mortuary establishments, and crematoriums	S	S	x		8.307
Hotels/motels	S	S	x		8.311
Indoor commercial recreation establishments, such as bowling alleys, archery or tennis clubs, and similar activities located entirely within an enclosed building	S	S	x		8.315
Indoor sales or showroom for automobiles, trucks or other motor vehicles, boats, trailers or similar items	P	P	x		
Open air business	S	S	x		8.312
Outdoor commercial recreation establishments, such as children's amusement parks, mini golf courses, etc.	S	S	x		
Outdoor eating areas and sidewalk cafes accessory to a principal use	S	S	S		8.313
Outdoor sales or display areas	S	S	S		8.303

Pawnshops and dealers of secondhand merchandise	S	S	x		
Pharmacies and apothecary shops	P	P	x		
Plant materials nurseries for the retail sale of plant materials, including fruits or vegetables, greenhouses and garden centers	S	S	x		8.309
Printing and copying centers	P	P	S		
Private gymnasiums, health clubs and fitness centers	P	P	A		
Restaurants, bakeries, coffeehouses, delicatessens and similar places serving food or beverages	P	P	P		8.316
Self-service laundries and dry-cleaners	P	P	A		
Incubator workshops and workshops for the repair or service of bicycles, electronics, small appliances, furniture, shoes and similar items	P	P	S		
Other					
Mixed-use planned developments pursuant to Article 11	P	P	P		
Warehousing or indoor storage of goods or material normally incidental to a permitted use	A	A	A		8.410
Other uses similar to the above uses, as determined by the Planning Commission	P/S	P/S	P/S		

F. FS Use Standards.

1. Single-family attached and multi-family residential uses shall meet the specific use requirements of Section 8.106 and the requirements of Subsection (J)7.
2. Mixed-use residential developments shall meet the architectural and design standards of Subsection (J)8.
3. In addition to the specific use standards of Section 8.305, automobile car washes within the FS District shall comply with the following standards:
 - a. Service bays of self-service and automatic car washes shall not be located on the front façade.
 - b. Vacuuming activities shall be limited to the side or rear yard.
 - c. Car washes shall meet the transparency requirements of Subsection (J)8. Clear windows along the front façade could fulfill the transparency requirement.

Figure 2. Example of Auto Wash Transparency



4. In addition to the specific use standards of Section 8.304, automobile repair garages, service centers and fueling stations shall comply with the following standards:
 - a. Vehicular service bays and fuel pumping islands shall be limited to the rear and side yards only.
 - b. Outdoor storage accessory to repair garages, such as the storage of disabled or inoperable vehicles or those awaiting pickup, may be permitted if the storage area is located in the rear yard and screened from view from the public right-of-way in accordance with Subsection (J)6.
 - c. No more than fifty percent (50%) of a site's linear frontage adjacent to Fort Street shall be occupied by a parking area and/or pumping islands, which shall be screened from the public right-of-way in accordance with Subsection (J)6.
 - d. A convenience store may be permitted with a fueling station. The convenience store portion of a fueling station shall meet the setbacks of Subsection (G) and the architecture and design standards of Subsection (J)8.
 - e. Pump-island canopies shall be of high architectural quality and reflect the context of the Fort Street District.

Figure 3. Fueling Station Siting Standards



5. In addition to the specific use standards of Section 8.205, public utility uses shall, to the extent practicable, be fully or partially enclosed and shall have an exterior appearance harmonious with the general character of the neighborhood, including architectural treatment, landscaping, screening and/or fencing.

G. Development Regulations.

Buildings and sites within the Fort Street District shall be developed in a manner which contributes to the character of the corridor by maximizing the value of property and creating a traditional "street wall." Area, height and placement requirements for each zone of the FS District are provided in the following table, and further provided in Article 9, Schedule of Regulations.

The Planning Commission shall have the authority to waive or modify development regulations per Subsection (D)2.

Table 2. Area, Height and Placement Requirements

Fort Street Overlay Development Standards	FS Zone			Footnote
	E	W	CP	
Minimum Lot Area	N/A	N/A	N/A	
Minimum Lot Area per Residential Unit	N/A	N/A	1,400 sq. ft.	
Minimum Lot Width	N/A	N/A	N/A	
Front Yard and Building Frontage Requirements (non-residential and mixed-use)	0' minimum 10' maximum	0' minimum 10' maximum	0' minimum 10' maximum	(1)
Front Yard and Building Frontage Requirements (first-floor residential)	N/A	N/A	5' minimum 20' maximum	(1)
Side Yard Setback	0' minimum 20' minimum adjacent to single-family residential	0' minimum 20' minimum adjacent to single-family residential	0' minimum 10' minimum adjacent to single-family residential	(1)
Rear Yard Setback	10' minimum 20' minimum adjacent to single-family residential	10' minimum 20' minimum adjacent to single-family residential	10' minimum	(1)
Building Height	30' 2.5 stories	40' 3 stories	72' 6 stories	(2), (3)
Parking Location	Parking shall be located in side or rear yard.			(4)

H. Footnotes to Development Regulations.

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1. In cases where minimum setbacks interfere or conflict with applicable building or fire codes, the building and fire codes shall take precedence.
 2. The first floor of residential structures shall be at least ten (10) feet in height. The first floor of commercial structures shall be at least twelve (12) feet in height. The height of a first floor shall be measured from floor level to the underside of the ceiling.
 3. Buildings in the FS-W and FS-CP Zones may be permitted additional building height per the bonus provisions of Subsection (I).
 4. The Planning Commission may permit a single row of parking or an access aisle within the front yard setback per Subsection (J)1.

I. Bonus Provisions.

There are instances where it is in the best interests of the private landowner and the City of Riverview to exceed or fall short of the standards of this Chapter. In such instances, the City's interests in upholding its standards can be offset by the provision of certain exemplary amenities which will benefit the Fort Street District as a whole. This system provides regulatory incentives while ensuring that modifications are not made solely and exclusively for the private benefit of the landowner.

Buildings within the FS District are eligible for a height bonus and/or a reduction in numerical parking requirements where certain eligibility criteria are met:

1. Bonus Height Eligibility Criteria.

Buildings within the FS-W Zone are eligible for a height bonus of up to one (1) additional story and/or fifteen (15) feet and buildings within the FS-CP Zone are eligible for a height bonus of up to two (2) additional stories and/or thirty (30) feet where two (2) or more of the following criteria are met. Additional stories shall be stepped back from the top story permitted by right in order to reduce the appearance of excessive height.

- a. A mixed-use building that provides residential dwelling units above first-floor commercial where a minimum of fifty percent (50%) of the building's floor area is residential;
- b. Dedication of an improved public plaza or open space which ties into the District's main pedestrian circulation system. Any on-site or corner pedestrian areas shall use a variety of design elements including, but not limited to, decorative lighting, landscaping, pavement, arches and furnishings;
- c. An assemblage of parcels in conjunction with a development as approved by the Planning Commission;
- d. A covered bicycle rack comprising at least five (5) stalls located adjacent to a building's main pedestrian entrance. Bicycle racks shall not encroach into pedestrian walkways or vehicle areas;
- e. Installation of streetscape furnishings, including street trees, tree grates, decorative lighting, or street furniture. Street furniture shall include, but is not limited to:
 - A permanently mounted seating fixture constructed of decorative metal;
 - A permanently reserved planting bed with defined, durable edges;
- f. Through-block pedestrian connections providing a continuous walkway accessible to the public (covered or open);
- g. Other public amenities as deemed appropriate by the Planning Commission.

2. Parking Reduction Eligibility Criteria.

Developments within all zones are eligible for up to a twenty percent (20%) reduction in numerical parking requirements where one (1) or more of the following criteria are met:

- a. A shared parking/shared site access arrangement with adjacent properties. Shared parking arrangements shall meet the standards of Subsection (J)1.
- b. Parking area is provided entirely within the rear yard, screened from the right-of-way.
- c. An assemblage of parcels in conjunction with a development as approved by the Planning Commission.
- d. Other site improvements as deemed appropriate by the Planning Commission.

J. Design Standards.

In addition to complying with the form-oriented regulations set forth in this Article, all proposed developments in the FS District shall comply with the design standards set forth herein:

1. Vehicular Parking. Parking lots shall be permitted only in side and rear yards as follows:

- a. Off-street parking is required for all uses and shall comply with the numerical parking requirements pursuant to Section 13.02 of the Zoning Ordinance. Certain projects may be eligible for a parking reduction per Subsection (I)2.
- b. When located in a side yard, no more than fifty percent (50%) of the total site's linear feet along the required building line shall be occupied by parking.
- c. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) of the total site's linear feet along both frontages; the building shall be located at the corner of the lot adjacent to the intersection.
- d. Where it is determined that there are site constraints regarding the size of parcel, circulation, limited right-of-way, or when it is deemed necessary for promoting best practice access-management techniques, the Planning Commission may permit a single row of parking or an access aisle within the front yard setback in conjunction with an increased front-yard setback. The parking and maneuvering lane shall meet the standards of Article 13, Off-Street Parking. There shall be an adequate and marked pedestrian walkway through the parking area connecting the street sidewalk to the front entrance in accordance with Subsection (J)5.
- e. Alley networks shall be utilized to encourage the use of rear yard parking and minimize the amount of new curb cuts.
- f. All off-street parking areas shall be screened or buffered in a manner that separates the parking areas as seen from the public right-of-way or from residentially zoned or used property. Screening shall meet the requirements set forth in Subsection (J)6.

2. Access Management and Shared Parking.

- a. The number of stand-alone commercial driveways within the FS District shall be limited in order to ensure pedestrian and vehicular safety. However, each property shall provide reasonable access for regular traffic and emergency vehicles while preserving traffic operations and safety along Fort Street. New developments shall adhere to best practices for access management in order to reduce the number of traffic hazards, reduce the number of pedestrian and vehicular conflict points, and improve emergency vehicle access and circulation.
- b. A means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway and cross-access connections.

Where it is not possible to provide shared access, this access may be by a single driveway. Additional driveways may be permitted subject to site plan approval. Residential developments shall provide areas for future cross-access to promote pedestrian and automobile connectivity.

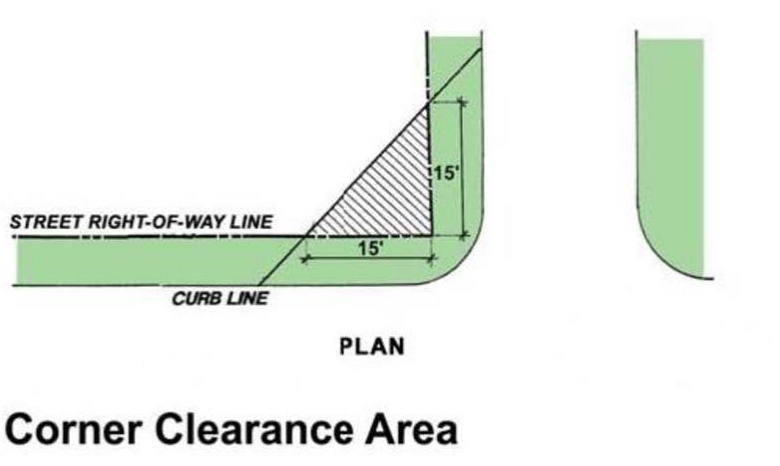
- c. Shared parking lots are encouraged within the FS District for neighboring uses based upon the fact that certain uses may operate at different times over a twenty-four (24) hour period, with the greatest demand for parking occurring during different times. The Planning Commission may permit a shared parking arrangement upon finding that there is not a substantial conflict in the principal operating hours of the proposed uses. The Planning Commission may require that the applicant submit parking studies, data and/or documentation on parking use. A shared parking arrangement shall fulfill one (1) of the parking reduction eligibility criteria of Subsection (I)2.
- d. Developments within all zones are eligible for up to a twenty percent (20%) reduction in numerical parking requirements per Subsection (I)2.

Figure 4. Shared Parking Area and Driveway



- 3. **Corner Clearance Areas.** Corner clearance areas shall be maintained along all driveways and streets, pursuant to Section 9.304. Buildings at a corner of intersecting streets may include a pedestrian plaza in order to maintain sight visibility and provide a pedestrian amenity, which shall fulfill one (1) of the bonus height eligibility requirements per Subsection (I)1.

Figure 5. Corner Clearance Area



4. **Pedestrian and Non-Motorized Enhancements.** Sidewalks shall be required along all street frontages, in accordance with Section 24.10, as modified as follows:
 - a. Sidewalks shall be provided along all street frontages.
 - b. Sidewalks along Fort Street shall be five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.
5. **Pedestrian Access.** The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable, useable and located facing the right-of-way. A pedestrian connection shall provide a clear, publicly-accessible connection between the primary street upon which the building fronts and the building. A direct pedestrian walkway shall be provided from rear and side yard parking areas to the building that is of a level of materials, quality and design emphasis at least equal to that of the primary entrance.
6. **Landscape and Streetscape Elements.** Landscape and streetscape elements shall be required in accordance with Article 14 and the following. Whenever provisions of Article 14 may conflict with the provisions of this Article, the provisions of this Article shall take precedence.
 - a. Streetscape furnishings, including street trees, tree grates, special concrete finishing, decorative lighting, and street furniture shall be considered along all frontages to the satisfaction of the Planning Commission and shall fulfill one (1) of the bonus height eligibility requirements of Subsection (I)1. Street trees shall be located in accordance with the standards of the Michigan Department of Transportation or Wayne County Department of Public Services. Street trees shall not be located within a corner clearance area.

Street furniture features include, but are not limited to:

 - A permanently mounted seating fixture constructed of decorative metal.
 - A permanently reserved planting bed with defined, durable edges.
 - Waste receptacle constructed of decorative metals.
 - Pedestrian plaza.

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- b. All off-street parking areas shall be screened or buffered in a manner that separates the parking areas as seen from the public right-of-way or from single-family residentially-zoned or used property. A minimum six-foot wide buffer between the parking lot and any street right-of-way or adjacent single-family residentially-zoned or used property shall be shown. The buffer shall include one (1) or combinations of the following:
- Dense landscaping (minimum one (1) tree and eight (8) shrubs every forty (40) feet).
 - Decorative metal fencing (thirty (30) to thirty-six (36) inches high), in accordance with Article V of the Code of Ordinances.
 - Masonry screening wall (thirty (30) to thirty-six (36) inches high).
7. **Residential Architecture and Design Standards.** It is the intent of the FS District to encourage attractive attached single-family and multi-family residential developments that encourage traditional urban form and walkability. Emphasis shall be placed upon methods that focus attention on high-quality homes that front on the adjacent right-of-way.
- a. **Front Façade.** All residential units shall provide a pedestrian door facing the front lot line. The front façade of all residential units shall be at least twenty-five percent (25%) windows or doors. Building wall offsets (projections and recesses), cornices, awnings, varying building materials or pilasters shall be used to break up the mass of a single building.
- b. **Garages.** Attached garages shall be located in the rear or side yard. The Planning Commission may permit garage doors on the front façade subject to attractive screening and landscaping. Detached garages and other accessory buildings located in the rear yard shall meet the requirements of Section 24.06.
- c. **Cross Access/Circulation.** Residential developments shall provide areas for future cross-access to promote pedestrian and automobile connectivity and safety.
- d. **Well-Defined Base.** The first floor of residential structures shall have a height of at least ten (10) feet, measured from floor level to the underside of the ceiling.
8. **Commercial/Mixed Use Architecture and Design Standards.** It is the intent of the FS District to improve the appearance of and add visual interest to the Fort Street corridor. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
- a. **Façade Variation.** The maximum length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Building wall offsets (projections and recesses), cornices, awnings, varying building materials or pilasters shall be used to break up the mass of a single building. Building facades, especially those more than one hundred (100) feet in length, shall be "broken-down" in scale through visual articulation including multiple entries, the careful placement of windows and variations in massing and architectural detail.
- b. **Building Transparency.** The first floors of all buildings shall be designed to encourage and complement pedestrian-scaled activity. Building transparency shall be defined as the percentage of windows, doors and other features which enable a pedestrian to view the inside of a structure from the exterior. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of the length of the façade. Upper stories shall feature a façade transparency of at least thirty percent (30%).

Outdoor dining/seating located between the building and the right-of-way may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.

- c. **Building Entrance.** Each principal building on site shall have clearly defined, highly visible entrances featuring sheltering elements such as awnings, arcades, porticos, recesses/projections, and decorative architectural details.
- d. **Well-Defined Base.** The first floor of commercial structures shall have a height of at least twelve (12) feet, measured from floor level to the underside of the ceiling.
- e. **Garage Doors.** Garage doors shall not be permitted on a front façade. The Planning Commission may permit garage doors on the front façade subject to attractive screening and landscaping or if the garage is utilized as a design amenity for uses such as outdoor dining patios or outdoor sales.
- f. **Building Materials and Colors.** The exterior of buildings shall be constructed of high quality materials, including, but not limited to, brick, stone, architectural steel and glass, and integrally tinted/textured concrete masonry units. All façade colors shall be reviewed and approved by the Planning Commission as part of the full site plan review process.
- g. **Corner Building Standards.** Corner buildings and structures shall incorporate distinctive features, materials, designs, height levels and colors that accentuate their prominent location, but are simultaneously sensitive to neighboring buildings. This can be accomplished through design features such as building peaks, towers, or similar accents with the highest point located at the intersecting corner.

Wider sidewalks and/or further setback from the corner's edge are encouraged to retain corner clearance areas. Additionally, use of ground level open-aired areas at the intersection of sidewalks is encouraged. The design of open-aired areas or pedestrian plazas adds aesthetic distinction to the façade and compliments the intended pedestrian atmosphere along Fort Street. Integrating covered/uncovered eating and resting areas is highly encouraged.

(Ord. No. 676, art. I, 7-20-2015)

ARTICLE 7

M-1 AND M-2, INDUSTRIAL DISTRICTS

Section 7.01 Light Industrial (M-1) District.

A. Intent.

The Light Industrial (M-1) District is hereby established to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district, and do not have significant detrimental impacts upon surrounding districts. The M-1 District is intended primarily for the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials. The processing of raw materials for shipment in bulk form to be used in an industrial operation at another location shall be prohibited in the M-1 District.

The objectives of the M-1 District are to:

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1. Provide sufficient space in the City to meet the expected future economic needs for all types of manufacturing and related uses, and protect the most desirable uses of land in accordance with a well considered plan.
 2. Protect abutting residential districts by separating them from more intensive manufacturing activities, and promote manufacturing, and other industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other environmental hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
 3. Protect the character and established pattern of adjacent development, conserve the value of land and structures, and protect the City's tax revenue base.

B. Principal Uses and Structures.

In the M-1 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Commercial kennels, subject to the standards of Section 8.310 (Kennels and Animal Shelters).
2. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
3. Greenhouses, subject to the standards of Section 8.309 (Nurseries, Greenhouses and Garden Centers).
4. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
5. Manufacturing of musical instruments, toys, novelties and metal or rubber stamps or other molded rubber products.
6. Manufacturing of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
7. Manufacturing or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
8. Manufacturing, compounding, assembling, reassembly, packaging or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wool and yarns.
9. Manufacturing, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
10. Municipal uses that do not meet the definition of an "institutional use," as specified in Section 25.02 (Definitions).
11. Outdoor storage areas and facilities shall be permitted accessory to a principal use in the M-1 District, subject to the standards of Section 8.403 (Outdoor Storage).
12. Public utility and service buildings and uses, subject to the standards of Section 8.205 (Public Utility and Essential Service Structures and Uses).
13. Research and development facilities, technical centers and laboratories, and any use charged with the principal function of basic research, design and pilot or experimental product development.
14. Self storage warehouses, subject to the standards of Section 8.406 (Self Storage Warehouses).

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15. Trade or industrial schools that do not meet the definition of an "institutional use," as specified in Section 25.02 (Definitions).
 16. Trucking facilities and distribution centers, subject to the standards of Section 8.409 (Warehouses and Other Storage Facilities).
 17. Warehousing and wholesale establishments, subject to the standards of Section 8.409 (Warehouses and Other Storage Facilities).
 18. Other uses of a similar and no more objectionable character to the above uses, as determined by the Planning Commission.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the M-1 District, subject to the provisions of Section 24.03 (Uses):

1. Signs, subject to the provisions of Article 17 (Signs).
2. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
3. Child or adult day care centers, child caring institutions, and nursery schools shall be permitted accessory to a permitted use in the M-1 District, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
4. Offices for executive or administrative uses shall be permitted accessory to a principal use in the M-1 District.
5. Retail, restaurant or personal service establishments which serve the convenience needs of the industrial district shall be permitted accessory to and located entirely within a principal building occupied by a principal use in the M-1 District.

Such establishments shall be limited to convenience stores, restaurants, coffeehouses and similar eating and drinking establishments, banks, savings and loan associations and credit unions, tailor shops, beauty parlors or barbershops, laundries or dry cleaners, printing or photographic reproduction, health clubs and fitness centers, indoor recreation facilities, and similar uses.
6. Showrooms or retail stores which primarily sell or display products produced on the premises shall be permitted accessory to and located entirely within a principal building occupied by a principal use in the M-1 District, subject to the standards of Section 8.319 (Retail Uses in Industrial Districts).
7. Other accessory structures and uses customarily incident to the principal uses permitted in the M-1 District.

D. Special Land Uses.

The following uses may be permitted in the M-1 District by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. Automobile, truck and other motor vehicle repair garages (major repair), subject to the standards of Section 8.304 (Repair Garages, Service Centers and Fueling Stations).
2. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
3. Hazardous materials storage, subject to the standards of Section 8.401 (Hazardous Materials Storage).

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4. Intensive industrial operations, including but not limited to lumber and planing mills, metal plating, buffing and polishing, processing of materials to allow their re-use in a form for which they were not originally intended, and similar industrial uses, subject to the standards of Section 8.402 (Intensive Industrial Operations).
 5. Offices for professional, executive, governmental, or administrative uses; accountants, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations.
 6. Other uses of a similar and no more objectionable character to the above uses, as determined by the Planning Commission.

Section 7.02 General Industrial (M-2) District.

A. Intent.

The General Industrial (M-2) District is hereby established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The M-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials, and to permit more intensive industrial uses requiring extensive road, railroad, or utility access.

Where the M-2 District boundaries abut the Detroit River, it is the further intent of this district to permit a limited range of recreational facilities and accessory commercial uses to serve the needs of the users of established recreational boating facilities.

B. Principal Uses and Structures.

In the M-2 District, no structure or land shall be used, erected, or altered, in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All principal uses permitted in the M-1 (Light Industrial) District, as specified in Section 7.01B.
2. Blast furnaces, steel furnaces, blooming or rolling mills, or smelting of copper, iron or zinc ore.
3. Heating and electric power generating plants, or incineration of garbage or refuse within an enclosed incinerator plant.
4. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
5. Other uses of a similar and no more objectionable character to the above uses, as determined by the Planning Commission.

C. Accessory Uses and Structures.

The following uses and structures shall be permitted accessory to principal uses in the M-2 District, subject to the provisions of Section 24.03 (Uses):

1. Signs, subject to the provisions of Article 17 (Signs).
2. Off-street parking, subject to the provisions of Article 13 (Streets and Off-Street Parking).
3. Child or adult day care centers, child caring institutions, and nursery schools shall be permitted accessory to a principal use in the M-2 District, subject to the standards of Section 8.103 (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools).
4. Offices for executive or administrative uses shall be permitted accessory to a principal use in the M-2 District.

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5. Retail, restaurant or personal service establishments which serve the convenience needs of the industrial district shall be permitted accessory to and located entirely within a principal building occupied by a principal use in the M-2 District.

Such establishments shall be limited to convenience stores, restaurants, coffeehouses and similar eating and drinking establishments, banks, savings and loan associations and credit unions, tailor shops, beauty parlors or barbershops, laundries or dry cleaners, printing or photographic reproduction, health clubs and fitness centers, indoor recreation facilities, and similar uses.

6. Showrooms or retail stores which primarily sell or display products produced on the premises shall be permitted accessory to and located entirely within a principal building occupied by a principal use in the M-2 District, subject to the standards of Section 8.319 (Retail Uses in Industrial Districts).
7. Retail businesses and commissary establishments shall be permitted accessory to a recreational boating facility. Such establishments shall be limited to convenience stores, restaurants, coffeehouses and similar eating and drinking establishments which supply food, beverages and commodities to persons using the boating facility, or are directly related to recreational boating (such as boat sales, engines and accessories, fishing equipment and similar items).
8. Other accessory structures and uses customarily incident to the principal uses permitted in the M-2 District.

D. Special Land Uses.

The following uses may be permitted in the M-2 District by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Section 20.02 (Special Land Uses):

1. All uses permitted subject to special conditions in the M-1 (Light Industrial) District, as specified in Section 7.01D.
2. Railroad freight terminals and transfer facilities.
3. Water and sewage treatment plants, and similar municipal uses.
4. Outdoor storage, dismantling or recycling of automobiles, trucks, recreational vehicles, boats and other motor vehicles, manufactured houses and similar items, subject to the standards of Section 8.404 (Outdoor Storage, Dismantling or Recycling).
5. Recycling collection facilities and composting centers, subject to the standards of Section 8.405 (Recycling Collection Facilities and Composting Centers).
6. Slaughter houses, rendering plants, tanneries, stock yards, glue factories, soap factories, oil refineries or other similar factories, subject to the standards of Section 8.407 (Slaughter Houses...or Other Similar Factories).
7. Shipping container yards, and outdoor storage of containerized shipping units, subject to the standards of Section 8.408 (Shipping Container Yards).
8. Recreational boating facilities, such as public or private facilities for the berthing, protection or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats, and public or private recreational facilities directly related to recreational boating activities.
9. Adult regulated uses, subject to the standards of Section 8.301 (Adult Regulated Uses).
10. Large solar energy systems.

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11. Other uses of a similar and no more objectionable character to the above uses, as determined by the Planning Commission. The Planning Commission may impose a setback in excess of minimums specified herein, and any performance standards so as to ensure public health, safety and general welfare.

(Ord. No. 685, art. I, 6-20-2016; Ord. No. 694, art. I, 12-4-2017)

ARTICLE 8

DESIGN STANDARDS FOR SPECIFIC USES

Section 8.001 Intent and scope of regulations.

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the City as a whole.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Section 8.002 Organization.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

Section 100	RESIDENTIAL USES
Section 200	COMMUNITY USES
Section 300	COMMERCIAL USES
Section 400	INDUSTRIAL, RESEARCH AND LABORATORY USES
Section 500	TEMPORARY, SPECIAL EVENT AND OTHER USES

SECTION 8.100 RESIDENTIAL USES

Section 8.101 Reserved.

Section 8.102 Bed and Breakfast Inns.

- A. **Primary Residence.**

The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.

B. Guests.

There shall be a maximum of five (5) rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.

C. Landscaping.

Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Article 14 (Landscaping and Screening).

Section 8.103 Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, and Pre-schools.

The following regulations shall apply to group day care homes, child care centers, nursery schools, day nurseries, and pre-schools:

A. Licensing.

In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

B. Outdoor Play Area.

A minimum of 150 square feet of outdoor play area shall be provided, and maintained per child, provided that the overall area of the play area shall not be less than 5,000 square feet. The outdoor play area shall be suitably fenced and secured.

Outdoor play areas accessory to a child day care center, day nursery, nursery school or pre-school shall be screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Article 14 (Landscaping and Screening).

C. Pick-up and Drop-off.

Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public street.

All day care centers, day nurseries, nursery schools, and pre-schools shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access from these uses to local streets shall be limited to secondary access where necessary for health and safety purposes.

D. Separation Requirements.

New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the City overall.

E. Hours of Operation.

Day care facilities in residential districts or accessory to a residential use shall operate a maximum of 16 hours per day.

Section 8.104 Home Occupations.

Home occupations shall be subject to the following:

A. Use Standards.

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the residence and twenty five percent (25%) of the floor area of any accessory structure may be used for the home occupation.
2. **Employment.** No persons shall be employed in the home occupation, other than the dwelling occupants.
3. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day, nor more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Commercial vehicle parking and deliveries.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter ($\frac{3}{4}$) ton capacity, provided such vehicle is directly related to the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
5. **Hours of operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations.

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
3. Home office for a massage therapists, subject to the standards of Section 8.322 (Therapeutic Massage).
4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Any home occupation not specifically listed may be permitted as a special land use by the Planning Commission, subject to the provisions of this Section and Section 20.02 (Special Land Uses).

C. Prohibited Uses and Activities.

1. **Prohibited uses.** The following uses are expressly prohibited as a home occupation:

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- a. Automobile truck, recreation vehicle, boat, motorcycle or small engine repair, bump and paint shops, salvage or storage yards.
 - b. Kennels or veterinary clinics.
 - c. Medical or dental clinics.
 - d. Retail sales of merchandise, or eating and/or drinking establishments.
 - e. Undertaking and funeral homes.
 - f. Adult uses and sexually-oriented businesses.
 - g. Uses similar to the above listed uses, or any use which would, in the determination of the Community Development Director, result in nuisance factors as defined by this Ordinance.

2. **Prohibited activities.** Home occupations shall not include:

- a. Outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation.
- b. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
- c. Changes or alterations to the character or appearance of the residence.
- d. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article 17 (Signs).
- e. Parking that cannot be accommodated on the site, plus one (1) on-street parking space.

D. **Home Occupation Permits.**

A permit must be obtained to lawfully operate a home occupation. Applications for such a permit shall be submitted to the City for review by the Community Development Director and Building Official.

1. If, in the written opinion of the Building Official and the Community Development Director, the proposed home occupation conforms with the standards of this Section, a permit to lawfully operate a home occupation shall be issued by the City.
2. If the Community Development Director or Building Official determines that the proposed home occupation does not comply with the standards of this Section, the applicant may request the Community Development Director to refer the proposed home occupation to the Planning Commission for review as a special land use, subject to the provisions of this Section, and Section 20.02 (Special Land Uses).
3. Should a lawfully established home occupation no longer meet the conditions outlined above or other conditions stipulated for approval, a violation shall be cited against the operator of the home occupation. The operator of the home occupation shall have ten (10) working days to correct the referenced violations. If the violations are not corrected within that time, the permit to operate the home occupation shall be revoked and all related activities must cease.
4. Permits to operate a home occupation shall be reviewed on an annual basis in conjunction with issuance of a business license through the City Clerk.
5. Home occupation permits shall be limited to the applicant who legally resides in the residence.

Section 8.105 Manufactured Housing Parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.), the Manufactured Housing Commission General Rules, and the following minimum requirements:

A. Plan Review.

The preliminary plan for a manufactured housing park shall be submitted to the City and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the City officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60 day review period. A copy of the state-approved final construction plan shall be submitted to the City prior to the start of construction on the site.

B. Minimum Area for a Manufactured Housing Park.

The minimum parcel size for manufactured housing parks shall be 15 acres, excluding adjacent parcels proposed for expansion.

C. Minimum Manufactured Housing Site Size.

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 8.105K (Open Space), or the Manufactured Housing Commission rules.

D. Setbacks.

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.
6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
8. Seven (7) feet from a common sidewalk.

9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.

10. 50 feet from the edge of any railroad right-of-way.

E. Maximum Height.

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

F. Roads.

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public street by a permanent easement which shall be recorded by the developers. All roads shall be hard-surfaced.

G. Parking.

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

H. Common Storage Areas.

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

I. Sidewalks.

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park streets. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.

J. Accessory Buildings and Facilities.

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.
3. Storage accessory to a manufactured home. Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

K. Open Space.

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan.

L. Perimeter Screening.

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

M. Screening Along Public Rights-of-Way.

A landscaped screen shall be provided along all public streets abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

N. Alternative Screening.

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

O. Parking Lot Landscaping.

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

P. Trash Disposal.

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

Q. Awnings.

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

R. Sewer Service.

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

S. **Water Service and Storm Drainage Systems.**

Water supply and drainage systems shall conform to the requirements of Part 2 - 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

T. **Telephone and Electric Service.**

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

U. **Fuel Oil and Gas.**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

V. **Operational Requirements.**

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Building Official finds that conditions or practices exist which violate provisions of this Section, the Building Official shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Building Official or other authorized City agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section.

4. **License.** A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services.

W. **Sale of Mobile Homes.**

The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by an authorized licensed manufactured home retailer or

broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

X. **Mailbox Clusters.**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

Section 8.106 Multiple-Family Dwellings and Developments.

Multiple-family dwellings and developments shall comply with the following:

A. **Density.**

All Multiple-Family units shall meet the minimum lot width and maximum lot percentage specified in Article 9 (Schedule of Regulations) for the zoning district in which the development is located.

B. **Architectural Details.**

1. Walls visible from a street or any other residential use shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish.
2. All buildings shall have pitched roofs that may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
3. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge line and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.
4. The dwelling units shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to a minimum of ten (10) percent of the square footage of the dwelling unit, or 100 square feet, whichever is greater.
5. Dwelling units shall be provided with an exterior building wall configuration that represents an average width to depth or depth to width ratio that does not exceed three to one (3:1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.

Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling.

All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.

C. **Frontage, Access and Vehicle Circulation.**

Multiple-Family developments shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

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1. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots.
 2. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the major thoroughfares or collector streets.
 3. All buildings, uses, open spaces, and any service roads, driveways and parking areas shall be arranged and designed to minimize any adverse effects upon adjacent property, including but not limited to:
 - a. Channeling excessive traffic onto local residential streets.
 - b. Lack of adequate screening or buffering of parking or service areas.
 - c. Building groupings or circulation route locations that interfere with police or fire equipment access.

D. Pedestrian Circulation.

Public sidewalks shall be provided along collector and perimeter roads and streets in accordance with adopted City standards. Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas.

E. Parking.

The Planning Commission may give credit towards parking requirements where abutting on-street parking is available and parking use does not interfere with the needs of any other land uses. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Article 14 (Landscaping and Screening).

F. Recreation Areas.

Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

G. Utilities.

All multiple-family dwellings shall be connected to the public sewer and public water system.

H. Other Requirements.

Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 8.107 Senior Housing.

The following site development standards shall apply to housing for the elderly:

A. Area and Lot Standards.

1. **Minimum Floor Area.** Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).

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2. **Lot Coverage.** Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed thirty-five percent (35%) of the total site, exclusive of any dedicated public right-of-way.
- B. **Frontage and Access.**

Senior housing developments shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
 - C. **Pedestrian Circulation.**

Public sidewalks shall be provided along collector and perimeter roads and streets in accordance with adopted City standards. Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
 - D. **Accessory uses.**

Accessory retail, restaurant, office and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

Section 8.108 Single-Family Dwelling, Detached.

Detached single-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing parks, shall comply with the following standards:

- A. **Architectural Details.**
 1. Dwelling units shall be provided with an exterior building wall, foundation and roof configuration that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. The minimum width across any front, side or rear elevation shall be 24 feet, and the average width to depth or depth to width ratio shall not exceed three to one (3:1). The roof over-hang shall be a minimum of one (1) foot on all sides.
 2. Dwelling units shall be provided with exterior finish materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding or wall materials, windows, porches, shingles and other roofing materials. Standing seam metal roofing is prohibited.
 3. Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling. All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.
- B. **Utilities.**

All single-family dwellings shall be connected to the public sewer and public water system.
- C. **Storage.**

The dwelling units shall contain storage capability in a basement located under he dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which shall be equal to a minimum of ten percent (10%) of the square footage of the dwelling or 100 square feet, whichever is greater.
- D. **Front Porch.**

New dwellings shall be constructed with a primary entrance on the front facade and connected to the public sidewalk or right-of-way by a paved path, with a front porch or stoop that is at least six (6) feet in width and depth, and 70 square-feet in area.

E. Determinations.

This Section is not intended to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large.

1. The compatibility of design and appearance shall be determined by the Building Official, subject to appeal by an aggrieved party to the Zoning Board of Appeals.
2. The Building Official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal.
3. Any determination of compatibility shall be based upon these standards, with a comparison to the character, design and appearance of homes in the same neighborhood within 300 feet of the subject lot, outside of any manufactured housing parks. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

Section 8.109 Reserved.

Section 8.110 Two-Family Dwellings (Duplexes).

The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling as specified by Section 8.108 (Single-Family Dwellings, Detached). All other requirements of Section 8.108 shall apply.

SECTION 8.200 COMMUNITY USES

Section 8.201 Cemeteries

Cemeteries and similar uses shall be subject to the following:

A. Ingress and Egress.

All access shall be provided from a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

B. Screening.

All sides of the cemetery shall be screened from any residential districts or existing residential uses by a landscaped greenbelt in accordance with Article 14 (Landscaping and Screening), and secured by a continuous fence or wall in accordance with Article 15 (Walls and Fences).

C. Setback.

A part of any crypt, mausoleum, or other building containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot line.

D. Continuity.

The location of such facility shall not disrupt the convenient provision of utilities to adjacent properties, nor create disruption of the continuity of the street system for the area.

E. Compliance.

An approved cemetery shall comply with all federal, state and local laws and requirements relating to cemeteries enacted by the State of Michigan.

Section 8.202 Hospitals.

The following regulations shall apply to hospitals:

A. Frontage and Access.

Hospitals shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

B. Setbacks.

The principal building and all accessory buildings shall be set back a minimum distance of 100 feet from any property line for all two (2) story buildings. For every story over two (2), the minimum yard distance shall be increased by 20 feet. The Planning Commission may reduce the setback requirements in exchange for enhanced screening.

C. Screening.

Ambulance, emergency entrance areas, and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.

D. Accessory Uses.

Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building(s) for the exclusive use of patients, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

Section 8.203 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities:

A. Height of Structure.

The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than twenty percent (20%) of the roof area of the building.

B. Frontage and Access.

Institutional uses shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

C. **Landscaping.**

Institutional uses shall comply with the landscaping and screening requirements set forth in Article 14 (Landscaping and Screening). For landscaping purposes, all institutions in residential districts shall be treated as non-residential land uses.

Section 8.204 Nursing and Convalescent Homes, Foster Care Large Group Homes, and Assisted Living Facilities.

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and halfway houses:

A. **Minimum Lot Area.**

The minimum lot area for such facilities shall be three (3) acres.

B. **Frontage and Access.**

Nursing and convalescent homes, foster care large group homes, and assisted living facilities shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

C. **Setbacks.**

The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from any property lines.

D. **Open Space.**

Any such facility shall provide a minimum of 500 square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.

E. **State and Federal Regulations.**

Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.

F. **Accessory uses.**

Accessory retail, restaurant, office and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

Section 8.205 Public Utility and Essential Service Structures and Uses.

A. **Location.**

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development. Operating requirements necessitate the location of the facility within the district to serve the immediate vicinity.

B. **Off Site Impacts.**

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.

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1. **Performance Standards.** Public utility and essential service structures and uses shall conform with Article 23 (Performance Standards).
 2. **Solid Waste Transfer Stations.** In no case shall access to a solid waste transfer station be provided within or directly abutting the boundary line of a residential district.
- C. **Site Development Standards.**
1. **Design.** All such uses shall be contained in structures that are architecturally compatible with structures in the vicinity. The Planning Commission may require screening in accordance with Article 14 (Landscaping and Screening).
 2. **Security Fencing.** Security fencing is permitted, subject to the requirements of Article 15 (Walls and Fences).
 3. **Outdoor Storage.** No outdoor storage is permitted unless expressly permitted in the district where the facility is located.
 4. **Setbacks.** A minimum setback of 50 feet is required from any lot line.

SECTION 8.300 COMMERCIAL USES

Section 8.301 Adult Regulated Uses.

A. **Uses Specified.**

Uses subject to these controls and regulations are herein defined as adult regulated uses of land, and the enterprises conducted within are classified as "adult only businesses." These uses and businesses are as follows:

1. Adult related businesses.
2. Adult motion picture theaters/arcades or adult live stage performing theater.
3. Adult book or supply store and video stores.
4. Adult cabarets.
5. Adult model studio.
6. Adult motel.

B. **Uses Not Interpreted as Adult Regulated Uses.**

The following uses shall not be interpreted as adult regulated uses included within the definition of an adult only business:

1. Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed nurse practitioner, or any other similarly licensed or certified medical professional.
2. Establishments that offer massages performed by certified massage therapists.
3. Gymnasiums, fitness centers, and health clubs.
4. Electrolysis treatment by a licensed operator of electrolysis equipment.
5. Continuing instruction in martial or performing arts, or in organized athletic activities.
6. Hospitals, nursing homes, medical clinics, or medical offices.

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7. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists.
 8. Adult photography studios whose business activity does not include the taking of photographs of "specified anatomical areas," as defined in Section 25.02 (Definitions).

C. Site Location.

1. Adult only businesses are prohibited from locating within 1,500 feet of a: residential zoning district, existing residential dwelling or use, religious institution or place of worship, school, library, public park or playground, non-commercial assembly hall, public office building, arcade, or licensed day care facility as defined in the Child Care Organizations Act (P.A. 116 of 1973, as amended). Measurement shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.
2. An adult only business shall not be permitted within a 1,000 foot radius of an existing adult only business. Measurement shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
4. No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.
5. An adult only business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.
6. An adult only business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
7. "Mainstream media outlets" carrying less than a "substantial portion" of "adult media" (all as defined herein) are not subject to the standards for adult only businesses. The conditions for mainstream media outlets include:

Adult media in a shop to which this Section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
 - a. Restrict access to any person under the age of 18;
 - b. Shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
 - c. Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
 - d. Shall have access controlled by electronic or other means to ensure that persons under age 18 will not gain admission and that the general public will not accidentally enter such room

or section or provide continuous video or window surveillance of the room by store personnel; and

- e. Shall provide notification at all entrances stipulating that persons under 18 are not permitted inside.
- 8. "Adult cabarets" (as defined herein) are required to include a stage raised at least three (3) feet from the viewing floor, with a barrier of at least two (2) feet at the edge of the stage. A person is in violation of the Ordinance if he or she permits an entertainer to leave the stage, or permits a customer on to the stage.

E. Use Regulations.

- 1. No person shall reside in or permit a person to reside in the premises of an adult only business.
- 2. No person shall operate an adult only business unless there is conspicuously placed in any room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any posted notice.
- 3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
- 4. No adult only business shall possess, disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
- 5. No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the Building Official or duly appointed designee following an inspection to determine compliance with the relevant ordinances of the City of Riverview. Such license shall be subject to all regulations of federal, state, and local governments.
- 6. No person shall lease or sublease, nor shall anyone become the lessee or sublessee of any property for the purpose of using said property for an adult only business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the City of Riverview, Wayne County, and the State of Michigan.

F. Conditions and Limitations.

Prior to the granting of any permit herein provided, the Planning Commission may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or adult only business, as may in its judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit or license issued.

G. Limit on Reapplication.

No application for an adult only business that has been denied wholly or in part shall be resubmitted for a period of 365 calendar days from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

Section 8.302 Amusement Arcades.

Amusement arcades that provide space for patrons to engage in the playing of mechanical amusement devices or similar activities, subject to the following:

A. Access and Location.

All amusement arcades shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Such uses shall be located no closer than 500 feet to the property line of any elementary, intermediate or high school.

B. Setbacks.

No building shall be located within 500 feet of any front, side, or rear yard line which abuts any residential district. No amusement arcade use shall be located within 500 feet of the property line of a similar business.

C. Licensing.

The amusement arcade use shall comply with the applicable provisions of the City of Riverview Code of Ordinances regarding licensing and regulation of electronic/mechanical amusement devices and video games.

Section 8.303 Outdoor Sales or Display Area for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Building Supplies, Equipment, Boats, Merchandise or Similar Items.

Outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

A. Use Standards.

- 1. Servicing of Vehicles.** Vehicle service and repair activities shall be subject to the standards of Section 8.304 (Automobile Truck, and Heavy Equipment Repair Garage - Minor or Major Repairs).
- 2. Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
- 3. Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
- 4. Hours of Operation.** Where the use abuts a residential district, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 5:00 p.m. on Saturdays.

B. Site Standards.

- 1. Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any street right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
- 2. Exterior lighting of outdoor sales or display area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 16 (Lighting).

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3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
 4. **Sidewalk standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
 5. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the City Engineer.
 6. **Landscaping and screening.** Such sales or display area shall be screened from adjacent residential districts by a landscaped greenbelt in accordance with Article 14 (Landscaping and Screening), or an obscuring wall in accordance with Article 15 (Walls and Fences).
 7. **Driveway location.** The nearest edge of any driveway shall be located at least 60 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

Section 8.304 Automobile, Truck and other Motor Vehicle Repair Garages (Minor or Major Repairs), Service Centers (Tires, Oil Change, etc.), or Fueling (Gas) Stations.

The following regulations shall apply to automobile, truck and other motor vehicle fueling (gas) stations, repair garages, and service centers:

A. **Use Standards.**

1. **Repair and service use limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
2. **Noise and odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
3. **Traffic impacts and pollution prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves. A traffic impact study may also be required by the Planning Commission.
4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:
 - a. Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.
 - b. Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.
 - c. Inoperable vehicles shall not be stored or parked outside for a period exceeding ten (10) days for repair stations and 24 hours for service centers. Partially dismantled vehicles,

damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

B. Pump Island Canopy.

1. The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with this Ordinance, including the provisions of Article 16 (Lighting).

C. Lot and Setback Standards.

1. **Minimum Lot Area.** The minimum lot area required for such uses shall be 15,000 square feet.
2. **Minimum Lot Width.** The minimum lot width required for such uses shall be 150 feet.
3. **Minimum Setbacks.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.
4. **Minimum Setback from Right-of-Way Line.** Pump islands and canopies shall comply with the following requirements:
 - a. Nearest Edge of Pump Island: 25 feet
 - b. Nearest Edge of Unenclosed Canopy: 20 feet

D. Ingress and Egress.

1. Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width.
2. No more than one (1) such drive or curb opening shall be permitted for every 150 feet of frontage (or fraction thereof) along any street.
3. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, or its location near vehicular or pedestrian entrances or crossings.
4. The nearest edge of any such drive shall be located at least 25 feet from a street intersection (measured from the road right-of-way), and from adjacent residential districts or uses.

E. Screening.

1. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
2. Open service bays and overhead doors shall not face on to adjacent residential districts, or public or private roads unless screened by an adjoining lot, building, or obscuring wall in accordance with Article 15 (Walls and Fences).
3. Outdoor storage of parts or materials shall be prohibited unless such storage is screened by an obscuring fence, in accordance with Article 15 (Walls and Fences), which meets all setback requirements. An obscuring wall shall be provided on those side and rear lot lines abutting a residential district or use.
4. The Planning Commission can modify screening requirements upon determining that an alternative design or method would provide adequate screening.

Section 8.305 Car Washes.

Automobile car wash, subject to the following:

A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building.
2. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a street, such use shall be screened consistent with the requirements of Article 14 (Landscaping and Screening).
3. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
4. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.
5. A traffic impact study may be required by the Planning Commission, in accordance with Section 24.16 (Traffic Impact Studies).

B. Lot and Setback Standards.

1. **Minimum Setback.** All buildings shall have a front yard setback of not less than 40 feet, and shall be set back a minimum of 50 foot setback from any residential district or use.
2. **Lot size and frontage.** A self-service car wash shall have a minimum lot area of 10,000 square feet, with a minimum of 100 feet of frontage along a major street. An automatic car wash shall have a minimum lot area of 20,000 square feet, with a minimum of 150 feet of frontage along a major street.

C. Ingress/Egress.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent or pedestrian crossings.

1. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley.
2. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property.
3. Ingress and egress points shall be located at least 60 feet from the intersection of any two (2) streets. No more than one (1) such drive or curb opening shall be permitted per street.
4. Adequate stacking space shall be provided for all cars required to wait for access to the facilities, in accordance with the standards of Section 13.02C (Number of Spaces Required), so that waiting vehicles do not block the street right-of-way.

D. Screening.

1. Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Article 14 (Landscaping and Screening).
2. An obscuring wall shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Article 15 (Walls and Fences).

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3. The Planning Commission can modify screening requirements upon determining that an alternative design or method would provide adequate screening.

Section 8.306 Drive-in or Drive-through Lanes, Facilities or Establishments.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

A. Frontage and Setback Standards.

1. **Setbacks.** Building or other structures proposing front yard parking for a drive-in establishment must meet the requirements for the zoning district in which it is located. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
2. **Minimum Frontage.** The site shall have a minimum of 120 feet of frontage on a public street.

B. Driveways and Stacking Spaces.

1. Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).
2. The minimum distance between driveways providing off-site ingress or egress shall be at least 65 feet measured from the two closest driveway curbs.
3. Stacking spaces shall be provided for each drive-through window as required in Section 13.02C (Number of Spaces Required).

C. Screening.

An obscuring wall shall be provided along all property lines abutting lots zoned for residential or office uses, subject to the requirements in Article 15 (Walls and Fences).

Section 8.307 Funeral Homes, Mortuaries and Crematoriums.

The following regulations shall apply to funeral homes and mortuaries:

A. Assembly Area.

An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

B. Screening.

The service and loading area shall be obscured from adjacent residential areas in accordance with Article 14 (Landscaping and Screening).

C. Caretaker's Residence.

A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:

1. The requirements of Section 8.108 (Single-Family Dwelling, Detached).
2. The dimensional standards of the R-4 (Single-Family Residential) District, as specified in Section 9.101 (Table of Dimensional Standards by District).

Section 8.308 Golf Courses.

Golf courses, which may or may not be operated for profit, subject to the following conditions:

A. **Access.**

Primary vehicle access to all golf courses shall be from a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access from local streets shall be limited to secondary access where necessary for health and safety purposes. Service roads, entrances, driveways, and parking areas shall be designed to separate pedestrian and vehicular traffic.

B. **Design Standards.**

1. Development features (including structures, fairways and greens, waterbodies and service facilities) shall be arranged to minimize adverse impacts on adjacent properties and uses.
2. All structures shall be set back a minimum of 100 feet from any property line abutting residentially zoned lands. Where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify or waive this requirement.

Section 8.309 Greenhouses, Nurseries, and Garden Centers.

The following regulations shall apply to greenhouses, nurseries, and garden centers:

A. **Setbacks.**

Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.

B. **Storage.**

The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

Section 8.310 Kennels and Animal Shelters.

The following regulations shall apply to kennels and animal shelters:

A. **Regulatory Compliance.**

Any such kennel or animal shelter shall be subject to all permit and operational requirements established by appropriate regulatory agencies.

B. **Minimum Lot Area.**

The lot on which any such kennel or animal shelter is located shall have a minimum lot area of one (1) acre. If more than four (4) animals are housed in the kennel or animal shelter, an additional one (1) acre shall be required for every additional ten (10) animals.

C. **Screening.**

Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Article 15 (Walls and Fences), and shall have impervious surfaces and an approved system for runoff, waste collection and disposal.

D. **Performance Standards.**

The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

E. **Setbacks.**

Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least 50 feet from existing residential uses or residentially zoned property.

Section 8.311 Hotels and Motels.

Hotels and motels shall be subject to the following regulations:

A. Location.

Hotels and motels shall have frontage on, and direct vehicle access to a public street classified as an arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

B. Accessory Facilities.

A motel or hotel may include the following amenities:

1. An attached dining room with seating capacity for at least 20 occupants at the same time, serviced by a full service kitchen.
2. An unattached standard restaurant, as defined in this Ordinance, with seating capacity for not less than 50 occupants, located on the same site as the motel or on a site contiguous with the motel and developed simultaneously or in advance of the motel site.

C. Design.

Each unit available for rental within a motel or hotel shall contain a bath and at least one (1) bedroom and encompass a minimum gross floor area of 300 square feet.

D. Services.

A motel or hotel shall provide customary services.

Section 8.312 Open Air Business.

The following regulations shall apply to permanent open-air businesses:

A. Dimensional Standards.

1. **Minimum Lot Area.** The minimum lot area for an open-air businesses shall be 10,000 square feet
2. **Lot Width.** The minimum lot width for open-air businesses shall be 100 feet.
3. **Parking Setback.** Parking shall be setback a minimum of ten (10) feet from any road right-of-way line.

B. Access and Parking.

1. **Driveway Location.** The nearest edge of any driveway serving an open-air business shall be located at least 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least 20 feet from any side property line.
2. **Loading and Parking.** All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or alleys.

C. Outdoor Display of Vehicles.

The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors that are for sale, rent, or lease shall comply with the requirements in Section 8.303 (Outdoor Sales or Display Area...).

Section 8.313 Outdoor Eating Areas and Sidewalk Cafés.

All outdoor eating areas and sidewalk cafés shall be accessory to a permitted restaurant use in the zoning district, and shall be subject to the approval procedure and requirements of this Ordinance, and the following:

A. Pedestrian Circulation Standards.

Pedestrian circulation and access to building entrances shall not be impaired. A minimum of six (6) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. Planters, posts with ropes or other removable enclosures shall be used to define the area occupied by the outdoor café.

B. Use Standards.

The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the Planning Commission. Preparation of food and beverages is prohibited in the outdoor café area.

C. Compatibility.

1. Tables, chairs, planters, waste receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
2. Additional signs are not permitted beyond those permitted for the existing restaurant.

Section 8.314 Package Liquor Stores.

Stores that sell packaged beer, wine and liquor shall be set back a minimum of 1,000 feet from any other store that sells packaged beer, wine and liquor, all religious institutions, and places of worship, all child care facilities, schools, parks and hospitals, and all adult only businesses or sexually-oriented businesses. The separation distance between uses shall be measured horizontally between the nearest point of each property line.

Section 8.315 Recreation, Indoor and Outdoor.

A. Outdoor Recreation Facilities.

Public and private noncommercial recreational areas, recreation centers, and swimming pool clubs shall comply with the following conditions:

1. **Circulation.** The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one (1) property line abutting a public street as designated on the public street plan, and the site shall be so planned as to provide all access in accordance with Section 13.01 (Streets, Roads, and Other Means of Access).
2. **Setbacks.** Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.

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3. **Off-street Parking.** Off-street parking shall comply with the standards of Section 13.02 (Off-Street Parking Requirements).
 4. **Swimming Pools.** Whenever a swimming pool is constructed under this ordinance, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.

B. Indoor Recreation Facilities.

Indoor recreation facilities, such as, but not limited to, bowling establishments, indoor archery ranges, firing ranges, indoor tennis courts, indoor skating rinks or hockey rinks, indoor skate parks, indoor firing ranges, indoor soccer arenas, and similar indoor recreation uses shall comply with the following regulations:

1. Indoor recreation uses shall be set back a minimum of 50 feet from any property line that abuts a residential district.
2. The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
3. Indoor recreation uses shall have direct access onto a public street.
4. Any parking area abutting property zoned or used for residential purposes shall be screened per requirements of Article 15 (Walls and Fences).

Section 8.316 Restaurants.

Restaurants shall be subject to the following regulations:

A. Access.

Primary vehicle access to a restaurant shall be from a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

B. Trash Disposal.

Rubbish and food waste shall be stored in secured dumpsters or similar containers designed to minimize odors and prevent animal or insect infestation, and shall be regularly removed from the site. Dumpsters shall be visually screened from street rights-of-way and thoroughfares, and from abutting residential districts or uses, in accordance with the requirements of Section 24.12 (Waste Dumpsters & Enclosures).

C. Location.

If located in a multi-tenant shopping center in a B-1 (Local Business) District, the following shall apply:

1. **Size.** Not to exceed 2,500 square feet.
2. **Location.** There shall be no more than one (1) restaurant for every 20,000 square feet of floor space of the shopping center.

Section 8.317 Bar and/or Lounge.

Each establishments shall be located at least 1,000 feet from all child care centers, schools, parks, hospitals and adult only business or any other bar and/or lounge. Screening consisting of a masonry wall and a buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

Section 8.318 Veterinary Clinics and Hospitals.

Veterinary clinics and hospitals shall comply with the following requirements:

A. **Veterinary Clinics.**

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings shall be set back at least 50 feet from abutting land that is zoned for residential use.
3. **Treatment Facilities.** Keeping of animals overnight shall be limited to the interior of the principal building. Treatment shall be limited to domesticated animals considered as pets.

B. **Veterinary Hospitals.**

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings shall be set back at least 50 feet from existing residential uses or land that is zoned for residential use.
3. **Treatment Facilities.** Treatment of non-domesticated animals is permitted; however, all facilities shall meet the requirements for commercial kennels in Section 8.310 (Kennels and Animal Shelters).

Section 8.319 Retail Uses in Industrial Districts.

Retail uses shall be deemed acceptable accessory uses in an industrial district if the following criteria are met:

A. **Character of the Principal Use.**

The principal use on the site must be clearly industrial in character. The retail activity must be an integral part of the business such that separation of the manufacturing and retail activity would adversely affect operations and management procedures.

B. **Percent of Floor Area.**

The retail activity shall occupy no more than thirty percent (30%) of total floor area nor the retail sales at the site exceed more thirty percent (30%) of the gross revenue generated by the site.

C. **Products Offered for Sale.**

Retail sales shall be limited primarily to products produced on the premises. If the Community Development Director determines that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal product sold, then such sales may be permitted provided that in total, they do not exceed fifty percent (50%) of the total on-site retail sales.

D. **Compatibility of Traffic.**

The type and quantity of traffic generated by the retail sales operation shall be compatible with the approved capacity serving the site and other permitted industrial uses in the district.

E. **Parking.**

Adequate parking shall be provided for the retail sales, as specified in Section 13.02 (Off-Street Parking Requirements). Parking facilities shall be subject to the location and setback requirements for the district in which the use is located.

Section 8.320 Therapeutic Massage.

Massage therapy clinics and uses shall be subject to the following conditions:

1. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
2. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the City.
3. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

SECTION 8.400 INDUSTRIAL, RESEARCH AND LABORATORY USES

Section 8.401 Hazardous Materials Storage.

Such uses shall comply with Article 23 (Performance Standards), and shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan State Police, the Fire Department, and the Wayne County Health Department. The applicant must supply the following documentation with any plan submitted for review:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. Description of the process for maintaining and recording of all shipping manifests.

Section 8.402 Intensive Industrial Operations.

A. Setbacks and Screening.

Sites shall not be located within 500 feet of any residential district or use. Appropriate screening, shall be provided along all side or rear lot lines in accordance with Article 15 (Walls and Fences).

B. Parking and Loading.

All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

C. Impact Assessment.

The applicant shall submit an impact assessment in accordance with Section 24.15 (Impact Assessments), describing the expected impacts associated with the use and any mitigation measures to be employed.

D. Performance Standards.

All such uses shall comply with the performance standards listed in Article 23 (Performance Standards).

Section 8.403 Outdoor Storage of Equipment, Products, Machinery, Landscaping or Building Supplies, or Similar Items.

A. General Requirements.

All outdoor storage areas must comply with the following requirements:

1. No junk or junk vehicles shall be stored.
2. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
3. Any outside storage area shall be paved or surfaced with hard surface material and shall include an approved storm water drainage system with containment.

B. Setbacks.

Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.

C. Landscaping and Screening.

Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Article 14 (Landscaping and Screening), and a solid decorative masonry wall or fence at least six (6) feet and no more than eight (8) feet in height, in accordance with Article 15 (Walls and Fences). No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

Section 8.404 Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items.

Junkyards, salvage yards and similar facilities shall be subject to the following:

A. Minimum Lot Size and Setbacks.

Sites shall have a minimum lot area of ten (10) acres. The enclosed outdoor storage, dismantling or recycling area shall be set back a minimum of 100 feet from the front lot line, and 20 feet from the rear and side lot lines.

B. Location.

Junkyards, salvage yards and similar facilities shall be located not less than 500 feet from any residential district.

C. Screening.

A 20 foot wide buffer strip, and a masonry wall with a height of eight (8) feet, shall be required along all property lines in accordance with Article 15 (Walls and Fences).

D. Use Standards.

The applicant must demonstrate that all proposed activities will comply with all state and federal regulations, the requirements of this Ordinance, and the following:

1. Stored materials shall not be stacked higher than the height of the screening wall. Materials shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
2. Materials shall be stored in rows with a minimum 20 foot wide continuous loop drive separating each row.
3. All batteries shall be removed and all radiator and fuel tanks drained prior to placing any vehicles in the storage yard. Salvaged batteries, oil and other such substances shall be immediately removed by a licensed disposal company.
4. The crushing of vehicles or any part thereof shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.
5. The use shall be subject to periodic inspection by the City to ensure continuing compliance with the above standards.

Section 8.405 Recycling Collection Facilities and Composting Centers.

A. General Standards.

Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. Access shall be provided solely on major streets.

B. Setbacks.

Commercial composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

C. Performance Standards.

The applicant shall submit an impact assessment, in accordance with Section 24.15 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

D. Screening and Landscaping.

Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Article 14 (Landscaping and Screening), and a solid decorative masonry wall or fence at least six (6) feet and no more than eight (8) feet in height, in accordance with Article 15 (Walls and Fences). No materials shall be stored above the height of the required wall or fence.

Section 8.406 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

A. Lot Area.

The minimum lot area for mini-warehouses shall be two (2) acres.

B. Permitted Use.

Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

1. Such storage shall be incidental to the main use of enclosed storage.
2. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
3. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

C. Site Enclosure.

Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Article 14 (Landscaping and Screening), and a decorative masonry wall or fence six (6) feet in height, in accordance with Article 15 (Walls and Fences).

D. Exterior Appearance.

The exterior of any self-storage-warehouse shall be of finished quality and design, storage buildings shall have pitched roofs and gables. Storage building shall be orientated so that doors to the units do not face toward the road, unless such doors are completely screened from view from the road.

E. Caretaker's Residence.

A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:

1. The requirements of Section 8.108 (Single-Family Dwelling, Detached).
2. The dimensional standards of the R-4 (Single-Family Residential) District, as specified in Section 9.101 (Table of Dimensional Standards by District).

F. On-Site Circulation and Parking.

All internal circulation routes shall be at least 24 feet wide.

Section 8.407 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories.

A. Separation Requirements.

The above uses shall be located at least 1,000 feet from any residential district or use, and 150 feet from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals that are to be slaughtered on premises) shall be located at least 1,000 feet from any other zoning district boundary.

B. Sanitation Requirements.

The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the City of Riverview and the Wayne County Health Department, and all waste and manure shall be removed daily.

C. Parking and Loading.

All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

D. Performance Standards.

Such uses shall comply with Article 23 (Performance Standards). The applicant shall submit an impact assessment, in accordance with Section 24.15 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

Section 8.408 Shipping Container Yards, and Outdoor Storage of Containerized Shipping Units.

Container yards shall be permitted only by special approval. Each container yard proposal shall be reviewed for compliance with the following restrictions:

A. Site Plan.

Shipping containers shall be placed or stored in areas depicted on an approved site plan.

B. Setbacks.

Shipping containers shall comply with the perimeter yard setbacks for structures in an industrial zoning district.

C. Stacking.

Shipping containers may be stacked, provided that:

1. Stacking shall not exceed 38 feet in height, unless specific approval is granted by the Planning Commission for this purpose.
2. The containers shall not be visible from any public road or any lot used for non-industrial uses.
3. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Article 14 (Landscaping and Screening).
4. Notwithstanding provisions of Article 15 (Walls and Fences), container yards shall be surrounded by a 10 to 15 foot high obscuring fence or wall set back 10 feet from property lines to allow for designated landscaping, subject to Planning Commission approval.
5. Only block storage is permitted, so that the number of containers stacked vertically must be equaled or exceeded by the number of containers placed side-by-side.
6. The stacked containers shall comply with the applicable fire codes, including installation and maintenance of fire lanes, fire suppression lines, hydrants, and other protective devices as determined by the City of Riverview Fire Chief.

D. Security and Lighting.

All security and approved lighting shall be shielded and/or deflect from surrounding residential neighborhoods and public roads.

E. Retention/Detention.

Shipping containers shall be stored on an impervious surface equipped with sufficient storm-water and runoff containment with connection to an adequate retention/detention process.

F. Portability.

No container shall be permanently affixed to the ground and shall be able to be moved by a reasonable means within a 24-hour period.

G. Active Use.

The shipping containers are used in the active transport of goods, wares or merchandise in support of a lawful principal use of the property.

H. Hours of Operation.

All crane operations shall be conducted in daylight hours between 8:00 a.m. and 6:00 p.m.

Section 8.409 Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals and Distribution Facilities.

A. Setbacks.

Terminals shall be set back a minimum of two hundred (200) feet from any residential district or use.

B. Traffic.

A traffic impact study shall be required meeting the standards of Section 24.16 (Traffic Impact Studies).

C. Parking and Loading.

All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

D. Landscaping and Screening.

Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with in accordance with Article 15 (Walls and Fences).

Section 8.410 Industrial Uses in Commercial Districts.

Industrial, processing, and warehouse uses shall be deemed acceptable accessory uses in commercial districts if the following criteria are met:

A. Character of the "Industrial" Use.

Assembly, fabrication, manufacturing, and warehouse activities shall be directly related to the specific products or services permitted as principal use on the site.

B. Limits of Industrial Activities.

Any products manufactured or produced shall not be for general distribution to other retail stores or manufacturing facilities.

C. Types of Equipment.

Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause an adverse impact on neighboring properties.

D. Percent of Floor Area.

All industrial activity shall occur within a defined area and shall occupy no more than thirty percent (30%) of total building floor area.

E. Compatibility of Traffic.

The type and quantity of traffic generated by the industrial operation shall be compatible with the approved capacity serving the site and other permitted commercial uses in the district.

F. Outside Activity Prohibited.

Industrial activity, if permitted, shall be located entirely within an enclosed building. All outside storage, except as specifically permitted in the district in which the use is located, shall be prohibited.

Section 8.411 Ground Mounted Solar Energy Systems.

The following requirements shall apply to all large solar energy systems.

- A. Purpose and Intent.** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of large solar energy systems within general industrial districts as a special land use.
- B. Site Plan Drawing and Supporting Materials.** All applications for a large solar energy systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
1. All requirements for a site plan contained in Article 20 of the City's Zoning Ordinance.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system.
 3. Names of owners of each lot or parcel within the City that is proposed to be within the large solar energy system.
 4. Vicinity map showing the location of all surrounding land uses.
 5. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a large solar energy system.
 6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the large solar energy system and within one thousand (1,000) feet of the outside perimeter of the large solar energy system.
 8. Proposed setbacks from the solar array(s) to all existing and proposed structures within the large solar energy system.
 9. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the large solar energy system.
 10. Access driveways within and to the large solar energy system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Wayne County Road Commission approval, and shall be planned so as to minimize the use of lands for that purpose.
 11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the large solar energy system.
 12. A written description of the maintenance program to be used for the solar array(s) and other components of the large solar energy system, including decommissioning and removal when

determined by the City to be obsolete, uneconomic or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system becomes obsolete, uneconomic or abandoned.

13. A copy of the manufacturer's safety measures.
 14. Planned lighting protection measures.
 15. Additional detail(s) and information as required by the special land use requirements of the City's Zoning Ordinance.
- C. **Application Escrow Account.** An escrow account shall be deposited with the City's Community Development Department by the applicant when the applicant applies for a special land use approval for a large solar energy system. The monetary amount deposited by the applicant in escrow with the City shall be the amount estimated by the City to cover all reasonable costs and expenses associated with the special land use review and approval process, which costs shall include, but are not limited to, reasonable fees of the City Attorney, City Planner and City Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any established filing or application fees. At any point during the special land use review process, the City may require that the applicant place additional funds into escrow with the City if the existing escrow amount deposited by the applicant is deemed insufficient by the City. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special land use process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the City must also be complied with by the applicant.
- D. **Compliance with the County Building Code and the National Electric Safety Code.** Construction of a large solar energy system shall comply with the National Electric Safety Code and the county building code (as shown by approval by the county) as a condition of any special land use permit under this Section.
- E. **Certified Solar Array Components.** Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization acceptable to the City.
- F. **Height.** Maximum height of a solar array, other collection device, components or buildings of the large solar energy system shall not exceed fifteen (15) feet at any time or location on the property, as measured from the natural grade at the base of the solar array, device, component or building measured.
- G. **Lot Size.** A large solar energy system shall be located on one (1) or more parcels with an aggregate area of ten (10) acres or greater.
- H. **Setbacks.** A minimum setback distance of one hundred fifty (150) from all R-1 to R-4 zoning districts and seventy-five (75) feet from all other property boundaries on the outside perimeter of the large solar energy system shall be required for all buildings and solar arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. **Screening/Security.** A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height. Electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited. Barbed wire shall be prohibited, except in industrial districts where the Planning Commission may approve the use of barbed wire at the top of a

fence extending over the property to be enclosed. The perimeter of large solar energy systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the large solar energy system's entire perimeter from adjacent parcels, subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all large solar energy systems, including without limitation between such large solar energy systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any large solar energy system as approved by the special land use permit.
 2. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of six (6) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.
 3. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Section and sufficient grounds for revocation of any special land use previously granted.
- J. **Signage.** No lettering, company insignia, advertising or graphics shall be on any part of the solar arrays or other components of the large solar energy system.
- K. **Noise.** No component of any large solar energy system shall emit noise exceeding forty-five (45) DBA as measured at the outside perimeter of the project.
- L. **Lighting.** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Article 16.
- M. **Distribution, Transmission and Interconnection.** All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- N. **Abandonment and Decommissioning.** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the special land user approval. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original condition within one hundred eighty (180) days of abandonment or decommissioning.
- O. **General Standards.** The Planning Commission shall not approve any large solar energy system unless it finds that all of the general standards for special land uses contained in Article 20 of this Ordinance are met.

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- P. **Safety.** The Planning Commission shall not approve any large solar energy system special land use permit unless it finds the large solar energy system will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
- Q. **Conditions and Modifications.** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least three (3) copies of the final approved site plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the City Clerk, and one (1) copy shall be returned to the applicant's authorized representative.
- R. **Inspection.** The City shall have the right at any reasonable time to inspect the premises on which any large solar energy system is located. The City may hire one (1) or more consultants to assist with any such inspections at the applicant's or project owner's expense.
- S. **Maintenance and Repair.** Each large solar energy system must be kept and maintained in good repair and condition at all times. If the Community Development Director determines that a large solar energy system fails at any time to meet the requirements of this Section and the special land use approval, or that it poses a potential safety hazard, the applicant shall shut down the large solar energy system within forty-eight (48) hours after notice by the Director and not operate, start or restart the large solar energy system until the condition has been corrected. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the City's review on a monthly basis. Applicant shall keep all sites within the large solar energy system neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- T. **Continuing Security and Escrow.** If any large solar energy system is approved for construction under this Section, [the] applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the large solar energy system has been finally removed, as provided below:
1. **Continuing Security.** If a special land use is approved pursuant to this Section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, or surety bond acceptable to the City, which will be furnished by the applicant to the City in order to ensure full compliance with this Section and all conditions of approval. When determining the amount of each required security, the City may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the City Clerk after a special land use permit has been approved but before construction commences on the large solar energy system. At a minimum, the financial security shall be in an amount determined by the City to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.
 2. **Continuing Escrow Deposit.** A continuing escrow deposit shall be held by the City and shall be funded in cash by the applicant prior to the commencement of construction of any large solar energy system and shall be maintained by the owner or operator until the large solar energy system has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the City shall be estimated by the City to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special land use approval, which costs can include, but are not limited to, reasonable fees for the City Attorney, City Planner and City Engineer, as well as costs for any reports or studies that the

City determines are reasonably related to enforcement of the Section and the special land use approval. If the Clerk is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the City's enforcement costs, the City may require the large solar energy system applicant to place additional monies into escrow with the City.

3. **Continuing Obligations.** Failure to keep any required financial security and escrow deposit in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the special land use approval and this Ordinance, and will subject the large solar energy system applicant, owner and operator to all remedies available to the City, including enforcement action and revocation of the special land use approval.
- U. **Conditions.** In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a large solar energy system as a special land use approval.
- V. **City Exemption.** Development on City of Riverview property is exempt from the requirements of the City's Zoning Ordinance.
- W. **Other Requirements.** Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable City ordinances.

(Ord. No. 694, art. I, 12-4-2017)

SECTION 8.500 TEMPORARY, SPECIAL EVENT AND OTHER USES

ARTICLE 8 - DESIGN STANDARDS FOR SPECIFIC USES
SECTION 8.500 TEMPORARY, SPECIAL EVENT AND OTHER USES

Section 8.501 Circuses, Fairs, Carnivals, Outdoor Entertainment Venues, and Similar Uses.

Such use and occupancy shall not be allowed for a period to exceed fourteen (14) calendar days. Such use shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazard and congestion. The Community Development Director may establish limitations on hours of operation, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

A. Permits and Approvals.

Sketch plan approval shall be obtained from the Community Development Director. The applicant shall secure appropriate permits from all external agencies with jurisdiction.

B. Insurance.

The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

C. Setbacks.

All buildings, structures and parking shall be at least 100 feet from any residentially zoned or used property.

D. Access.

Access shall be provided onto a public street, with capability to accommodate at least three (3) lanes of ingress traffic. At least 300 feet of stacking area shall be provided on site. A traffic impact study may be required in accordance of Section 24.16 (Traffic Impact Studies).

Section 8.502 Garages for Commercial Vehicles.

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than twenty-five percent (25%) of the lot area, and shall be located outside of any required yard areas.

Section 8.503 Temporary Structures and Uses.

A. General Requirements.

The Zoning Board of Appeals may permit temporary and structures. In granting permits for temporary structures, the ZBA shall consider the following:

1. The granting of the temporary permit shall not have a detrimental impact on the use or enjoyment of surrounding or nearby property due to the particular configuration of the property or conditions on or surrounding the parcel.
2. The granting of the temporary permit shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.
3. The granting of the temporary permit shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of the permit.
4. Temporary structures shall comply with the setback standards for the district in which they are located. Additionally, off-street parking, lighting, and other requirements to be considered in

protecting the public health, safety, welfare and morals of the community shall be considered in the granting of the permit.

B. Temporary Structures Used for Residential Purposes.

A structure, including a manufactured home, may be permitted by the ZBA to be occupied for temporary residential use while major repairs or remodeling is taking place, or while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Temporary permits for structures used for residential purposes shall be subject to the following:

1. One (1) emergency temporary dwelling permit may be issued by the Building Official for up to 90 days while the applicant is in the process of applying to the ZBA for a temporary dwelling permit. If the ZBA does not approve a temporary dwelling permit, the structure must be removed at the end of the 90 day emergency permit period authorized by the Building Official.
2. The ZBA may issue temporary dwelling permits for up to six (6) months in duration and may be extended by application to the ZBA for two (2) additional periods of up to six (6) months each, provided that work is proceeding in an expeditious manner. The total duration of temporary dwelling permits given by the ZBA shall not exceed 18 months.
3. A request for a temporary dwelling permit or for an extension from the ZBA must be submitted in writing to the Building Official no less than 30 days prior to the expiration of the previously granted temporary or emergency dwelling permit.
4. An approved temporary dwelling may be moved onto a site 14 days prior to commencement of major repairs, and shall be removed within 14 days following issuance of a full or temporary certificate of occupancy for the permanent dwelling, or immediately following the expiration of the temporary dwelling permit.
5. The applicant may be required to furnish the City with a performance guarantee in an amount determined by the Building Official to ensure removal of the temporary dwelling, along with a notarized affidavit that the temporary dwelling will be removed before issuance of a certificate of occupancy on the repaired dwelling or before the expiration of the temporary dwelling permit.

C. Temporary Structures Used for Non-Residential Purposes.

Temporary structures for non-residential use, including semi-trucks/trailers and concrete batch plants, may be permitted by the ZBA subject the following conditions:

1. The intended use of the temporary structure must be a contractor or builder in conjunction with a construction project.
2. No emergency permits for temporary structures for non-residential use may be granted by the Building Official.
3. The Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission on a site plan prepared by the application, prior to the taking of any action.
4. The ZBA may issue a temporary structure permit for up to six (6) months in duration, which may be extended by application to the ZBA for up to six (6) additional months provided that work is proceeding in an expeditious manner.
5. A request for a temporary structure permit or for an extension from the ZBA must be submitted in writing to the Building Official no less than 30 days prior to the expiration of the previously granted temporary or emergency permit.
6. An approved temporary structure may be moved onto a site 14 days prior to commencement of major repairs.

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7. An approved temporary structure shall be removed within 14 days following issuance of a full or temporary certificate of occupancy for the permanent dwelling, or immediately following the expiration of the temporary structure permit.
 8. The applicant may be required to furnish the City with a performance guarantee in an amount determined by the building official to ensure the removal of the temporary structure.

D. Special Events and Other Temporary Uses.

The Community Development Director may grant temporary use of land and structures for special events and other temporary uses as defined in Section 25.02 (Definitions), subject to the following conditions:

1. Adequate off-street parking shall be provided.
2. The applicant shall specify the exact duration of the temporary use.
3. Electrical and utility connections shall be approved by the Building Official.
4. A performance guarantee may be required to ensure proper clean-up.
5. A special event or other temporary use shall be permitted only if required public services, including police, fire, utility, sanitary and refuse services will be adequately provided without threat to public health, safety, and welfare. Costs for providing such services, to the extent they exceed the normal operating costs of the City, shall be the full responsibility of the owner or operator of the special event.

ARTICLE 9 SCHEDULE OF REGULATIONS

Section 9.101 Table of Dimensional Standards by District.

STANDARDS				DISTRICTS										MHP	OS-1	B-1	B-2
				R-1	R-2	R-3	R-4	R-5	RM	RM-1	RM-2						
BUILDING HEIGHT	Maximum	Feet		30	30	30	30	30	30	30	40			30	30	35	
		Stories		2	2	2	2	2	2	2	3			2	2	3	
LOT STANDARDS (per unit)	Minimum Width (feet)			80	70	60	60	40									
	Minimum Area (square-feet)			10,400	8,750	7,550	6,000	4,000	5,400	5,400	108,900						
	Maximum Coverage (%)			30	30	30	30	35	50	35	15						
YARD or SETBACK STANDARDS (feet)	Front Yard	Minimum		25	25	25	20	20	20	20	50			10	10	10	
		One Side Yard		5	5	5	5	4	10	15	50			10	10	10	
	Total of Two			15	15	15	15	13	20	30	50			20	20	20	
		Minimum Rear Yard		35	35	35	30	30	35	30	50			25	20	20	
MINIMUM BUILDING SEPARATION (feet)					10	10	10	10	10	15	30	30					
MINIMUM GROSS FLOOR AREA (square feet/unit)					1,800	1,500	1,300	1,000	800								
MINIMUM LAND AREA PER UNIT (square feet/unit)					10,400	8,750	7,550	6,000	4,000	5,400	2800	800					

see Section 8.105 (Manufactured Housing Parks)

(Ord. No. 717, art. I, 10-19-2020)

SECTION 9.200 SUPPLEMENTAL PROVISIONS OR EXCEPTIONS

Section 9.201 Front Yards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar items. Front yards shall be further subject to the following:

- A. **Existing Neighborhoods.**

Where a front yard of greater or less depth than the above specified depth exists in the front of a dwelling or dwellings on one (1) side of a street in any block, the depth of the front yard of any building subsequently erected on that side of the street in that block shall not be less and need not be greater than the average depths of the front yards of such existing dwellings.

B. Setbacks along Major Streets.

The minimum front yard setback required in Section 9.101 (Schedule of Regulations) shall be increased by five (5) feet for all front yards abutting a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

C. Corner Lots.

Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way. Such lots shall be deemed to have two (2) front yards, for the purposes of this Ordinance.

D. Double Frontage Lots.

Where a block of double frontage lots exist, one (1) street may be designated by the Building Official as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

Section 9.202 Side Yards.

The Planning Commission may reduce or waive the required side yard setback for any principal building in the Office-Service or Business Districts, subject to the following:

1. Applicable state construction and fire code requirements shall be satisfied.
2. A setback of not less than 10 feet shall be provided on any side yard which borders on a residential district.
3. Where a wall facing an interior side lot line contains windows or other openings, a side yard of not less than 10 feet shall be provided.

Section 9.203 Rear Yards.

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

Section 9.204 Height Exceptions.

A. Minor Height Exceptions.

Chimneys, elevator towers, stage scenery lofts, water towers, mechanical equipment and similar structures shall not be included in calculating the height of the principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

B. Height Exceptions Subject to ZBA Approval.

Height exceptions may be granted by the Zoning Board of Appeals (ZBA) for the following types of structures, subject to the following limitations:

1. **Wind driven energy devices.** The maximum height of wind-driven energy devices shall be 35 feet, provided that the device is set back from all property lines following the regulations of the zoning district in which the device is located. The device shall be located in the rear yard, and shall be subject to the state construction code enforced by the City. The device shall conform with applicable engineering standards, and shall not have a fall zone requirement that is detrimental to the surrounding area.
2. **Flagpoles.** Flagpoles in Residential Districts shall not exceed the height standards set forth in Section 9.101 (Schedule of Regulations).

In considering such requests, the ZBA shall consider the character of the surrounding uses, the height of surrounding structures, and potential detriment to the use or value of surrounding properties regardless of whether or not a hardship is created.

Section 9.205 Permitted Yard Encroachments.

Fire escapes, chimneys, balconies, egress window wells, architectural features, and similar projections shall be considered part of the primary building for purposes of determining yard and setback requirements. However, limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners (pad mounted), generators, and similar equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by landscaping, fencing, or similar means approved by the Building Official.
Access drives	All	None
Arbors and trellises	All	See Section 9.304 (Corner Clearance Areas)
Awnings and canopies	All	May project up to 10% into any required yard
Bay windows ¹	All	See footnote 1, below
Balconies	Rear	May project up to six (6) feet into required rear yard
Belt Courses	All	May project up to one (1) foot into any required yard
Boiler Flues	All	May project up to three (3) feet into any required yard
Chimneys	All	May project up to three (3) feet into any required yard
Cornices ¹	All	May project up to three (3) feet into any required yard
Eaves, overhanging	All	May project up to three (3) feet into any required yard
Egress Window Wells	All	May project up to three (3) feet into any required yard
Elevator Shafts	Rear	May project up to six (6) feet into required rear yard
Fences	See Article 15 (Walls and Fences)	
Fire Escapes, Fire Towers	Rear	May project up to six (6) feet into any required rear yard
Flagpoles	All	See Section 9.204 (Height Exceptions)
Gardens	All	See Section 9.304 (Corner Clearance Areas)
Gutters	All	May project up to three (3) feet into any required yard
Hallways, connecting	Rear	May project up to six (6) feet into any required rear yard
Handicapped access ramps ²	All	See footnote 2, below
Hedges	All	See Section 9.304 (Corner Clearance Areas)
Leaders	All	May project up to three (3) feet into any required yard
Light poles, ornamental	All	None
Lintels	Rear	May project up to six (6) feet into any required rear yard
Ornamental Features	Rear	May project up to six (6) feet into any required rear yard

Paved terraces, open porches, patios, decks, and steps ³	All	See footnote 3, below
Porches, front (enclosed)	Front	May project up to 25% into the required front yard
Pilasters	All	May project up to three (3) feet into any required yard
Propane tanks	All	Not permitted in front yards in Residential Districts
Signs (approved)	See Article 17 (Signs)	
Sills	All	May project up to three (3) feet into any required yard
Stairways, open unroofed	Rear	May project up to six (6) feet into any required rear yard
Television or radio towers or antennae	Rear	Not permitted in any required front or side yards in Residential Districts
Trees, shrubs, and flowers	All	See Section 9.304 (Corner Clearance Areas)
Walls	See Article 15 (Walls and Fences)	
Wind Generators	Rear	See Section 9.204 (Height Exceptions)
Window air conditioning units	All	None

Notes Related to above Table:

1. **Bay windows.** Bay windows, including their window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required yard subject to the following conditions:
 - a. Such structures shall not project into any required side yard more than one-third ($\frac{1}{3}$) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one-third ($\frac{1}{3}$) of the length of the side yard in which such projection occurs; however, any fire escape so located may be at least ten (10) feet in length.
 - b. Such structures shall not project into any required rear yard more than three (3) feet.
2. **Handicapped access ramps.** Handicap access ramps in all residential zoning districts are exempt from front, rear, and side yard building setback standards and maximum lot coverage formulas.
3. **Unenclosed terraces, porches, patios, decks, and steps.** Unenclosed terraces, porches, patios, decks, and steps may project into a yard subject to the following conditions:
 - a. Such structure shall not exceed three (3) feet above the surrounding finished grade.
 - b. Such structure shall not be located closer than five (5) feet from the side, or street lot line.
 - c. Such structure shall not be located closer than ten (10) feet from the rear lot line.
 - d. Such structure shall not be located closer than six (6) feet from any accessory building.
 - e. Such structures shall not be covered by a roof.

SECTION 9.300 GENERAL DIMENSIONAL STANDARDS

Section 9.301 Standard Methods of Measurement.

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

- A. **Overhangs.**

Where the overhang is three (3) feet or less, including the gutter, setback measurements shall be taken from the outside wall of the building. Otherwise, setback measurements shall be taken from the edge of the overhang.

B. Lot Coverage.

The maximum lot area covered by all buildings, and any other structures covered by a roof, shall be used to determine compliance with the lot coverage requirements of this Ordinance.

C. Grade.

The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:

1. **Average grade.** The arithmetic mean of the lowest and highest-grade elevations within a defined area of a lot or parcel.
2. **Finished building grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.

D. Buildable Lot Area and Open Space Calculations.

Calculation of permitted residential densities and open space requirements shall be subject to the following:

1. No lot, parcel or portion of same shall be used more than once in such calculation.
2. Lakes, ponds, state or federally regulated wetlands, retention basins, drain easements, public street rights-of-way and private road easements shall be excluded from area calculations for buildable lot area.
3. Areas lying within delineated wetlands, detention basins, or drain easements may be used to satisfy up to twenty percent (20%) of any minimum open space requirement of this Ordinance.
4. Required front, side, or rear yard setback areas for individual dwellings, perimeter yard setbacks or buffer areas for other principal buildings and uses, and areas used for parking, loading or other accessory uses shall be excluded from area calculations for any open space requirement of this Ordinance.

E. Floor Area.

Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:

1. **Gross floor area (GFA).** 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 centerline of walls separating two buildings, including a basement floor area where more than one-half ($\frac{1}{2}$) of the basement height is above the established lot grade at the building.
2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry). Usable floor area shall have a minimum clear height of four (4) feet or more.

Section 9.302 Area and Yard Regulations.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located:

A. Lot Standards.

1. New lots created after the effective date of adoption or amendment of this Ordinance shall comply with all dimensional standards (including lot area and width) of the zoning district where it is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

B. Number of Principal Buildings per Single-Family Lot.

Only one (1) principal building shall be placed on a lot of record of parcel in a Single-Family residential district. In Single-Family condominium developments, only one (1) principal building shall be placed on each condominium lot, as defined in Section 25.02 (Definitions).

Section 9.303 Frontage and Access Required.

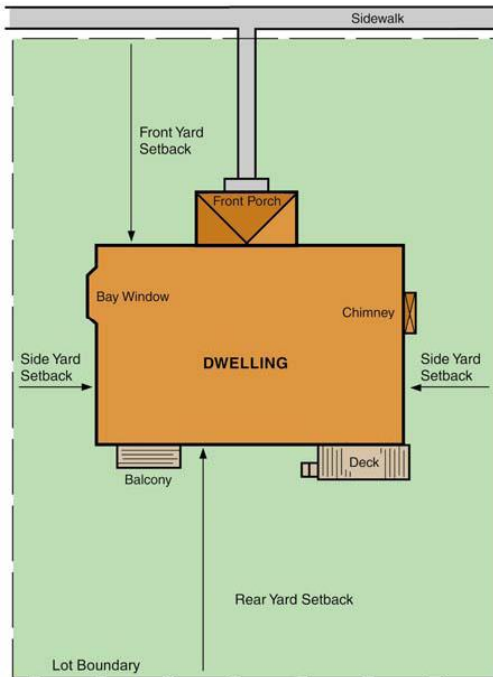
No dwelling shall be built on any lot that does not abut and have direct frontage on an approved street. Indirect access via a dedicated private ingress/egress or access easement shall not be sufficient to satisfy this requirement.

Section 9.304 Corner Clearance Areas.

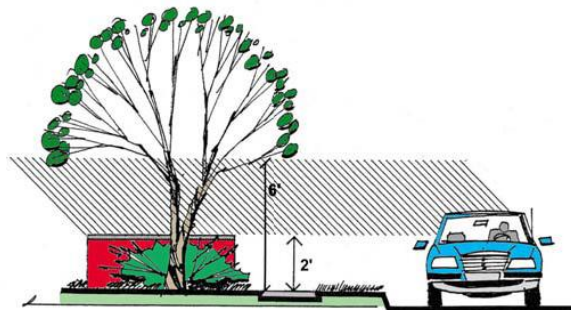
No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of two (2) feet and six (6) feet above the existing street grade within a triangular area formed by the intersection of two street right-of-way lines connected by a diagonal across the interior of such lines at points 15 feet from the point of intersection.

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

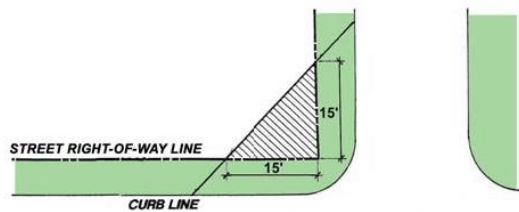
ILLUSTRATIONS



Permitted Building Projections into Required Yards

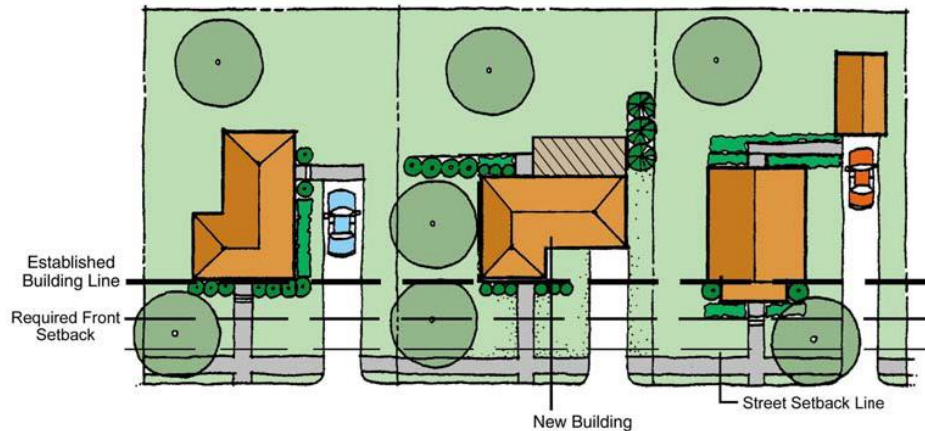


ELEVATION



PLAN

Corner Clearance Area



Established Building Line

ARTICLE 10 FP, FLOODPLAIN DISTRICT

Section 10.01 Intent.

The Floodplain (FP) District is hereby established for the purpose of significantly reducing hazards to persons and damage to property as a result of flood conditions in the City of Riverview, and to comply with the provisions and requirements of the National Flood Insurance Program, and rules promulgated by the Federal Emergency Management Agency (FEMA) and Michigan Department of Natural Resources and Environment (MDNRE).

The further objectives of this Article are to:

1. Protect human life, health and property from the dangerous and damaging effects of flood conditions.
2. Minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas.
3. Prevent private and public economic loss and social disruption as a result of flood conditions.
4. Maintain stable development patterns, and minimize the blighting influence of flood damage.
5. Ensure that the public has access to information indicating the location of land areas subject to periodic flooding.
6. Preserve the ability of floodplains to carry and discharge a base flood.

(Ord. No. 653, art. I, 6-4-12)

Section 10.02 Scope.

Compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone, in addition to all other requirements of this Ordinance applicable to development in the underlying zoning district.

Conflicts between the requirements of this Article and other requirements of this Ordinance or other City ordinances shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article. In such cases the more stringent requirement shall be applied.

(Ord. No. 653, art. I, 6-4-12)

Section 10.03 Delineation of Flood Hazard Overlay Zone.

The flood hazard area zone shall overlay upon existing zoning districts delineated on the official City of Riverview Zoning Map. The boundaries of the areas indicated shall follow the limits of the 100-year floodplain as indicated in the currently adopted report entitled "The Flood Insurance Study the City of Riverview" with accompanying Flood Insurance Rate Maps (FIRM) and flood boundary and floodway maps.

1. The term "flood hazard area", as used in this Ordinance, shall mean the flood hazard area zone, and the term "floodway" shall mean the designated regulatory floodway.
2. Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the most recent flood boundary and floodway map for the City of Riverview.
3. The zone shall be modified by approved Letters of Map Amendments (LOMA), or Letters of Map Revision (LOMR).
4. Where there are disputes as to the location of a flood hazard area zone boundary, the City Engineer shall resolve the dispute.

(Ord. No. 653, art. I, 6-4-12)

Section 10.04 Development Permit.

Development within a flood hazard area shall not occur except upon issuance of a zoning permit, and in accordance with the following standards:

1. The requirements of this Article for the underlying zoning district(s), and applicable general provisions of this Ordinance have been met.
2. All necessary development permits have been issued by appropriate local, state and federal authorities. Where a development permit cannot be issued prior to the issuance of a zoning permit, a letter from the issuing agency indicating intent to issue, contingent only upon proof of zoning compliance, shall be acceptable.

(Ord. No. 653, art. I, 6-4-12)

Section 10.05 General Standards.

- A. **New Construction and Substantial Improvements.** All new construction and substantial improvements within a flood hazard area shall be:
 1. Designed and anchored to prevent flotation, collapse or lateral movement of the structure.
 2. Constructed with materials and utility equipment resistant to flood damage.
 3. Constructed by methods and practices that minimize flood damage.
- B. **Utility Systems.**

(Supp. No. 7)

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1. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the system.
 2. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 3. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 4. Adequate drainage shall be provided to reduce exposure to flood hazards.
- C. **Determinations.** The City Engineer or his representative shall review development proposals to determine compliance with the standards in this Article, and shall transmit his determination to the Community Development Director.
- D. **Land Division.** Land shall not be divided in such a manner that it would create parcels or lots which cannot be used in conformance with the requirements of this Article.
- E. **Capacity.** Permitted alterations to or relocations of any watercourse not subject to state or federal regulations shall be designed to maintain the flood carrying capacity of the watercourse.
- F. **Flood Hazard Data.** Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this Article. Data furnished by the Federal Emergency Management Agency (FEMA) shall take precedence over data from other sources.

(Ord. No. 653, art. I, 6-4-12)

Section 10.06 Specific Base Flood Elevation Standards.

- A. **Flood Hazard Area Zone Standards.** On the basis of the most recent available base flood elevation data, the following standards shall apply in the flood hazard area zone:
1. All new construction and any future substantial improvements of existing residential structures shall have the lowest floor, including enclosed areas, crawl spaces and basements, elevated a minimum one foot above the "base flood level."
 2. All new construction and any future substantial improvements of nonresidential structures, together with attendant utility and sanitary facilities, shall either have the lowest floor and basement elevated a minimum one foot above the base flood level, or the structure shall be watertight a minimum one foot above base flood level and below, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this Section have been satisfied, and that the flood-proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall indicate the elevation to which the structure is flood-proofed.

The professional engineer or architect who designed such flood-proofing shall inspect flood-proofing methods employed as built and certify their adequacy prior to covering the construction.

- B. **Flood Elevation Data.** The most recent base flood elevation data furnished by the Federal Emergency Management Agency (FEMA) shall take precedence over the data from other sources.

(Ord. No. 653, art. I, 6-4-12)

Section 10.07 Residential Dwelling Standards.

- A. **Anchoring System.** All residential dwellings shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties in accordance with the following specifications:
 - 1. Over-the-top ties shall be provided at each of the four (4) corners of the residential dwelling, with two (2) additional ties per side at intermediate locations, except that on residential dwellings less than 50 feet in length only one (1) tie per side shall be required.
 - 2. Frame ties shall be provided at each corner of the dwelling with five (5) additional ties per side at intermediate points, except that on residential dwellings less than 50 feet in length, four (4) ties per side shall be required.
 - 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - 4. All additions to a residential dwelling shall be similarly anchored.
- B. **Evacuation Plan.** An evacuation plan indicating alternate vehicular access and escape routes for new residential developments shall be filed with the City's Fire Chief and Police Chief.
- C. **Location.** Residential dwellings within zones A1—A30 on the flood insurance rate map shall be located in accordance with the following standards:
 - 1. All residential dwellings shall be placed on stands or lots which are elevated on compacted fill, or on pilings so that the lowest floor of the residential dwelling will be a minimum one foot above the base flood level.
 - 2. Adequate surface drainage away from all structures shall be provided.
 - 3. In the instance of elevation on pilings, lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for piers more than six (6) feet above ground level.
 - 4. In residential developments that exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities and pads equal or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, the standards of this subsection C shall be fully met.

(Ord. No. 653, art. I, 6-4-12)

Section 10.08 Floodway Protection Standards.

- A. **Development Restrictions Outside of the Regulatory Floodway.** New construction, substantial improvements and all other development, including fill, shall be prohibited within zones numbered A1—A30 on the FIRM (flood insurance rate map), except where it is demonstrated to the city engineer that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. The provisions of this Section shall not apply within the regulatory floodway. These regulations shall not exempt the applicant from compliance with any federal or state requirements.
- B. **Development Restrictions Within the Regulatory Floodway.** All development occurring within the regulatory floodway shall comply with the following standards:

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1. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer that the development proposed will not result in any increase in flood levels during a base flood discharge.
 2. The placement of residential dwellings shall be prohibited except in residential developments which exist at the time this Article is adopted.
 3. Development that is permitted in the regulatory floodway shall meet the requirements of this Article.
- C. **Use Restrictions Within the Regulatory Floodway.** The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this Section.

(Ord. No. 653, art. I, 6-4-12)

Section 10.09 Floodplain Management Administration.

- A. **Duties of the City Engineer.** The duties of the City Engineer with regard to the National Flood Insurance Program and the regulation of development within the flood hazard area zone shall include, but are not limited to:
1. Notification to appropriate state and federal agencies with jurisdiction of the proposed alteration or relocation of any watercourse.
 2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and, in the case of flood-proofed structures, the elevation to which the structure was flood-proofed.
 3. Recording of all certificates of flood-proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variances, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
 4. The City Engineer cannot vary any federal or state requirement.
- B. **Data and Records.**
1. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Community Development Director and shall be open for public inspection.
 2. It shall be the responsibility of the City Engineer to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Emergency Management Agency (FEMA).

(Ord. No. 653, art. I, 6-4-12)

Section 10.10 Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood

heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris.

Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of the City of Riverview or of any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

(Ord. No. 653, art. I, 6-4-12)

ARTICLE 11

PD, PLANNED DEVELOPMENT DISTRICT

Section 11.01 Intent and Scope.

It is the intent of these regulations to permit planned development for the purposes of:

1. Fostering innovation in land use planning, development, and redevelopment.
2. Achieving a higher quality of development than would otherwise be achieved.
3. Encouraging assembly of lots and redevelopment of inefficient or outdated land uses.
4. Supporting in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, environmental status or other unique features or conditions related to the site.
5. Providing enhanced housing, employment, and shopping opportunities.
6. Creating a development framework that promotes appropriate business activity that significantly improves the economic viability of the City.
7. Assuring compatibility of design and function among neighboring properties.
8. Enhancing and expediting the redevelopment process for parcels, such as brownfield sites, that present complex solutions for re-use.
9. Encouraging unique development and redevelopment that is consistent with the City's Master Plan.

These planned development regulations are not intended as a device for ignoring the more specific standards of the City, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general zoning requirements to assure a superior quality of development.

Section 11.02 Eligibility Criteria.

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

A. Recognizable and Substantial Benefit.

The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

B. Minimum Frontage and Size.

Any planned development shall have minimum frontage of 200 feet along a public street or road. The minimum size of a parcel that is developed as a planned development (PD) shall be 10,000 square feet.

C. Availability and Capacity of Public Services.

The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.

D. Compatibility with the Master Plan.

The proposed development shall be consistent with the City's Master Plan.

E. Compatibility with the Planned Development Intent.

The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 11.01 (Intent and Scope).

F. Economic Impact.

The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance, or planned in the adopted City Master Plan.

G. Unified Control of Property.

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Community Development Director and a unified ownership remains.

H. Brownfield Classification.

Any site designated as a brownfield site by state or federal law may qualify for consideration as a PD zone.

Section 11.03 Project Design Standards.

Proposed planned developments shall comply with the following project design standards:

A. Location.

A planned development (PD) zone may be approved in any zoning district in the City, subject to review and approval as provided herein.

B. Permitted Uses.

Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that public health, safety, and welfare are not impaired. The Planning Commission may recommend and City Council may approve a mix of land uses pursuant to Section 11.03F (Permitted Mix of Uses).

C. Applicable Base Regulations.

Unless otherwise waived or modified as part of an approval in accordance with Section 11.03D (Regulatory Flexibility), all yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall be applicable for uses proposed in a planned development zone:

1. Single-Family residential uses shall comply with the regulations applicable in the R-1 (Single-Family Residential) District.

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2. Multiple-Family residential uses shall comply with the regulations applicable in the RM-1 (Multiple-Family Residential) District.
 3. Retail commercial uses shall comply with the regulations applicable in the B-1 (Local Business) District.
 4. Office uses shall comply with the regulations applicable in the OS-1 (Office Service) District.
 5. Industrial uses shall comply with the regulations in the M-1 (Light Industrial) District.
 6. Mixed uses shall comply with the regulations applicable for each individual use.
 7. Projects involving brownfield sites shall be exempt from compliance with base district standards. All standards shall be noted in the development agreement as required in Section 11.06C.4. (Development Agreement).

D. Regulatory Flexibility.

To encourage flexibility and creativity consistent with the planned development concept, departures from zoning regulations may be permitted, subject to review and recommendation by the Planning Commission and approval by City Council. For example, such departures may include, but shall not be limited to modifications to minimum lot dimensions, floor area standards, setback requirements, density standards, or parking, loading or landscaping requirements. Such modifications may be permitted only if specifically approved by the City and they result in a higher quality of development than would be possible without the granting of the modification.

E. Residential Density.

Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely impact water and sewer services, storm water drainage, road capacity, traffic flow, parks and recreation services, fire and police services, schools, character of the area, and any planned public or private improvements in the area.

F. Permitted Mix of Uses.

Where the existing zoning district classification is residential, compatible non-residential uses may be permitted as part of a planned development at the sole discretion of the Planning Commission and City Council. The applicant must demonstrate that the residential uses will continue to be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria for each of the proposed uses:

1. Amount of traffic generated.
2. Hours of operation or use.
3. Noise, odors, overall environmental impact on adjoining uses.
4. Land area allocated to each use.
5. Building area allocated to each use.

G. Open Space Requirements.

Planned developments containing a residential component shall provide and maintain usable open space as shown on the approved site plan. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

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1. Provide for maintenance of the privately owned open space by private property owners with an interest in the open space.
 2. Provide maintenance standards and a schedule.
 3. Provide for assessment of the private property owners by the City of Riverview for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

H. Frontage and Access.

Planned developments shall front onto a major thoroughfare or public collector street, as specified in the adopted City Master Plan, except where the planned development involves reuse or redevelopment of at least one (1) existing structure or redevelopment of a brownfield site.

I. Utilities.

All new utilities serving a planned development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

J. Privacy for Dwelling Units.

The design of a planned development shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

K. Emergency Access.

The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

L. Pedestrian and Vehicular Circulation.

A pedestrian circulation system shall be provided throughout the project that is insulated from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing streets, sidewalks, and bicycle pathways in the vicinity of the site.

Section 11.04 Project Review Standards.

In considering any application for a planned development, the Planning Commission and City Council shall make their determinations on the basis of standards set forth for site plan review in Section 20.01M (Standards for Site Plan Approval), as well as the following standards and requirements for a planned development:

A. Conformance with the Planned Development Concept.

The overall design of the site and all proposed land within the project shall be consistent with and promote the intent of the planned development concept as described in Section 11.01 (Intent and Scope), as well as comply with the specific project design standards set forth herein.

B. Compatibility with Adjacent Uses.

The proposed project shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirements has been met, consideration shall be given to the following:

1. The bulk, placement, and materials of construction of all proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

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3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 4. The hours of operation of any proposed nonresidential use(s).
 5. The provision of landscaping and other site amenities.

C. Public Services.

The project shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing the necessary services or evidence that such services will be available by the time the planned development project is completed.

D. Impact of Traffic.

The project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to the issues by requesting that the applicant provide a traffic impact analysis at the direction of the Planning Commission.

E. Accommodations for Pedestrian Traffic.

The planned development project shall be designed with a pedestrian network to accommodate safe pedestrian circulation throughout the interior and along the perimeter of the site without interference from vehicular traffic.

F. Compatibility with the Master Plan.

The proposed planned development project shall be consistent with the general principles and objectives of the City Master Plan.

G. Area, Height, Bulk, and Placement Requirements.

Buildings and uses in the Planned Development District are subject to the area, bulk, and placement requirements specified in Section 11.03 (Project Design Standards).

H. General Development Standards.

Buildings and uses in the Planned Development District are subject to all applicable requirements set forth in this Ordinance, unless specifically modified through an approved application.

I. Compliance with Applicable Regulations.

The proposed planned development project shall be in compliance with all applicable federal, state, and local laws and ordinances.

Section 11.05 Phasing and Commencement of Construction.

A. Integrity of Each Phase.

Where a planned development project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the City.

B. Rate of Completion of Residential and Non-residential Components.

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1. **Purpose.** The purpose of the following provisions is to assure that planned development projects are constructed in an orderly manner as approved and to assure that the planned development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.
 2. **General standards.** In planned developments that include both residential and non-residential components, the phasing plan shall detail time requirements for:
 - a. Completion of at least thirty-five percent (35%) of all proposed residential units concurrent with the first phase of any non-residential construction.
 - b. Completion of at least seventy-five percent (75%) of all proposed residential construction concurrent with the second phase of non-residential construction.
 - c. Completion of one hundred percent (100%) of all residential construction prior to the third phase of non-residential construction.

For purposes of carrying out this provision, the percentages shall be approximations as determined by the Community Development Director, based upon the floor area and land area allocated to each use as presented in documents submitted by the applicant.

3. **Modifications to general standards.** Such percentages may be modified should the Community Development Director agree that the applicant has presented adequate assurance that the residential component or components of the project will be completed within the specified time period.
4. **Completion of each phase.** Construction of a phase may commence following site plan approval by the Planning Commission, provided that construction shall be commenced for each timed phase of the project and be substantially completed within 24 months of the schedule set forth on the approved plan for the planned development.
 - a. The applicant may submit a revised phasing plan for review and approval by the Planning Commission. Once construction of a planned development has commenced, approval of any revisions to the phasing plan shall be approved only if the revised phasing does not materially change the integrity of the approved planned development.
 - b. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the City may initiate proceedings to amend the zoning classification of the undeveloped portion of the site to the preceding district, or any other district consistent with the Master plan.

Section 11.06 Planned Development Procedure.

A. Intent.

The procedure in this Section is intended to provide a consistent and uniform method for review of planned development applications. The review procedure is set forth to assure full compliance with the standards contained in this Ordinance and other applicable local ordinances, and state and federal laws.

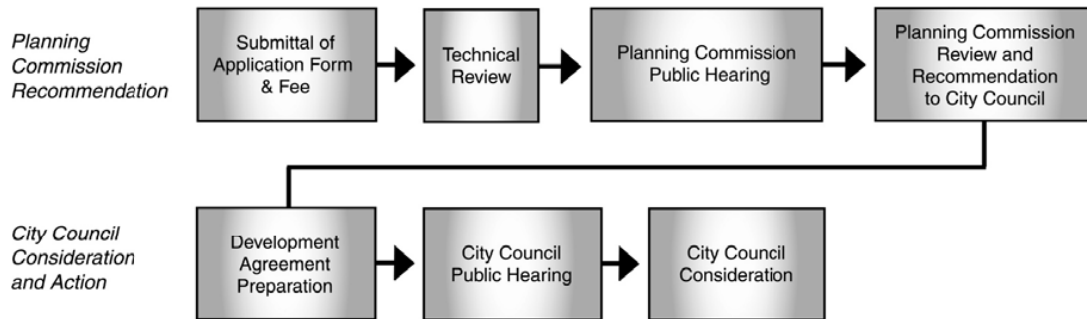
B. Application Data Requirements.

Applications for planned development zoning shall include applicable data required for site plan review as specified in Section 20.01L (Required Information for Site Plans), and the following:

1. **Overall PD plan.** The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each

use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial, and other non-residential use; each type of open space; community facilities and public areas; and other types of land uses.

2. **Map and master plan statement.** A map and written explanation of the relationship of the proposed planned development to the City's Master Plan.
 3. **Traffic data.** Information concerning traffic generated by the proposed planned development. Sufficient information shall be provided to allow the City to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided:
 - a. Estimates of the volume of traffic generated by each use.
 - b. The peak hour volume of traffic expected to be generated by the proposed development.
 - c. A schematic drawing indicating vehicular movement through the site, including anticipated turning movements.
 - d. Measures being proposed to alleviate the impact of the development on the circulation system.
 4. **Fiscal impact.** Analysis of the fiscal impact of the proposed planned development on the City of Riverview and the school district.
 5. **Market study.** Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.
 6. **Legal documentation of single ownership or control.** The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.
 7. **Schedule.** A schedule of the development and construction details, including specific phasing dates and timing of all proposed improvements.
 8. **Documents.** A draft of ownership and governance documents is required. These documents shall include the following:
 - a. Deeds.
 - b. Warranties guaranteeing ownership conveyed and described in the deeds.
 - c. A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.
 - d. Association bylaws (for example, condominium association by-laws) that describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.
 - e. A draft development agreement.
- C. **Procedural Requirements.**



Planned Unit Developments

1. **Amendment required.** The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the official Zoning Map to designate the subject property as "PD" (Planned Development District). Approval granted under this Section (including the development agreement, all aspects of the final plan, and any conditions imposed on it) shall constitute an inseparable part of the zoning amendment.
2. **General review procedures.** Planned development applications shall be submitted in accordance with the following procedures and requirements, that provide for detailed review of planned development proposals by the Planning Commission, followed by review and approval by the City Council:
 - a. **Applicant eligibility.** The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled.
 - b. **Application forms and documentation.** The application for planned development shall be made on the forms and according to the guidelines specified by the Community Development Director.
 - c. **Site plan preparation.** The site plan shall be prepared in the manner specified in this section and on the planned development application form. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be formally reviewed.
 - d. **Submission of a completed plan.** The planned development application materials, required fees, and sufficient copies of the completed site plan shall be submitted to the Community Development Director for review.
 - e. **Review by City officials.** The Community Development Director and other appropriate City officials and review committees shall review the site plan and application materials, and shall prepare a written review, which shall specify any deficiencies in the site plan and make recommendations as appropriate.
 - f. **Submission of a revised plan and planned development application.** The applicant shall revise the site plan and application materials, based on the recommendations set forth in the Community Development Director's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the Planning Commission at the same time.
3. **Planning Commission consideration.** After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:

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- a. **Acceptance for processing.** The application shall be placed on the agenda of the next available scheduled Planning Commission meeting at which time a public hearing shall be scheduled.
 - b. **Public Hearing.** The public hearing shall be scheduled and held in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures) of this Ordinance and Section 401 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The Planning Commission and City Council may hold a joint public hearing on a planned development application if so desired.
 - c. **Planning Commission review.** Following the public hearing, the planned development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, requested modifications and consistency with the intent and spirit of the planned development concept.
 - d. **Plan revision.** If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible recommendation to Council.
 - e. **Planning Commission recommendation.** The Planning Commission shall review the application for a planned development, together with the public hearing findings and reports and recommendations from the Community Development Director and other appropriate reviewing bodies. The Planning Commission shall then make a recommendation to City Council. All decisions of the Planning Commission shall be contained within a report for transmittal to the City Council, stating its conclusions and findings and the basis for its decision.
 - (1) **Approval.** Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission may recommend approval.
 - (2) **Approval with conditions.** The Planning Commission may recommend that City Council impose reasonable conditions with the approval of a planned development proposal, to the extent authorized by law, for the following purposes:
 - (a) To ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
 - (b) To protect the natural environment and conserve natural resources and energy.
 - (c) To ensure compatibility with adjacent uses of land.
 - (d) To promote the use of land in a socially and economically desirable manner.
 - (e) To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
 - (f) To achieve the intent and purpose of this Ordinance.

In the event that the planned development is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

- (3) **Denial.** Upon determination by the Planning Commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, fails to comply with the intent of this Article, or otherwise could be injurious to the public health, safety, welfare, and orderly development of the City, the Planning Commission shall recommend denial.

The Planning Commission shall prepare and transmit a recommendation to City Council stating its conclusions and findings, the basis for a recommendation regarding the creation of a PD zone, and any recommended conditions relating to an affirmative decision.

4. **Development Agreement.** Upon the approval recommendation of a PD district by the Planning Commission, the applicant shall prepare a written agreement setting forth any and all conditions upon which approval was based. The Community Development Director shall review the agreement, with assistance from the City Attorney and other advisors. After approval of the ordinance granting the zoning map amendment and development agreement by City Council, the agreement shall be recorded in the Office of the Wayne County Register of Deeds at the expense of the applicant. The agreement shall, at a minimum:
- a. Incorporate by reference the final approved site plan.
 - b. If open space or common areas are indicated in the project for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to the residents, and the use shall be irrevocably dedicated for use as open space for park, recreation or other common uses.
 - c. Detail a program and related financing mechanisms for maintaining common areas, amenities and features, such as walkways, signs, lighting and landscaping.
 - d. Assure that any natural features will be preserved as shown on the site plan.
 - e. Assure the financing for the construction and maintenance of all roadways and necessary utilities (including public water, waste water collection and treatment) through a performance bond or other means, for any and all phases of the project. In the case of phased project, this requirement shall be reviewed for compliance at the time of construction plan approval for each phase of the project.
 - f. Address any conditions placed upon the site or details of all remedial actions required by state or federal regulatory agencies for brownfield projects.
 - g. State all dimensional standards to be incorporated in the redevelopment of brownfield sites.
 - h. Address any other concerns or conditions placed on the approval by the Planning Commission or City Council.
5. **City Council Consideration.** After the Planning Commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for City Council review.
- a. **Public hearing.** Upon receipt of a planned development plan and Planning Commission recommendation, City Council, solely at their option, may schedule an additional public hearing. Notice of said public hearing shall be in accordance with the procedures set forth

in Section 20.03 (Public Hearing Procedures) of this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

- b. **City Council determination.** City Council shall make a determination based on review of the final plan together with the findings of the Planning Commission, and the reports and recommendation from the Community Development Director, City Engineer, and other appropriate reviewing bodies. Following completion of its review, City Council shall approve, approve with conditions, or deny a planned development proposal along with its related map change and development agreement in accordance with the guidelines described for the Planning Commission in Section 11.06C.3.(e), above.
- 6. **Recording of Planning Commission and City Council action.** Each action taken with respect to a planned development shall be duly recorded in the minutes of the Planning Commission or City Council, as appropriate. The grounds for the action taken shall also be recorded in the minutes.
- 7. **Effect of Approval.** Approval of a planned development application shall constitute an amendment to the Zoning Ordinance. All improvements and land uses of the site shall be in conformity with the planned development amendment and any conditions imposed and the approved development agreement. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development, unless an amendment is adopted by City Council upon request by the applicant or successors.
- 8. **Zoning Board of Appeals Authority.** The ZBA shall have no authority to consider any appeal of a decision by City Council or Planning Commission concerning a planned development application.
- 9. **Application for a Building Permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following to the Building Official:
 - a. Final approval of the site plan, development agreement, and planned development application.
 - b. Final approval of the engineered construction plans.
 - c. Acquisition of all other applicable City, county, or state permits.
- 10. **Expiration of Planned Development Approvals.** If construction has not commenced within 24 months of publication of the PD zoning amendment, any and all approvals become null and void and a new application for planned development shall be required. City Council may grant a 12 month extension, following a written request from the applicant, if City Council finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for a time extension must be received prior to the site plan expiration date. In the event that an approved planned development plan becomes null and void, the City Planning Commission shall initiate proceedings to amend the zoning classification of the site.
- 11. **Performance Guarantee.** The Community Development Director may require that a performance guarantee be deposited with the City to ensure faithful completion of any and all improvements approved for a planned development project. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in Section 11.05 (Phasing and Commencement of Construction).
- 12. **Revision to Approved Plans.**

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- a. **General revisions.** Changes to the approved planned development plan that are not considered minor by the Director of Community Development shall be reviewed in accordance with the procedures set forth in Section 11.06 (Planned Development Procedure) for approval of a new PD proposal.
 - b. **Minor changes.** Minor changes may be approved by the Community Development Director, subject to a finding that:
 - (1) The proposed changes will not affect the initial basis upon which initial approval was granted.
 - (2) The proposed minor changes will not adversely affect the overall planned development in light of the intent and purposes of such development as stated in Section 11.01 (Intent and Scope).
 - (3) The proposed changes will not affect the character nor the intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

Examples of minor changes include, but shall not be limited to additions or alteration to the landscape plan or landscape materials; alterations to the internal layout of an off-street parking lot, provided that the total number of spaces does not change; relocation of a trash receptacle changes in locations or tree types on an approved landscape plan, or location of designated parking spaces; or an increase in floor area of less than twenty percent (20%) of the initial total floor area, up to 5,000 square feet maximum.

(Ord. No. 652, art. I. 6-4-12)

ARTICLE 13

STREETS, ROADS, OFF-STREET PARKING AND LOADING

Section 13.01 Streets, Roads, and Other Means of Access.

A. Intent.

Unimpeded, safe access to parcels of land throughout the City is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards of this Article are determined to be the minimum necessary to meet the above stated intentions.

B. Public Access Required/Minimum Frontage.

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Article 9 (Schedule of Regulations); except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than fifty percent (50%) of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.

C. Access on Residential Double Frontage Lots.

On double frontage lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the road not providing access has been designated as the "front lot line" on an approved lot split application or subdivision plat, then the driveway providing the primary means of vehicular access shall intersect the road that abuts the designated front lot line.

The Community Development Director may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

D. Street and Driveway Standards.

Public streets shall comply with the requirements of the Wayne County Department of Public Services or the Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the City:

1. **Minimum Driveway Setbacks.** Driveways shall be set back a minimum of ten (10) feet from any side or rear property line, except for a private driveway serving one (1) single-family residence.
2. **Vertical Clearance.** Driveways and roads needed for emergency and fire department access shall maintain a minimum vertical clearance of 15 feet.
3. **Standards by Development Type.**

Type of Development	Minimum Street & Driveway Standard
SINGLE-FAMILY DETACHED RESIDENTIAL (Plat, Site Condominium, Lots Created Through Splits)	
Driveways to individual lots in plat or site condominium ⁴	9 ft. pavement
Driveways to individual lots not in a plat or site condominium ⁴	9 ft. pavement
SINGLE-FAMILY ATTACHED (Townhouse or Cluster)	
Roads throughout the development, including entrance road	Must comply with Wayne County Standards
Driveways to individual units	9 ft pavement
MULTIPLE-FAMILY RESIDENTIAL	
Roads throughout the development	24 ft. pavement, curb and gutter
Roads or driveways within a parking area	See Section 13.02D
Entrance Road ¹	27 ft. pavement, curb and gutter
COMMERCIAL AND OFFICE DEVELOPMENT	
Driveway serving 2 or more parcels/zoning lots (i.e., office park)	31 ft. pavement, curb and gutter
Main access driveways and internal circulation truck routes	31 ft. pavement, curb and gutter ²
Roads or driveways within a parking area	See Section 13.02D
Entrance Road ¹	31 ft. pavement, curb and gutter
Internal Circulation routes not used by trucks	24 ft. pavement, curb and gutter
INDUSTRIAL DEVELOPMENT	
Driveway serving 2 or more parcels/zoning lots (i.e., industrial park)	31 ft. pavement, curb and gutter
Main access driveways and internal circulation routes	31 ft. pavement, curb and gutter ²
Roads or driveway within a parking area	See Section 13.02D
Entrance Road ¹	31 ft. pavement, curb and gutter
Internal circulation routes not used by trucks	24 ft. pavement, curb and gutter ²
MANUFACTURED HOUSING PARKS	

All Roads	See Section 8.105 (Manufactured Housing Parks)
MISCELLANEOUS	
Boulevard entrances with median (not public)	18 ft. pavement with curb and gutter in each direction, minimum width of median: 16 ft.
"T" Turnaround ³	"T" Turnarounds shall comply with Wayne County standards.
Cul-de-Sac ³	The minimum radius for the cul-de-sac right-of-way or easement shall be 60 ft.
Secondary access roads	24 ft. pavement, minimum 30 ft. setback from edge of parallel public road

Footnotes to table above:

1. The entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within the development.
2. Curb and gutter requirements are not applicable for access routes through parking lots.
3. Subject to Wayne County review and requirements, "T" turnarounds shall only be used at the end of stub streets that have no dwelling unit fronting on them, and a cul-de-sac shall be constructed at the end of each dead-end public road, regardless of whether the road is expected to be extended in the future.
4. Shared driveways for adjoining single-family parcels shall be permitted, provided that an access easement is recorded for joint use and maintenance of the driveway. All parcels shall comply with minimum road frontage and lot width requirements.

E. Access Across Residential District Land.

No land that is located in a residential district shall be used for a driveway, walkway, or an access purpose to any land that is located in a non residential district, unless such access is by way of a dedicated public road.

F. Service Roads/Secondary Access Streets.

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives (curb cuts) onto a public street thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the street, the Commission may require construction of service roads across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service road may be public or private and shall comply with the following requirements:

1. An easement shall be recorded with the Wayne County Register of Deeds allowing free vehicular access across the service road between adjoining parcels. The easement shall be in a form acceptable to the City Council, and it shall be recorded prior to the issuance of a Certificate of Occupancy for the principal building.
2. The service road shall comply with the design requirements set forth previously in Section 13.01D. The service road shall comply with the engineering and construction standards established by the City Council.

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3. In anticipation of future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.
 4. In lieu of a designated service road, the Planning Commission may require the development of parking to permit vehicular circulation between parking areas on contiguous lots or parcels.
 5. Each property owner shall be responsible for continued maintenance of the service road and easement so that it continues to provide a safe means of access from one parcel to another.
 6. Backing from parking spaces onto the service road shall not be permitted.
 7. The site plan shall indicate the proposed elevation of the service road at the property line and the Building Official shall maintain a record of all service road elevations so that their grades can be coordinated. Service road elevations shall conform to elevations established by the City.

G. Performance Guarantee.

To assure completion of a service road in conformance with the requirements set forth herein, the Building Official may require the applicant or owner to provide a performance guarantee, in accordance with Section 24.11 (Performance Guarantee).

Section 13.02 Off-street Parking Requirements.

A. Scope of Off-Street Parking Requirements.

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

1. **General Applicability.** For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Article prior to the issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements in effect at the time of issuance of the building permit may be allowed.
2. **Change in Use or Intensity.** Whenever a use of a building, structure, or lot is changed, a parking facility shall be provided as required by this Article for the new use, regardless of any variance that may have been in effect prior to change of use.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity or through other means requiring additional off-street parking; sufficient parking shall be provided for such increase in intensity of use.

3. **Existing Parking Facilities.** Off-street parking facilities in existence on the effective date of this Ordinance shall not be reduced below, or if already less than, shall not be further reduced below the requirements for the use or uses being served as set forth in this Ordinance.

An area designated as required off-street parking shall not be changed to any other use unless sufficient facilities are provided elsewhere in accordance with the provisions of this Ordinance.
4. **Review Compliance.** Compliance with the requirements in this Article shall be subject to site plan review and approval as specified in Section 20.01 (Site Plan Review).
5. **Required Parking Spaces.** The required parking facilities shall be defined as a minimum and maximum number.
6. The Planning Commission may adjust the required number of off-street parking spaces provided one (1) of the following two (2) standards is met:

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- a. Standards of Section 13.02.B.5., Collective Use of Off-Street Parking, are met.
 - b. A parking study provided by the applicant and approved by the Planning Commission is provided.

B. General Requirements.

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed

1. Location.

- a. **Proximity to building or use being served.** Off-street parking for multiple-family and non-residential uses shall be located on the same lot, zoning lot, or parcel as the building or use being served or within 300 feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking), except as otherwise permitted for collective use of off-street parking.
- b. **Within yards.** Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Article 14 (Landscaping and Screening) are met, and provided further that off-street parking shall not be permitted within 20 feet of a single-family residential zone boundary, nor within ten (10) feet of any road right-of-way line.

2. Residential Parking. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking:

- a. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- b. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 13.02, subsection E.

3. Control of Off-Site Parking. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership or control as the lot occupied by said building or use.

4. Access to Parking. Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. Collective Use of Off-Street Parking. Off-street parking for separate buildings, separate uses, or mixed uses may be provided collectively subject to the following:

- a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use, unless the operating hours of the buildings or uses do not overlap, in which case the Planning Commission may reduce the total number of spaces to a number deemed reasonable based on the operational characteristics of the buildings or uses.
- b. Each use served by collective off-street parking shall have direct access to the parking without crossing public streets.

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- c. The collective off-street parking shall not be located farther than 500 feet from the building or use being served.
 - d. Written easements that provide for continued use and maintenance of the parking shall be submitted to the City for approval.
6. **Reserved.**
7. **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service for vehicles may be permitted.
8. **Duration.** Except when land is used as approved storage space in direct connection with a legitimate business, a 24 hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, for sale or junked vehicles in any parking area in any district for any period of time.
9. **Parking Structures.** Parking structures shall be permitted subject to the following standards:
- a. Any parking structure shall comply with the required setbacks for the district in which it is located.
 - b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
 - c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
 - d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.

C. **Number of Spaces Required.**

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

1. **Definitions.** For the purposes of determining minimum required number of parking spaces, "floor area" and "usable floor area" shall be measured in accordance with the definitions in Section 25.02 (Definitions).
 - a. **Fractional spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.
 - b. **Employee parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.
2. **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, as determined by the Community Development Director.
3. **Barrier-Free Parking.** Each parking lot that serves a building, except for single- and two-family dwelling units, shall provide barrier-free parking spaces. These spaces shall be level parking spaces, reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the State Construction Code enforced by the City. Each barrier-free parking space shall have the following:

- a. A sign with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space. If the space is van accessible, the sign should contain the phrase "van accessible."
- b. The space shall be not less than eight (8) feet in width, and the same depth as adjoining spaces.
- c. The space must be adjacent to an access aisle not less than five (5) feet in width for car accessible spaces and eight (8) feet in width for van accessible spaces. The access aisle must be level (1:50 maximum slope [2%] in all directions), be the same length as the adjacent parking space(s) it serves, and connect to an accessible route to the entrance of the building. Boundaries of the access aisle must be marked and ramps may not extend into the access aisle. Car accessible access aisles may share an access aisle.
- d. Van accessible spaces shall have an eight (8) foot high clearance area at the van parking space and an access aisle on the vehicular route to and from the van space.

The number of barrier-free spaces required is as follows:

Schedule of Required Barrier-Free Spaces

Total Number of Parking Spaces Provided in Lot	Total Minimum Required Number of Barrier-Free Spaces	Van Accessible Parking Spaces (minimum 8' wide access aisle)	Accessible Parking Spaces (minimum 5' wide access aisle)
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- 4. **Use of Loading Space.** Required loading space shall not be counted or used for required parking.
- 5. **Stacking Spaces.** All stacking spaces required in the Schedule of Off-Street Parking shall be provided off-street and conform to the standards in Section 13.02D (Layout and Construction).
- 6. **Number of Spaces per Use.** The minimum number of required off-street parking spaces shall be determined in accordance with the requirements in Schedule of Required Off-Street Parking (below). Where calculations determining the number of required parking spaces results in a fractional space, the fraction shall be rounded up to the next highest whole number:

Schedule of Required Off-Street Parking by Use

Use	Number of Minimum Parking Spaces per Use of Measure
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Residential, single-family, attached single-family, and two-family	Two (2) per dwelling unit.
Residential, multiple-family, Townhouses and Stacked Flats	Two (2) per dwelling unit.
High-rise Multiple Family (a structure with more than 4 stories)	One (1) per dwelling unit.
Senior Housing	One (1) per dwelling unit, PLUS per on-duty employee based upon maximum employment shift.
Manufactured Housing Park	Two (2) per dwelling unit.
Family and Group Day Care Homes	One (1) per on-duty employee based upon maximum employment shift, PLUS any required spaces for the dwelling.
Child Care Centers or Nursery Schools	One (1) per six (6) children at maximum authorized or licensed capacity, PLUS sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Convalescent and/or Nursing homes, Foster Care Group Homes, and Assisted Living Facilities	One (1) per two (2) dwelling units or five (5) beds, PLUS one (1) space per on-duty employee based on maximum employment shift.
Fraternity or sorority	One (1) per five (5) active resident-members, or one (1) per two (2) beds, whichever is greater.
Hospital	One per five (5) beds, PLUS one (1) per on-duty employee based on maximum employment shift.
Libraries, Museums, Non-Profit Art Galleries, Cultural Center and Similar Facilities	One (1) per 500 square feet of usable floor area, PLUS one (1) per on-duty employee based on maximum employment shift.
Churches or temples Places of Worship	One (1) per three (3) seats or six (6) feet of pews or benches in the main unit of worship, PLUS any required spaces for permitted accessory or associated uses (school, day care center, etc.).
Public Utility Uses	One (1) per on-duty employee based on maximum employment shift.
Schools, Elementary and Junior High	One (1) per on-duty employee based on maximum employment shift, PLUS any required spaces for an auditorium or other public meeting space, and sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Schools, Senior High	One (1) per employee based on maximum employment shift, PLUS one (1) space per 10 students and any required spaces for an auditorium or other public meeting space.
School, Vocational, Technical, and Post-Secondary Educational Facilities	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Arcade	One (1) space per amusement station or video game, PLUS one (1) space per employee based on maximum employment shift.
Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses	One (1) per three (3) persons allowed within the maximum occupancy load as established by local,

	county or state fire, building or health codes, PLUS one (1) space per employee based on maximum employment shift.
Bowling Alleys	Five (5) spaces per bowling lane, PLUS any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Dance Halls, Pool or Billiard Parlors, Exhibition halls	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS one (1) space per employee based on maximum employment shift.
Golf courses, Private or Public	Six (6) per golf hole, PLUS one (1) space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Golf courses, Miniature and Par 3	Three (3) per golf hole, PLUS one (1) space per employee based on maximum employment shift.
Golf, Driving Range	One (1) per tee, PLUS one (1) per employee based on maximum employment shift.
Private Clubs or Lodge Halls	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Softball, Baseball Fields	25 spaces per playing field.
Stadium, Sports Arena or similar place of outdoor assembly	One (1) per three (3) seats or six (6) feet of benches, whichever is greater, PLUS one (1) space per employee based on maximum employment shift.
Swimming Pools	One (1) per four(4) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS one (1) per employee based on maximum employment shift.
Tennis Clubs and Court-Type Recreation Uses	One (1) per person permitted based on the maximum capacity of the courts, PLUS one (1) per employee based on maximum employment shift.
Theaters and Auditoriums with Fixed Seating	One (1) per three (3) seats, PLUS one (1) per employee based on maximum employment shift.
Theaters and Auditoriums without Fixed Seating	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS one (1) per employee based on maximum employment shift.
Post office	One (1) per 50 square feet of lobby area, PLUS one (1) per employee based on maximum employment shift.
Automobile Service Station or Automobile Filling Stations	One (1) per on-duty employee based upon maximum employment shift, PLUS one (1) per fueling location, one (1) stacking space per two (2) fueling locations, two (2) spaces per service or repair bay, and any required spaces for permitted accessory or associated uses (restaurants, convenience stores, etc.).

Automobile Repair or Service Facilities, Bump Shop	One (1) per employee based on maximum employment shift, PLUS two (2) spaces per service or repair bay.
Automobile Wash (automatic)	One (1) space per employee based on maximum employment shift, PLUS 10 stacking spaces per automatic wash operation or line. A 30 foot long drying space shall also be provided at the exit of each washing line to prevent undue amounts of water from collecting on the public street and creating a traffic hazard.
Automobile Wash (self-service or coin-operated)	One (1) space per employee based on maximum employment shift, PLUS four (4) stacking spaces and one (1) drying space per washing stall.
Beauty Parlor or Barber Shop	Three (3) spaces per of the first two (2) beauty or barber chairs, and one and one-half (1.5) spaces per additional chair.
Ice skating or roller rink	One (1) per 200 square feet of skating area or one (1) space per three (3) seats or six (6) feet of benches in any spectator area, whichever is greater, PLUS any required spaces for permitted accessory or associated uses (restaurants, retail stores, etc.).
Ice Cream Parlors	see Restaurant (Carry Out or Standard)
Laundromats and coin operated dry cleaners	One (1) per five (5) washing or drying machines, PLUS one (1) space per on-site employee based on maximum employment shift.
Mini Warehouses, Self-Storage Establishments	One (1) per ten (10) storage units distributed throughout the storage area, PLUS one (1) per 250 square feet of usable floor area in the office building, and required spaces for any accessory manager or caretaker's dwelling.
Mortuaries, Funeral Homes	One (1) per 150 square feet of gross floor area in the viewing rooms, parlors, chapels or assembly areas.
Motel, Hotel, Bed and Breakfast, or other commercial lodging establishments	One (1) per occupancy unit, PLUS one (1) space per on-site employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, assembly rooms, etc.).
Motor Vehicle Sales or Rental - Indoor Showroom	One (1) space per 200 square feet of sales room floor area, PLUS one (1) space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (automobile service or repairs, outdoor sales or display areas, etc.).
Motor Vehicle Sales or Rental - Outdoor Sales or Display Area	One (1) per 1000 square feet of outdoor sales or display area.
Open Air Business	One (1) space per 200 square feet of land area being used for display, PLUS any required spaces for permitted accessory or associated uses.

Service Establishments, not Otherwise Specified, including Household Equipment Repair Shops	One (1) per 300 square feet of usable floor area PLUS one (1) per employee based on maximum employment shift.
Radio or Television Station or Studio	One (1) per employee based on maximum employment shift, PLUS any required spaces for an auditorium or public seating space within a studio.
Restaurant, Bar/Lounge	One (1) per 50 square feet of usable floor area. Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard".
Restaurant, Drive-in restaurant	One (1) per 30 sq. ft. of usable floor area, PLUS one (1) space per employee based on maximum employment shift.
Restaurant, Accessory drive-through facilities or lanes	10 stacking spaces per window, PLUS a bypass lane and any required spaces for the restaurant to which the drive-through is accessory.
Restaurant, Carry-out	One (1) per 200 square feet of usable floor area, plus one (1) PLUS one (1) space per employee based on maximum employment shift.
Restaurant, Standard	One (1) per three (3) seats, based upon the maximum seating capacity, PLUS one (1) space per employee based on maximum employment shift.
Retail Stores except as otherwise specified herein Not Otherwise Specified.	One (1) per 250 square feet of usable floor area.
Shopping Center or Mall	One (1) per 250 square feet of usable floor area.
Supermarkets	One (1) per 200 square feet of usable floor area.
Wholesale Sales Store such as Furniture Sales; Appliance Sales; Machinery Sales; Showroom of a Plumber, Electrician, or Similar Trade	One (1) per 500 square feet of usable floor area, PLUS one (1) per employee based on maximum employment shift.
Banks and Financial Institutions	One (1) per 200 square feet of usable floor area, PLUS five (5) stacking spaces per drive-through service window or station.
Business or Professional Offices, Not Otherwise Specified.	One space per 300 square feet of usable floor area. In no case shall provided parking be less than 3 spaces.
Professional Offices and Clinics of Doctors, Chiropractors, Dentists and Similar Professions	One (1) per 300 square feet of usable floor area, PLUS one (1) space per employee based on maximum employment shift.
Veterinary Clinic	One (1) per 150 square feet of usable floor area.
Contractor or Construction Use	One (1) per employee based on maximum employment shift.
Manufacturing Establishments or Establishment for Industrial Production, Processing, Assembly, Compounding, Preparation, Cleaning, Servicing, Testing, Repair	One (1) per 1,000 square feet of gross floor area or one (1) per on-duty employee based upon maximum employment shift, whichever is greater, PLUS any required spaces for accessory office, sales, display or other uses.
Warehouses and Wholesale Establishments	One (1) per 1,500 square feet of gross floor area or one (1) per on-duty employee based upon maximum employment shift, whichever is greater, PLUS any

	required spaces for accessory office, sales, display or other uses.
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7. **Electric Vehicle Charging Stations.** In the event electric charging stations are proposed, such spaces shall be included in the required number of off-street parking spaces. Such spaces shall meet the required dimensions of a standard parking space.

D. Layout and Construction.

Off-street parking lots, as defined in Section 25.02 (Definitions), shall be designed, constructed, and maintained in accordance with the following requirements. These regulations do not apply to driveways serving single or two-family dwelling units.

1. **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted for administrative approval prior to the start of construction.
 - a. Upon completion of construction, the parking lot must be inspected and approved by the Building Official before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.
 - b. Plans for parking lots shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the City.
 - c. In the event that required paving cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Building Official provided the applicant deposits a performance guarantee in accordance with Section 24.11 (Performance Guarantee).
2. **Dimensions.** Off-street parking shall be designed in conformance with the following schedule. This schedule represents the minimum dimensions and may be exceeded:

Schedule of Off-Street Parking Dimensions

Parking Angle	Maneuvering Aisle Width	Parking Stall Width	Stall Depth to Wall	Total Width of Two Stalls of Parking Plus Maneuvering Aisle (Wall to Wall)
0 degrees (parallel)	12 ft.	24 ft.	8 ft.	28 ft. (one-way traffic)
0 degrees (parallel)	24 ft.	24 ft.	8 ft.	40 ft. (two-way traffic)
Up to 45 degrees	12 ft.	8.5 ft.	16.6 ft.	45.5 ft. (one-way traffic)
46 to 60 degrees	16 ft.	8.5 ft.	18.2 ft.	52.5 ft. (one-way traffic)
61 to 75 degrees	20 ft.	8.5 ft.	18.5 ft.	57 ft. (two-way traffic)
76 to 90 degrees	24 ft.	9 ft.	18.5 ft.	60 ft. (two-way traffic)

These dimensions may be increased in those instances where fire or safety apparatus is required to utilize a maneuvering lane.

Driveways providing access to residential, commercial, or industrial uses shall comply with the standards of Section 13.01 (Streets, Roads, and Other Means of Access)

3. **Ingress and Egress.** All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 25 feet from the nearest point of any property zoned for single-family residential use.
4. **Surfacing and Drainage.** Grading, surfacing, drainage and retention/detention plans shall be subject to review and approval by the Building Official and City Engineer. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material.

Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
5. **Curbs, Wheel Chocks.** A curb of at least six (6) inches in height shall be installed to present motor vehicles from being driven or parking so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, street, building, or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.
6. **Lighting.** All parking areas, driveways, and walkways shall be illuminated to ensure the security of the property and all persons using such areas, in accordance with the requirements of Article 16 (Lighting). Parking lot entrances shall be illuminated. Lighting shall be arranged so as to reflect away from residential areas.
7. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant structure, which shall be no more than 50 square feet in area and not exceed 15 feet in height.
8. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with Article 17 (Signs).
9. **Screening and Landscaping.** All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 14 (Landscaping and Screening).
10. **Maintenance.** All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.
11. **Parking Structures.** Parking structures are permitted in commercial or industrial zoning districts and may satisfy off-street parking requirements. Parking structures are subject to the area, height, bulk and placement regulations for principal buildings in the zoning districts where they are located.

E. Recreational Vehicle Parking in Residential Districts.

Recreational vehicles, as defined in Section 25.02 (Definitions), shall not be used for living or residential purposes in residentially zoned districts. Recreational vehicles may be parked or stored by the owner in accordance with the applicable conditions set forth in the Riverview Code of Ordinances.

Section 13.03 Loading Space Requirements.

A. Scope of Loading Space Requirements.

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

1. **General Applicability.** On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.
2. **Change In Use or Intensity.** Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. General Requirements.

1. **Location.** Required loading space shall be located to the rear or on the side of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.

No loading space shall be located closer than 50 feet from any residential zoning district or any residential use unless the loading area adjoins a public alley, is located entirely within an enclosed building, or is screened on all sides from the residential zoning district or use by a six (6) foot high solid masonry wall. An ornamental fence not less than six (6) feet in height may be substituted for the masonry wall with the approval of the Planning Commission.
2. **Size.** Unless otherwise specified, each required loading space shall be a minimum of 12 feet in width and 50 feet in length, with a vertical clearance of 15 feet.
3. **Surfacing and Drainage.** Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Building Official and City Engineer.
4. **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
5. **Use of Loading Space.** Required loading space shall not be counted or used for required parking.
6. **Central Loading.** Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots or zoning lots provided that all of the following conditions are fulfilled:
 - a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

- c. No building served shall be more than 300 feet from the central loading area.
7. **Minimum Loading Space.** The amount of required loading space shall be determined in accordance with the following schedule. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use:

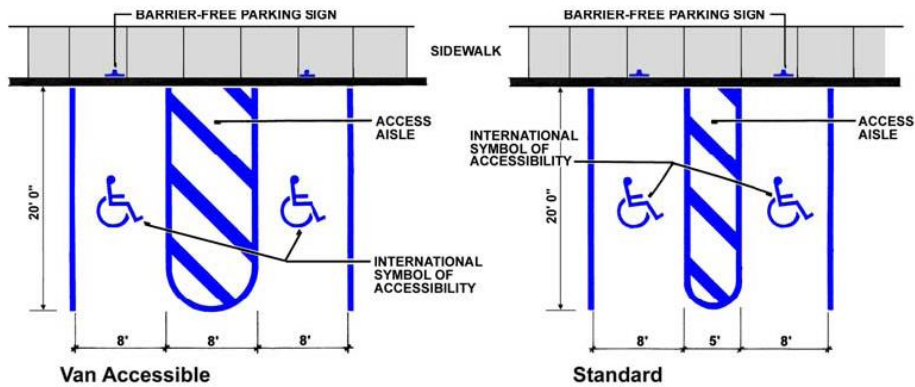
Schedule of Required Minimum Loading Spaces

Gross Floor Area	Number of Loading Spaces
0 - 4,999 sq. ft.	See note 1
5,000 - 19,999 sq. ft.	1 space
20,000 - 99,999 sq. ft.	1 space + 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 499,999 sq. ft.	5 spaces + 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces + 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Footnote for table above:

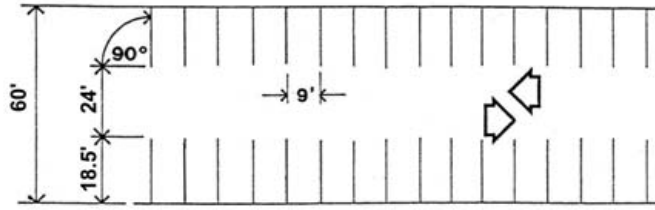
- Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 12 ft. by 50 ft. space in the event that the use of the property changes.

ILLUSTRATIONS

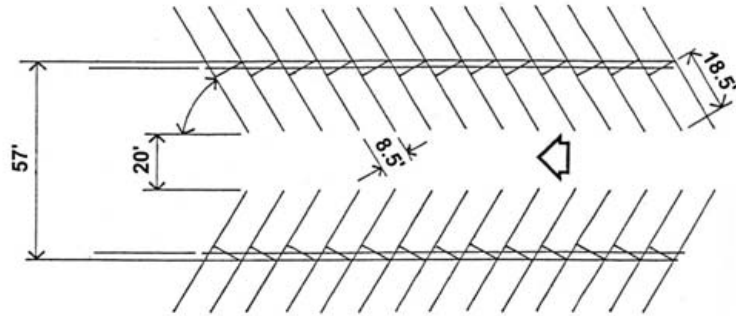


Barrier-Free Parking Space Layout

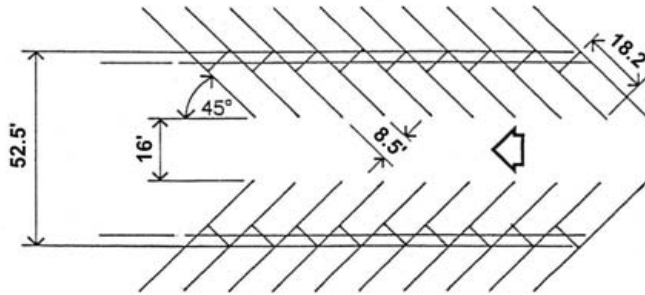
76 to 90
degree



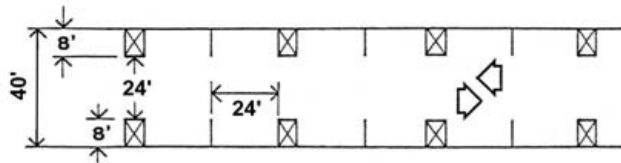
61 to 75
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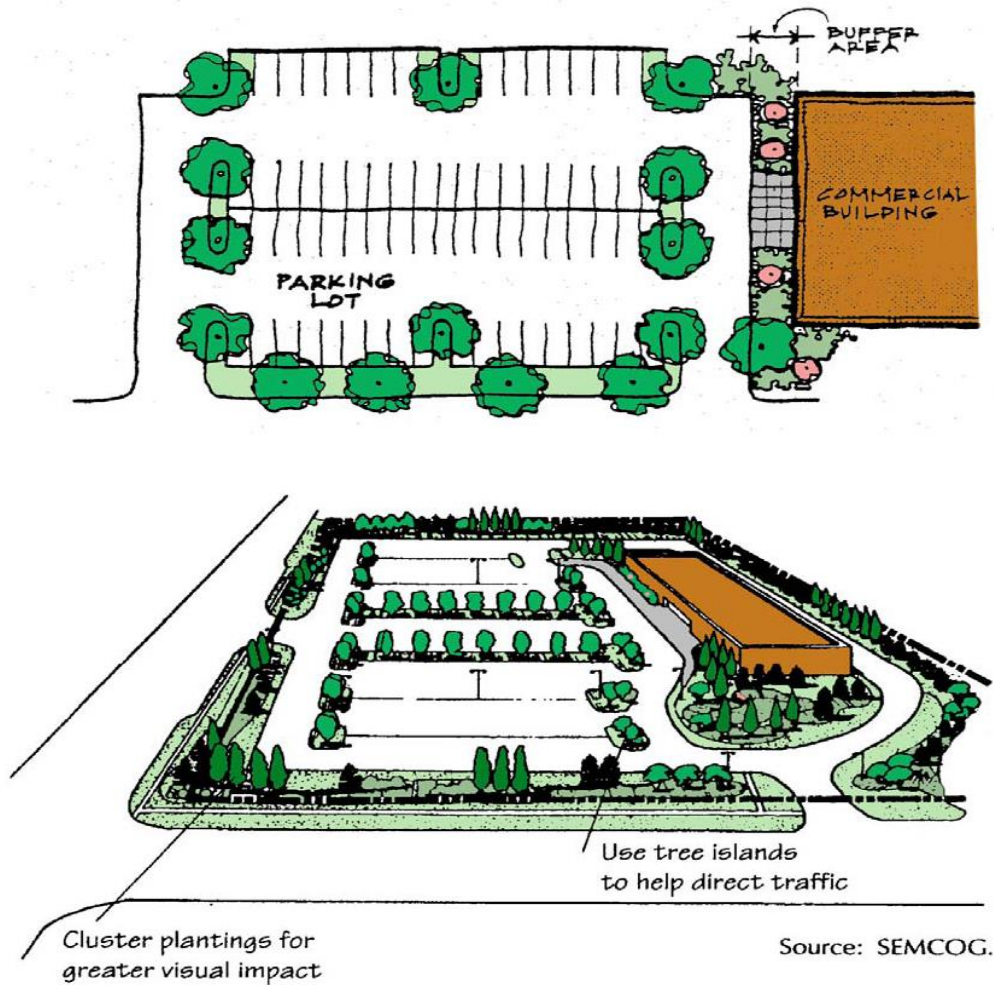
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Parallel



Parking Layouts



Landscaping Within Parking Lots

ARTICLE 14 LANDSCAPING AND SCREENING

Section 14.01 Intent and Scope of Requirements.

A. Intent.

Landscaping enhances the visual image of the City, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive uses. The provisions of this Article are intended to set minimum standards

for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the City's environment. More specifically, the intent of this Article is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, storm water management facilities, and property abutting public rights-of-way.
2. Preserve the appearance, character, and value of residential uses that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.
3. Reduce soil erosion and depletion, stormwater runoff and the potential for flooding.
4. Encourage the coordination and linking of landscaping, screening and open space elements on adjoining properties.

B. Scope of Application.

Every property owner and developer has the responsibility to ensure that the use of a lot in the City does not adversely impact adjacent properties. No site plan shall be approved nor a new Certificate of Occupancy issued unless all applicable landscaping and screening requirements of this Article have been met. Except where specifically noted, the provisions of this Article shall not apply to single-family detached dwellings.

C. Minimum Requirements.

The provisions of this article shall be considered as minimum standards for landscaping and screening. Developers and owners of lots or uses subject to these standards are encouraged to exceed these minimums through the use of enhanced landscape design, or larger or more extensive plant materials.

D. Design Creativity.

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted in uniform intervals or informal groupings to achieve the designer's desired visual effect.

Section 14.02 Permitted Modifications to Standards.

In consideration of the overall site design, existing site conditions and impact of a specific use, and in consideration of the amount of existing plant material or other screening elements to be retained on the site, the Planning Commission may approve modifications to the specific standards of this Article, provided that the alternative is in keeping with the intent of this Article and the purpose of this Ordinance.

A. Conditions.

In determining whether a modification is appropriate, the Planning Commission shall consider the following:

1. Where unique site conditions (such as steep slopes and other topographic features, utility easements, or inadequate setback area) would hinder compliance with the strict standards of this Article, the Planning Commission may permit the substitution of any greenbelt or other landscaping requirement with a wall or fence in compliance with Article 15 (Walls and Fences), or combination of a wall or fence and an alternative landscape design.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
3. The public benefits intended by strict application of these regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance, provided that the

alternative design would produce substantially the same results in terms of screening, durability, and permanence.

4. Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the proposed improvements are in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

B. Review Committee Recommendation.

All proposed modifications or alternative designs shall be subject to a review and recommendation from any review committee(s), prior to Planning Commission consideration.

Section 14.03 Summary of Regulations.

The following table summarizes the landscaping regulations contained in this Article:

Summary of General Requirements

Required Landscaping	Planting Requirements					
	Landscaping Ratio	Minimum Height	Minimum Width	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs
General Site Landscaping	—	—	—	1 per 3,000 sq. ft. [2]	—	—
Landscaping Adjacent to Roads	—	—	20 ft.	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal ft.
Greenbelts	—	—	10 ft.	1 per 30 lineal ft.	—	[3]
Greenbelts used for Screening	—	6 ft.	10 ft.	[4]	—	—
Berms in Front Yard	—	[5]	[5]	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal ft.
Berms used for Screening	—	3 ft.	[5]	[4]	—	—
Parking Lot Landscaping	20 sq. ft. per space	—	5 ft. [6]	1 per 300 sq. ft.	—	—

Footnotes to table above:

- [1] See Sections 14.04 and 14.05 for detailed requirements.
- [2] General Site Landscaping for:
 - Manufactured housing parks: 2 trees plus 4 shrubs per lot.
 - Multiple-family uses: 2 trees plus 4 shrubs per dwelling unit.
- [3] Eight (8) shrubs may be substituted for each tree.
- [4] Evergreens must be closely spaced (no further than 15 feet apart) to form complete visual barrier within three (3) years.

- [5] Berms shall have slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Thus, the minimum width is equal to total height multiplied by three (3). Maximum height of berms in the front yard: three (3) feet.
- [6] Minimum area of each parking lot landscaped area: 150 square feet.

Summary of Specific Requirements per District

District	Planting Requirements		
	Business, Office and Industrial Districts	Multiple-family Developments	Non-Residential Uses Residential Districts
General Site Landscaping	per Section 14.04, subsection A	two (2) deciduous or evergreen trees per dwelling unit	per Section 14.04, subsection A
Landscaping Adjacent to Road	per Section 14.04, subsection B	per Section 14.04, subsection B	per Section 14.04, subsection B
Berms Requirements	per Section 14.04, subsection C	—	per Section 14.04, subsection C
Greenbelt	—	per Section 14.04, subsection D, where rear open areas or patio areas abut a public street	
Screening	per Section 14.04, subsection E, where abutting a residential district a wall or solid fence may be used where the abutting district length is less than 200 feet.	—	per Section 14.04, subsection E, where abutting a residential district
Parking Lot Landscaping	provide a landscape screen, berm, wall or fence, where any parking lot abuts a residential district (including across a street). parking lots with 10+ spaces shall also comply with Section 14.04, subsection F.	provide a hedge [minimum height = four (4) feet], where any parking lot abuts a front or side lot line. parking lots with 10+ spaces shall also comply with Section 14.04, subsection F.	provide a landscape screen, berm, wall or fence, where any parking lot abuts a residential district (including across a street). parking lots with 10+ spaces shall also comply with Section 14.04, subsection F.

Section 14.04 General Requirements.

A. General Site Requirements.

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements (such as a greenbelt, berms, or screening) are required:

1. All unpaved portions within the developed portion of the site shall be planted with grass or other appropriate ground cover, shrubbery, or other suitable live plant materials, which shall extend to any abutting street pavement edge. Lawn areas shall be planted with sod or hydro-seeded.

2. One (1) evergreen or deciduous tree shall be planted per 3,000 square feet of unpaved open area on non-residential parcels for which specific landscaping requirements do not otherwise apply.

B. Landscaping Adjacent to Road Rights-of-Way.

1. **Planting requirements.** Where required, landscaping adjacent to road rights-of-way shall comply with the following planting requirements:

Landscape Material Planting Requirements

Type of Landscaping	Planting Requirements
Deciduous or Evergreen Tree	1 per 40 lineal feet of road frontage
Shrubs	8 per 40 lineal feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted in uniform intervals or informal groupings.

2. **Location and dimensions.** Required landscaping adjacent to roads shall be located totally on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be ten (10) feet.

Example of landscaping adjacent to roads:

Length of Road Frontage: 250 feet minus 30-foot driveway = 220 feet

Required Number of Plants:

<i>Deciduous or Evergreen Trees: (220 ft./40 ft.) =</i>	6
<i>Shrubs: (220 ft./40 ft. x 8) =</i>	44
TOTAL	50

C. Berms.

Where required, berms shall conform to the following standards:

1. **Dimensions.** Unless otherwise deemed appropriate by the Planning Commission, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33% slope), with at least a two (2) foot flat area on top.

Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

2. **Protection from erosion.** Required berms shall be planted with sod, ground cover, or other suitable live plant materials to prevent erosion. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.

3. **Required plantings.**

- a. **Berms located in the front yard of non-residential parcels.** Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements of Section 14.04B (Landscaping Adjacent to Roads).

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- b. **Berms used for screening other than in the front yard.** Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements of Section 14.04E (Screening).
 4. **Measurement of berm length.** For the purpose of calculating required plant material, berm length shall be measured along an extension of the highest elevation line connecting the lowest elevation lines at opposite ends of the berm.

D. Greenbelts.

Where required, greenbelts shall conform to the following standards:

1. **Measurement of greenbelt length.** For the purpose of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
2. **Dimensions.** The minimum width of the greenbelt shall be ten (10) feet.
3. **General planting requirements.**
 - a. **Groundcover requirements.** Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
 - b. **Tree and shrub requirements.** Greenbelts used for screening shall be landscaped in accordance with the requirements of Section 14.04E (Screening). Greenbelts not intended for screening purposes shall include a minimum of one (1) deciduous or evergreen tree for each 30 lineal feet (or portion thereof) of required greenbelt. Alternatively, eight (8) shrubs may be substituted for each required tree.
 - c. **Distance from sidewalk.** To provide adequate sight distance and minimize damage to public facilities, trees and shrubs shall not be placed closer than four (4) feet to any public or private sidewalk.

E. Screening.

1. **General screening requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting.

Deciduous plant materials may also be used, provided that a complete visual barrier can be maintained throughout the year. Wherever screening is required adjacent to a residential district or existing residential use, the screening must be installed prior to the beginning of site grading and general construction. Where such activity would result in damage to the required screening, temporary construction fencing shall be erected and maintained until it is feasible to install the required screening.
2. **Screening of equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, generators, sprinkler pumps, satellite dish antennae, air conditioners, and similar equipment shall be screened on all sides visible from public rights-of-way, or adjoining properties or uses.

Such screening shall exceed the vertical height of the equipment being screened by at least six (6) inches (plant materials shall exceed this height within two (2) years of planting). A minimum two (2) foot open area should be maintained around such equipment to facilitate repairs, if necessary.

F. Parking Lot Landscaping.

In addition to required screening, all off-street parking areas shall be landscaped as follows:

1. **Landscaping ratio.** Off-street parking areas containing ten (10) or more parking spaces shall be provided with at least 20 square feet of interior landscaping per parking space. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
2. **Minimum area.** Landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than 150 square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.
3. **Other landscaping.** Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
4. **Required plantings.** Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area, as described in the following table:

Minimum Required Plantings for Parking Lot Landscaping

Material Type	Amount
Shrub	1 per 75 sq. ft. of interior parking lot landscaping
Tree	1 per 300 sq. ft. of interior parking lot landscaping
Living plant material (e.g., sod, shrubs, ground cover, trees)	50% of each interior landscaped area

Parking lot plantings shall comply with the unobstructed sight distance standards of Section 9.304 (Corner Clearance Areas). The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

5. **Stormwater Management.** The site plan shall adhere to the City of Riverview Stormwater Management Implementation Guide and Low Impact Development Manual for Michigan produced by the Southeast Michigan Council of Governments.
- G. **Landscaping of Rights-of-Way.**
- Public rights-of-way located adjacent to required landscape areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. Additional landscape standards for subdivisions can be found in the Subdivision Regulations, City of Riverview Code of Ordinances.
- H. **Maintenance of Unobstructed Visibility For Drivers.**
- No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Parking lot plantings shall comply with the unobstructed sight distance standards of Section 9.304 (Corner Clearance Areas).
- I. **Potential Damage to Utilities.**
- In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, fire hydrants, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following table:

Landscape Material Spacing from Utilities

Tree Height	Minimum Distance from Center of Trunk to Nearest Utility Line
Up to 15 feet	10 ft.
15 to 25 feet	20 ft.
Over 25 feet	30 ft.

J. Landscaping of Divider Medians and Culs-de-Sac.

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

Culs-de-sac and site entrances shall be landscaped with species tolerant of roadside conditions in Wayne County.

K. Irrigation.

A method of irrigation must be available to all landscaped areas. Accommodations shall be made to ensure protection of drip lines of plantings.

L. Street Trees in Single-Family Districts.

A minimum of one (1) deciduous tree, measuring at least two and one-half (2.5) inches in trunk diameter at the time of planting, shall be planted on each single-family parcel or lot on which a new dwelling unit is proposed to be constructed for each forty (40) feet of street frontage measured at the right-of-way line.

(Ord. No. 704, art. I, 8-20-2018)

Section 14.05 Specific Requirements per District.

A. Requirements for Business, Office, and Industrial Districts.

All lots or parcels located in business, office, and industrial zoning districts shall comply with the following landscaping requirements:

1. **General site landscaping.** All developed portions of the site shall conform to the standards of Section 14.04A (General Site Requirements), except where specific landscape elements are required.
2. **Landscaping adjacent to road.** All commercial, office, and industrial developments shall comply with the requirements of Section 14.04B (Landscaping Adjacent to Road Rights-of-Way).
3. **Berm requirements.** A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 14.04C (Berms). The berm shall be located totally on private property, adjacent to the road right-of-way. Berms are not intended as an effective screening device between zoning districts.
4. **Screening.** Screening in the form of a landscaped berm or greenbelt shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes, and where loading areas would be visible from residential districts.

-
- a. Landscaped screening shall comply with the requirements of Section 14.04E (Screening). If the length of the adjoining residentially zoned property is less than 200 feet, a wall or solid fence with a planting strip a minimum of three (3) feet in width may be erected in lieu of a berm or greenbelt, subject to site plan approval.
 - b. The landscaping in the planting strip shall consist of appropriate landscaping material and be arranged to provide a maximum opacity to a minimum height of four (4) feet within three (3) years.
5. **Parking lot landscaping.** Off-street parking areas containing greater than 10 spaces shall comply with the requirements for parking lot landscaping in Section 14.04, subsection F. All off-street parking areas shall be screened on those sides which abut or are across the street from a residential zoning district or residential use by a landscape screen, berm, wall or fence. A landscape screen, berm, wall or fence may be used.

Landscaped screening shall comply with the requirements of Section 14.04E (Screening). If a wall or fence is used instead of landscaping, the requirements of Article 15 (Walls and Fences) shall be complied with, but a landscaped greenbelt shall be required on the side of the wall facing the residential district.

B. Requirements for Multiple-Family Developments.

All lots or parcels of land used for multiple-family development shall comply with the following landscaping requirements:

1. **General site landscaping.** A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family development shall not be counted in meeting these requirements for trees. A method of irrigation shall be provided.
2. **Landscaping adjacent to road.** All multiple-family developments shall comply with the requirements of Section 14.04B (Landscaping Adjacent to Road Rights-of-Way).
3. **Greenbelt privacy screen.** A landscaped privacy screen shall be provided where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street. The screen may consist of a combination of trees, shrubs, and berms, and shall be subject to site plan review by the Planning Commission.
4. **Parking lot landscaping.** Off-street parking areas in the front or side yard must be screened with a hedge not more than four (4) feet in height. Hedges shall comply with the height and location standards of Section 9.304 (Corner Clearance Areas). Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements of Section 14.04F (Parking Lot Landscaping).

C. Requirements for Non-Residential Uses in Residential Districts.

All non-residential uses located in residential zoning districts shall comply with the following landscaping requirements:

1. **General site landscaping.** All developed portions of the site shall conform to Section 14.04A (General Site Requirements), except where specific landscape elements are required.
2. **Landscaping adjacent to road.** All non-residential developments located in residential districts shall comply with the requirements of Section 14.04B (Landscaping Adjacent to Road Rights-of-Way).
3. **Berm requirements.** A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in

accordance with Section 14.04C (Berms). The berm shall be located totally on private property, adjacent to the road right-of-way.

4. **Screening.** Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements of Section 14.04E (Screening).
5. **Parking lot landscaping.** Off-street parking areas containing greater than 10 spaces shall comply with the requirements of Section 14.04F (Parking Lot Landscaping). All off-street parking areas shall be screened on those sides which abut or are across the street from a residential zoning district or residential use by a landscape screen, berm, wall or fence.

Section 14.06 Landscape Materials Standards.

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality.

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Southeast Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations. An appropriate variety of plantings shall be provided to ensure long term survival of mature plants.

B. Non-Living Plant Material.

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

C. Plant Material Specifications.

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

Summary of Plant Materials Specifications

Landscape Material	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Large Deciduous Trees	2 ½ in. ²	4 ft. first branch	—	—
Ornamental Trees	1 ½ in. ³	4 ft. first branch	—	—
Evergreen Trees	—	5 ft.	2 ½ ft.	—
Shrubs	—	2 ft.	2 ft.	—
Hedges	—	2 ft.	—	—

Footnotes to table above:

1. Measured 12 inches above grade.
 2. Measured six (6) inches above grade.
1. **Large deciduous trees.** Deciduous shade trees shall be a minimum of two and one-half (2.5) inches in caliper measured 12 inches above grade with the first branch a minimum of four (4) feet above grade when planted.
 2. **Deciduous ornamental trees.** Deciduous ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

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3. **Evergreen trees.** Evergreen trees shall be a minimum of six (6) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
 4. **Shrubs.** Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of two (2) feet when planted.
 5. **Hedges.** Hedges shall be planted and maintained in a manner that forms a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.
 6. **Ground cover.** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
 7. **Grass.** Grasses shall be planted using species normally grown as permanent lawns in southeastern Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. Where grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
 8. **Mulch.** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.
 9. **Suggested plant materials.** A suggested plant materials list will be kept on record and available for inspection in the Community Development Department.

Section 14.07 Installation and Maintenance.

The following standards shall be observed where installation and maintenance of landscape materials are required:

- A. **Installation.**

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.
- B. **Installation of Perimeter Landscaping.**

Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.
- C. **Seeding or Sodding.**

Lots or parcels shall be seeded or sodded within 90 days after occupancy.
- D. **Protection from Vehicles.**

Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.
- E. **Off-Season Planting Requirements.**

If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 24.11 (Performance Guarantee).

F. Maintenance.

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes: proper pruning, regular mowing of lawns, removal of all litter and the replacement of dead and unhealthy plant material.

1. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
2. All landscaped areas shall be provided with a readily available and acceptable supply of water. Underground irrigation systems are required. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
3. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

Section 14.08 Treatment of Existing Plant Materials.

The following regulations shall apply to existing plant material:

A. Consideration of Existing Elements in the Landscape Design.

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Article, provided such substitution is in keeping with the spirit and intent of this Article and Ordinance.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

B. Preservation of Existing Plant Material.

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured 12 inches above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

Trees to be preserved may provide credits toward the required trees for greenbelts, buffers, and parking lot landscaping. To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2.5) inches caliper measured 12 inches above grade. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission.

The credit for preserved trees shall be as follows:

Schedule for Preserved Tree Credits

Caliper of Preserved Tree Measured 12 Inches Above Grade	Tree Landscaping Credits
Over 12 inches	3 credits
8 inches - 12 inches	2 credits
2.5 inches - 7.9 inches	1 credit

In the event that healthy trees that are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, the removed trees shall be replaced with the same species as the damaged or removed tree, in accordance with the Schedule of Preserved Tree Credits, unless otherwise approved by the Community Development Director, based on consideration of the site and building configuration, available planting space, and similar considerations:

Schedule of Damaged or Removed Tree Replacement

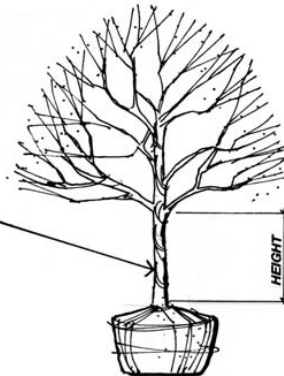
Caliper Measured 12 Inches Above Grade		Replacement Ratio
Damaged Tree	Replacement Tree	
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

ILLUSTRATIONS

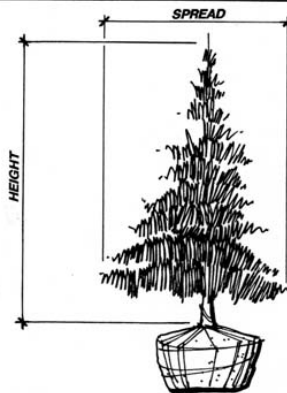
TREE CALIPER MEASUREMENTS

*FOR NEW TREES ONLY:
SEE WOODLANDS PROTECTION
ORDINANCE FOR MEASUREMENT
OF EXISTING TREES*

*TAKE MEASUREMENT
12" ABOVE GROUND
LEVEL*

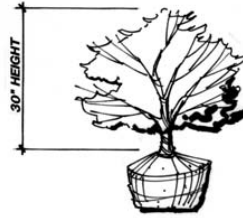


DECIDUOUS CANOPY TREE

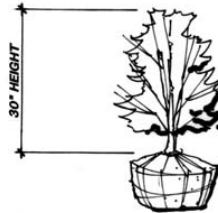


EVERGREEN TREE

Minimum Plant Sizes



DECIDUOUS SHRUB

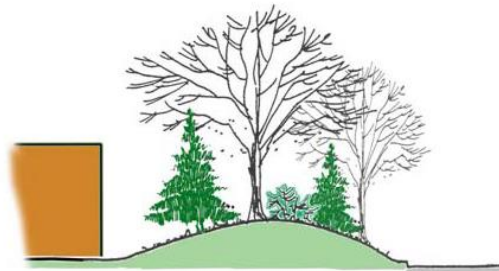


UPRIGHT EVERGREEN SHRUB



SPREADING EVERGREEN SHRUB

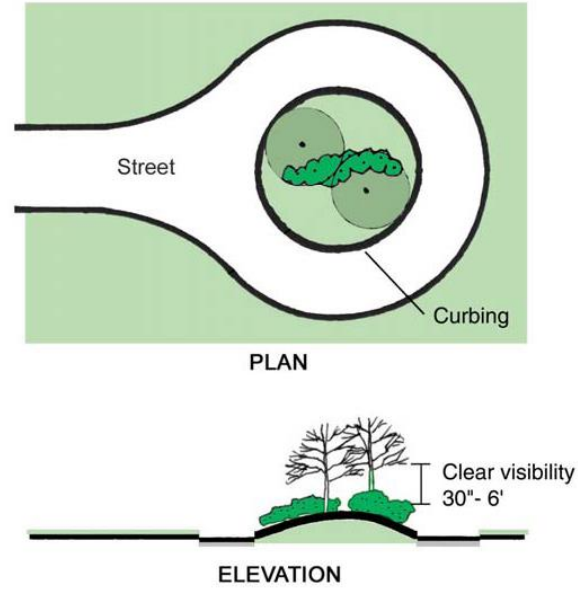
Minimum Plant Sizes



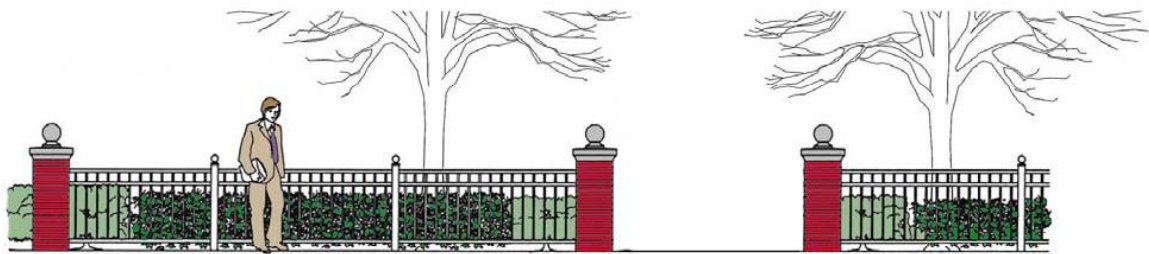
SECTION



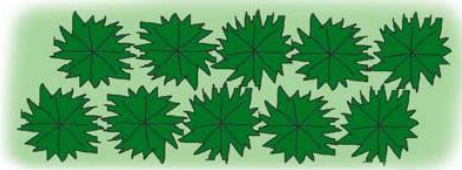
Berm



Cul-de-sac Island Landscaping



Decorative Wall or Fence with Planting Strip



PLAN

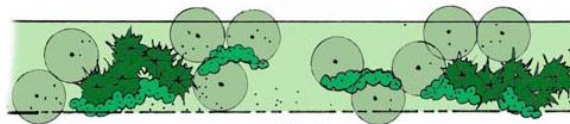


ELEVATION



SECTION

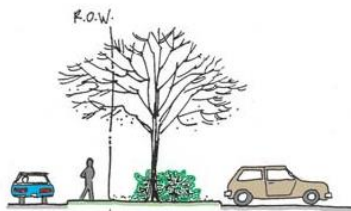
Evergreen Screen



PLAN

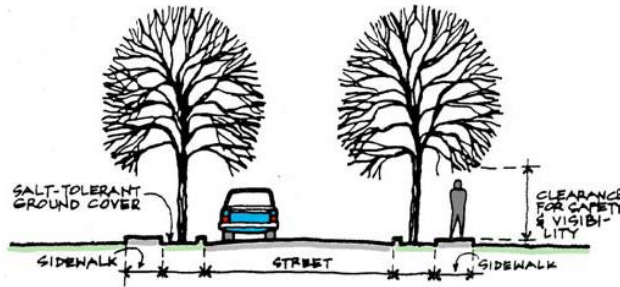
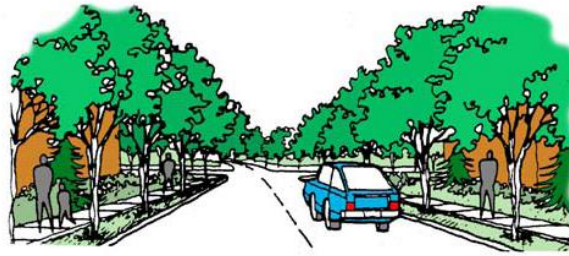


ELEVATION



SECTION

Greenbelt Buffer



Street Trees

ARTICLE 15 WALLS AND FENCES

Section 15.01 General Standards for All Fences and Walls.

A. **Materials and Construction.**

Walls shall be constructed of masonry materials that are architecturally compatible with the principal building facade; such as face brick, decorative block, or formed concrete with a textured surface. Walls shall meet all requirements of the State Construction Code enforced by the City.

Fences shall consist of durable wood, vinyl, metal or other materials commonly used in conventional fence construction. Wood fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Fence posts shall be sunk in the soil at least three (3) feet.

Electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited. Barbed wire shall be prohibited, except in industrial districts where the Planning Commission may approve the use of barbed wire at the top of a fence extending over the property to be enclosed.

B. **Corner Clearance.**

Walls and fences shall comply with the unobstructed sight distance standards of Section 9.304 (Corner Clearance Areas).

C. **Finished Appearance.**

Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the exterior of the lot.

D. Wall or Fence Height and Location Standards.

The height of the wall or fence shall be measured from ground level adjacent to the wall or fence to its highest point. Fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence-post.

Schedule of Wall and Fence Requirements

Zone or Use	Maximum Permitted Height			Notes
	Front Yard	Side Yard	Rear Yard	
Off-Street Parking Lot in any District	Fences and walls are prohibited within any required front yard setback area. No fence or wall shall extend towards the street beyond the established building line	6 feet	6 feet	
Residential Districts		6 feet	6 feet	Walls shall be prohibited in single-family residential districts, except for Residential Development Entranceway Structures permitted in accordance with Section 15.04.
Business Districts		6 feet	6 feet	
Industrial Districts		8 feet	8 feet	
Public/Semi-Public District		8 feet	8 feet	
Utility Buildings, Substations		8 feet	8 feet	
Schools and Parks		6 feet	6 feet	8 foot maximum height for chain link or similar style fence. This Section shall not prohibit the construction of baseball backstops, tennis court enclosures, and similar structures.

E. Fence and Wall Maintenance.

Fences and walls shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained, or similarly treated.

Any fence or wall which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Building Official shall notify the owner of the property

upon which the fence or wall is located of the existence of such a nuisance. Such nuisances shall be abated within ten (10) days after receipt of such notice.

F. Prohibited Fences and Walls.

Electrified fences, or any fence upon which spikes, nails, or other sharp or pointed instruments are fixed, attached or placed shall not be permitted. Razor wire, barbed wire and similar security materials shall be prohibited, except in industrial districts, where the Planning Commission may approve the use of such materials for security purposes as part of site plan review, provided that such materials are securely attached at the top of a fence extending over the property to be enclosed, and are not located within any required yard area.

Section 15.02 Permitted Modifications to Standards.

In consideration of the overall site design, existing site conditions and impact of a specific use, and in consideration of the amount of existing plant material or other screening elements to be retained on the site, the Planning Commission may approve modifications to the specific standards of this Article, provided that the alternative is in keeping with the intent of this Article and the purpose of this Ordinance.

A. Conditions.

In determining whether a modification is appropriate, the Planning Commission shall consider the following:

1. Where unique site conditions (such as steep slopes and other topographic features, utility easements, or inadequate setback area) would hinder compliance with the strict standards of this Article, the Planning Commission may permit the substitution of any required fence or wall with a greenbelt or other landscaping in compliance with Article 14 (Landscaping and Screening), or combination of a wall or fence with greenbelt plantings.
2. Parking, vehicular circulation, or land use are such that the required fence or wall would not enhance the site or result in the desired screening effect.
3. The public benefits intended by strict application of these regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance, provided that the alternative design would produce substantially the same results in terms of screening, durability, and permanence.
4. Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the proposed improvements are in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

B. Review Committee Recommendation.

All proposed modifications or alternative designs shall be subject to a review and recommendation from any review committee(s), prior to Planning Commission consideration.

Section 15.03 Obscuring Walls and Fences.

Where required by this Article or Ordinance, obscuring walls and fences shall be subject to the following requirements:

A. Materials and Design Requirements.

An obscuring wall or fence is one where more than sixty percent (60%) of the vertical surface is opaque to obstruct vision or prevent observation of activities enclosed in the fence:

1. All obscuring walls shall be constructed of a solid, un-pierced masonry material.
2. Surface areas of any obscuring wall facing a residential district shall be constructed of brick, decorative block, formed concrete with a textured surface, or similar material compatible with the principal buildings in the residential district.
3. All obscuring walls shall be erected on a concrete foundation approved by the Building Official.
4. Solid (obscuring) fences shall be constructed of durable wood or vinyl. Chain link fences shall not be permitted for screening purposes.

B. Location.

Required obscuring walls and fences shall be located inside and adjacent to the lot line. Where underground utilities or other circumstances interfere, the Planning Commission may approve an alternative location for the wall or fence.

C. Obscuring Wall Requirements by District or Use.

1. **Conflicting uses.** An obscuring wall or fence shall be provided where the following uses and districts abut a lot in a residential district:
 - Business Districts (B-1, B-2, B-3)
 - Industrial Districts (M-1 and M-2)
 - Off-street parking
 - Utility buildings and substations
2. **Parking lot screening.** For the following uses and districts, an obscuring wall or fence shall be provided along the edges of parking lots:
 - General Business District (B-3)
3. **Screening of automobile storage or dismantling yards, outdoor storage areas, recycling collection facilities, and similar uses.** Such uses shall not be established or maintained unless an obscuring wall or fence has been erected and maintained around the perimeter of the lands on which such use is conducted. The wall or fence shall conform with all requirements of this Article and Ordinance, and the height of any materials stored or kept within the enclosed area shall not exceed the height of the wall or fence.

Section 15.04 Residential Development Entranceway Structures.

Residential development entranceway structures that identify the entrance to a single family subdivision, condominium, or multiple family development (such as walls, columns or gates) shall be permitted in the required setback area, subject to the following:

1. Entranceway structures shall not exceed five (5) feet in height and 48 square feet in area.
2. Entranceway structures shall not restrict emergency vehicle access, and shall not be located in the existing or planned right-of-way.
3. Approval of the Building Official and issuance of a building permit shall be required prior to construction.

Section 15.05 Natural Barriers.

Any bush, hedgerow, shrub, trees, or any living green barrier will not be considered a fence. However, any natural or artificial barrier that prevents visibility for vehicular traffic, encroaches on sidewalks, or endangers the safety of children shall be prohibited.

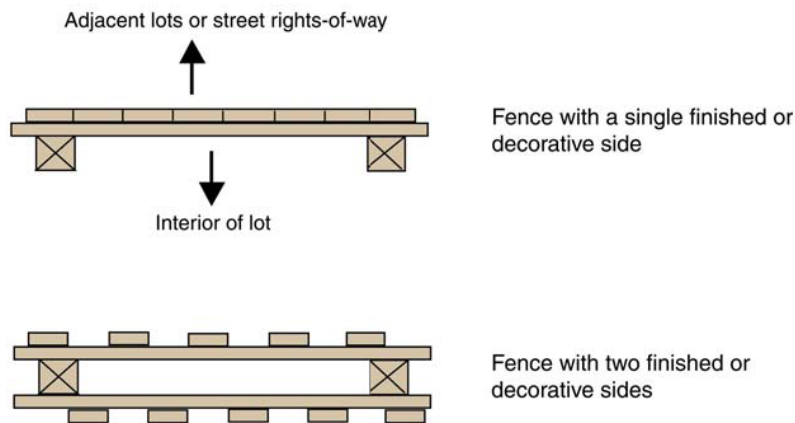
Section 15.06 Existing Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with the provisions of this Article shall be considered nonconforming structures subject to the provisions of Article 22 (Nonconformities).

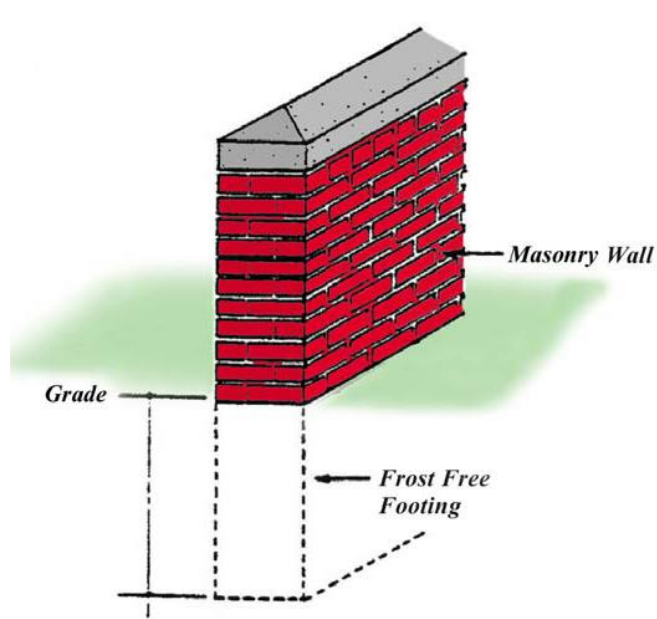
Section 15.07 Permits Required.

Construction, alteration, and relocation of fences shall be subject to approval of a zoning permit by the Building Department. Construction and alteration of walls shall be subject to approval of appropriate building permits in accordance with the State Construction Code enforced by the City. It shall be unlawful for any person to construct or cause to be constructed any fence or wall upon any property within the city limits without having first obtained all necessary permits.

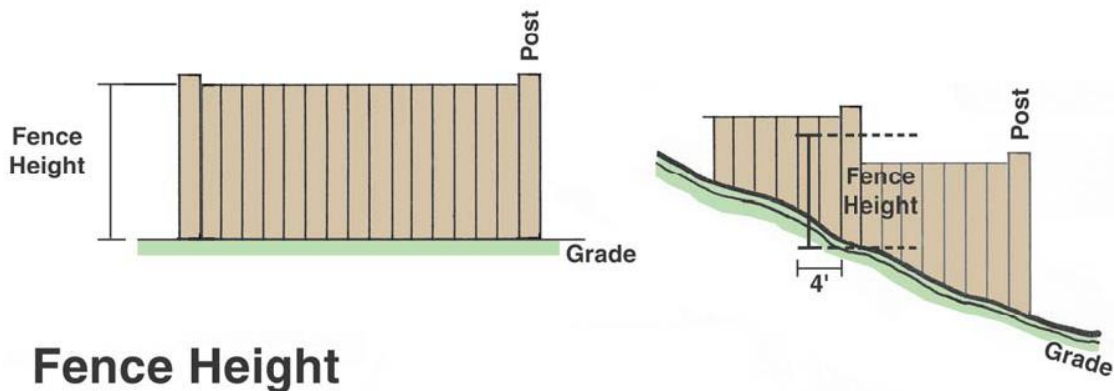
ILLUSTRATIONS



Orientation of Finished Side - Top View



Screen Wall



Fence Height

**ARTICLE 16
LIGHTING**

Section 16.01 Purpose.

The purpose of this Article is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the City through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this Article to encourage the use of innovative lighting designs and

decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

Section 16.02 Submittal Requirements.

The following information shall be provided with all site plans, site condominium plans, and subdivision plats where exterior lighting is proposed to be altered or installed. The Building Official may also require that any or all of the following information be provided with building, electrical, sign or zoning permit applications where exterior lighting is proposed to be altered or installed:

1. The location, type and height of all existing and proposed light fixtures, such as freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting.
2. A photometric grid indicating the overall light intensity, measured in footcandles, throughout the site.
3. Specifications and details for each type of light fixture, including the total lumen output, type of lamp and method of shielding. If available, the manufacturer's catalogue specifications and documents, drawings, and certified test reports shall be submitted.

Section 16.03 General Provisions.

The design and illumination standards of this Article shall apply to all exterior lighting sources and other light sources visible from any public way or any adjacent parcel, except where specifically exempted herein.

A. Fully-Shielded.

Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.

B. Intensity.

The intensity of light within a site shall not exceed ten (10) footcandles within any site, and one (1) footcandle at any lot boundary or street right-of-way line. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (½) footcandle at the lot boundary.

1. **Pump island canopy lighting.** The Planning Commission may permit a maximum intensity of 20 footcandles for lighting under a gas station's pump island canopy, provided that all light fixtures under the canopy shall be fully recessed into the canopy structure, and all site lighting is otherwise in compliance with this Ordinance.
2. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum intensity of 20 footcandles for lighting within a dealership's outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.

C. Glare and Light Trespass.

Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way.

D. Measurements.

Light intensity levels shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane of the lot or street right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source.

E. Lamp Options.

Lamps with a maximum wattage of 250 watts per fixture are recommended for use in the City to maintain a unified lighting standard and to minimize light pollution. Low-pressure sodium lamps are preferred for security lighting in low traffic areas. High pressure sodium or metal halide lamps are preferred in parking lots and high traffic areas.

The Planning Commission may permit the use of other lamp-types and wattages up to 400 watts maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this Article.

Section 16.04 Standards by Type of Fixture.

A. Freestanding Pole Lighting.

The following standards shall apply to all freestanding pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:
 - a. 15 feet high, where such fixtures are located within 50 feet of a residential district or use.
 - b. 20 feet high, where such fixtures are located more than 50 feet from a residential district or use.
 - c. 25 feet high, where such fixtures are located more than 300 feet from a residential district or use.
2. **Hours of operation.** All private exterior lighting systems in non-residential districts shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day (whichever is later).

Such fixtures shall not be illuminated before sunrise, or one-half (½) hour prior to the beginning of the business day (whichever is earlier). Minimal illumination for security purposes shall be permitted between these hours.

B. Building-Mounted Lighting.

Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on all buildings; including but not limited to areas along roof lines, cornices and eaves, or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

C. Illuminated Signs.

Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day, whichever is later. Such signs shall not be illuminated before sunrise, or one-half (½) hour prior to the beginning of the business day, whichever is earlier.

D. Window Lighting.

Unshielded luminous tube (neon) and fluorescent lighting visible through a window from the public way shall be prohibited, and all light fixtures visible from the public way through a window shall be shielded to prevent glare at the property or street right-of-way line.

E. Decorative Light Fixtures.

The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare

or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of 100 watts per fixture.

F. Alternative Lighting Designs.

Upon recommendation from the Design Review Committee, the Planning Commission may approve an alternative lighting design, provided that the Commission finds that the alternative design would be in accordance with the purpose of this Article.

G. Lamp or Fixture Substitutions.

Light fixtures regulated under this Article shall not be altered or replaced after approval has been granted, except where the Community Development Director has verified that the substitution would comply with the provisions of this Article.

Section 16.05 Exempt Lighting.

The following types of exterior lighting are exempt from the requirements of this Article, except that the Building Official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

1. Holiday decorations.
2. Lighting for a permitted temporary circus, fair, carnival, or civic use.
3. Shielded pedestrian walkway lighting.
4. Single family residential lighting that does not cause off-site glare or contribute to light pollution.
5. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article.
6. Situations where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
7. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

Section 16.06 Prohibited Lighting.

A. Recreational Facility Lighting.

No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted event or activity in progress prior to 11:00 p.m.

B. Outdoor Building and Landscape Lighting.

Unshielded illumination of an exterior building facade or landscaping is prohibited.

C. Mercury Vapor and Wall Pack lighting.

The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the light source is fully shielded.

D. Laser Source light.

The use of laser source light or any similar high intensity light source for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

E. Search lights.

The operation of search lighting for advertising purposes is prohibited between 11:00 p.m. and sunrise.

F. Animated lighting.

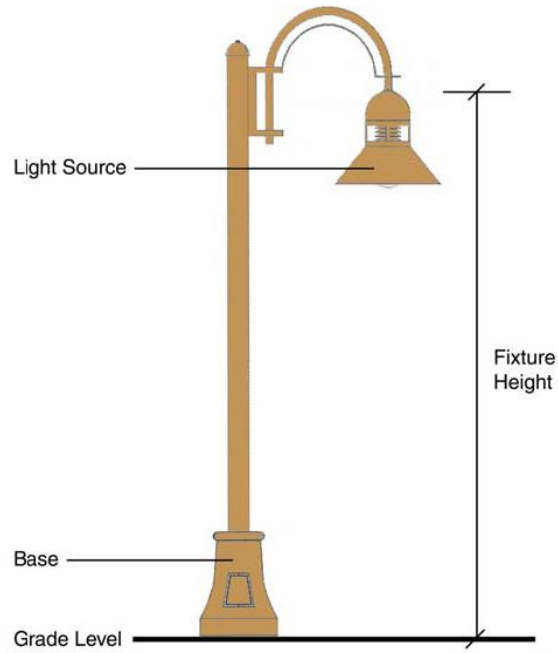
Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.

Section 16.07 Lighting Exceptions.

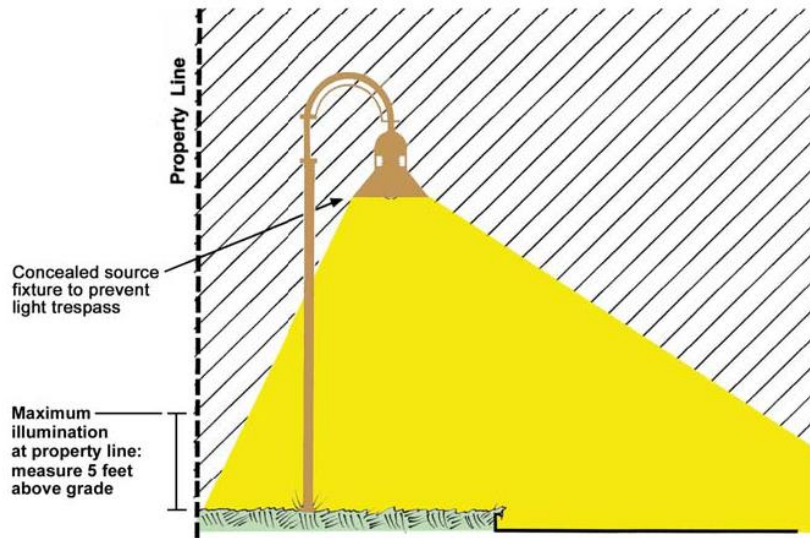
It is recognized by the City that there are certain uses or circumstances not otherwise addressed in this Article, such as streetlighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Zoning Board of Appeals may waive or modify specific provisions of this Article for a particular use or circumstance upon determining that all of the following conditions have been satisfied:

1. A public hearing shall be held for all lighting exception requests.
2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
4. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
5. Additional conditions or limitations may be imposed by the Zoning Board of Appeals to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

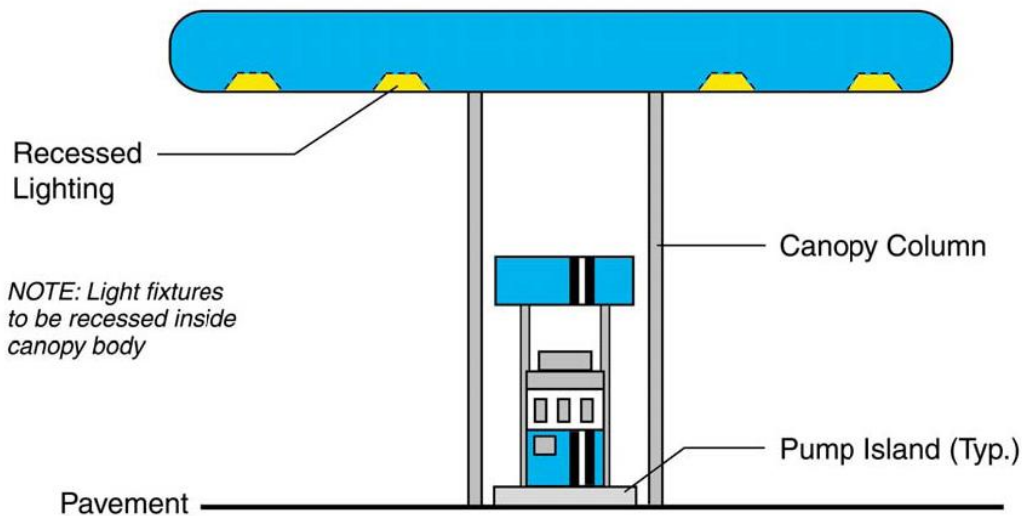
ILLUSTRATIONS



Light Fixture Height



Lighting Fixture Orientation and Shielding



Pump Island Canopy Lighting

ARTICLE 17 SIGNS

Section 17.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular user of a parcel of property. Unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the City would unduly distract motorists and pedestrians, create traffic hazards, restrict light and air, harm the City's appearance, contribute to blighting, negatively impact property values and reduce the effectiveness of signs needed to direct and inform the public.

Reasonable regulation of signs and other advertising distractions and obstructions is necessary to minimize hazards and distractions for motorists and pedestrians, and to preserve the City's character and appearance. It is, therefore, within the City's health, safety and welfare responsibilities that this Article is established.

The further purposes of this Article are to:

1. Regulate the construction, alteration, repair and maintenance of all signs with respect to structural and fire safety, location, type of sign, dimensions, height and method of illumination.
2. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
3. Prohibit signs and the proliferation of visual clutter that would confuse, distract or mislead motorists, endanger the public health or safety, obstruct vision or potentially harm business opportunities or community appearance.

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4. Protect public and private investment and property values in buildings, businesses, and land development.
 5. Protect the general public from damage and injury caused by distractions, hazards, or obstructions caused by poorly designed or improperly constructed signage.
 6. Preserve the appearance of the City by preventing the placement of oversized signs that are out of scale with surrounding buildings and structures.
 7. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

Section 17.02 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs imitating or resembling official traffic or government signs or signals that are made of the same material, and are of the same size and shape and color.
2. Portable signs, and signs attached to trees, utility poles, streetlights, park-type benches, fences, or streetlights.
3. Signs placed upon or across any public right-of-way, except where expressly permitted by the City Council.
4. Animated signs, permanent or temporary, having rapid or intermittent display of images or blinking lights creating an illusion of movement.
5. Projecting signs when used as an electronic message sign.
6. Signs structures, frames, faces and similar features that move. This does not include a message as regulated in a City of Riverview code or ordinance.
7. Neon signs except for those permitted and regulated.
8. Signs that incorporate string lights, flashing, moving or intermittent lights, exposed incandescent bulbs, animation or unshielded luminous tube and exposed bulb fluorescent lighting.
9. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents.
10. Abandoned or unlawful signs.
11. Roof, marquee, and projecting signs.
12. Non-accessory and off-premises signs, including billboard signs per Section 17.09 (Billboards).
13. Signs advertising businesses and services on other properties.
14. Displays of obscene material on any sign.
15. Posting of any placard, poster or other advertising matter on any post, tree or other object within any street area or upon any public property, except legal notices which shall be posted on boards as may be designated by the City Council.
16. Window signs that obscure visibility through the window to an extent greater than twenty percent (20%) of the street level facade window surface area.
17. Electronic message signs advertising in whole or in part for multiple businesses or uses on a sign structure.

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18. Any sign not expressly permitted by this Article.
(Ord. No. 662, art. I, 3-18-2013)

Section 17.03 General Standards.

The following general standards shall apply to signs in all zoning districts:

A. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign area.** The surface area of a sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame.
 - a. Where two (2) sign faces with identical sign areas are placed back to back within two (2) feet of one another, then the sign area shall equal the area of one (1) face.
 - b. Where two (2) sign faces with different sign areas are placed back to back within two (2) feet of one another, then the sign area shall equal the area of the larger face.
 - c. Where two (2) or more sign faces are placed more than two (2) feet from one another at any point, then the sign area shall equal the total area of all sign faces.
2. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements.
3. **Sign setback.** Setbacks shall measure from the closest street right-of-way or front property line to the nearest edge of the sign.
4. **Signable area.** The signable area of a building shall equal the area of the building's first floor or street level facade.
 - a. **Multiple uses.** Where more than one business or use occupies space on the street level facade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of their occupied space.
 - b. **Corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level facade.

B. Construction and Maintenance Specifications.

1. All signs shall be constructed, installed and erected in compliance with the State Construction Code, and applicable fire and electrical codes enforced by the City.
2. All signs, sign frames, sign copy area, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.
3. Face of sign shall be smooth. No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the sign structure.

C. Hazards and Obstructions.

1. Signs shall not be located within any street right-of-way or corner clearance area.

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2. Signs shall not confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device.
 3. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.
 4. All signs shall be located at least ten (10) feet from any utility pole, overhead wire, transformer or streetlight.

D. Use.

Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this Article. Any sign permitted by this Article may contain a non-commercial message.

E. Illumination.

The standards of this subsection are intended to prohibit excessive and poorly shielded illumination of signs in the City; minimize light pollution and light trespass from illuminated signs; and reduce glare impacts on motorists. Internal and external lighting, reflectorized, glowing, and other forms of illumination shall be permitted on all signs, subject to the standards of Article 16 (Exterior Lighting) and the following:

1. **External sign illumination.** External sign illumination shall be limited to fully-shielded light fixtures mounted above, and directed downward towards the sign face.
 - a. All illumination shall be concentrated on the area of the sign to prevent glare upon the street or adjacent property.
 - b. Uplighting of a sign face from ground level or below the sign shall be prohibited.
2. **Internal sign illumination.** Internal sign illumination shall be limited to sign faces that are more than fifty percent (50%) covered by semi-opaque colors and materials.
 - a. Semi-opaque colors shall have a color value and saturation of fifty percent (50%) or higher.
 - b. Internally illuminated panels that include fifty percent (50%) or more white space shall be prohibited.
3. **Prohibited lighting.** Neon or fluorescent tube lighting shall not be used as part of a sign where the tubing or light source would be visible from any street right-of-way or adjacent property. Such light sources shall be shielded by translucent panels or similar methods of shielding.
4. **Types of illumination.** Sign illumination shall be provided solely by electrical means or devices not of a flashing, intermittent, moving or animated type. In no instance shall such light be located as to be hazardous to traffic as determined by the Police Chief.
5. **Hours of illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day, whichever is later. Such signs shall not be illuminated before sunrise, or one-half (½) hour prior to the beginning of the business day, whichever is earlier.

F. Insurance Certificate.

The applicant shall submit a valid certificate of insurance for existence, usage, message content and performance of the sign in addition to Federal, State or local laws or ordinances, to be renewed annually, listing the City of Riverview as the certificate holder and naming the City of Riverview, its past, present and future elected officials, representatives, employees, boards, commissions and agents

as additional named insured. The certificate shall also state that if the policy is to be cancelled before the expiration date thereof, the issuing company will mail thirty (30) days' written notice to the City as certificate holder. The City may require the applicant to supply a one thousand dollar (\$1,000.00) cash bond to the City, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

- G. The City is exempt from the provisions of this Article for all signs conveying a public service message or announcement.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.04 Signs Permitted Without a Permit.

The following non-illuminated signs are exempt from Section 17.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district:

A. Temporary Signs.

The following types of temporary signs shall be permitted accessory to a permitted use in any zoning district, subject to the following:

1. **Temporary signs displaying a non-commercial message.** Temporary signs displaying a non-commercial message ("temporary non-commercial signs") shall be subject to the following:
 - a. For the purpose of this Section, signs posted by a property owner or their agent for the purpose of marketing property for sale or lease shall be considered to be temporary non-commercial signs.
 - b. Total sign area of all temporary non-commercial signs on a single lot shall not exceed seven (7) square-feet in the City's lower density residential districts (R-1, R-2, R-3, RM, RM-1, and R-4), and 24 square-feet in any other zoning district.
 - c. The maximum sign height of each temporary non-commercial sign shall not exceed four (4) feet in the City's lower density residential districts (R-1, R-2, R-3, RM, RM-1, and R-4), and six (6) feet in any other zoning district.
 - d. Such signs shall be removed by the property owner, agent or persons or bodies responsible for creating the sign or placing the sign on the property within five (5) calendar days following completion or discontinuation of the event, action, or activity to which the sign pertains.
 - e. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line, except as authorized by the City Council.
 - f. Temporary signs found by the Building Official to be in a torn, damaged or unsafe condition shall be immediately removed by the owner upon receipt of notice from the Building Official.
2. **Construction signs.** Temporary construction signs shall be subject to the following:
 - a. **Number of signs.** Maximum of one (1) sign per street frontage.
 - b. **Sign area, height and location.** The maximum sign area shall not exceed 24 square-feet, and the maximum sign height shall not exceed six (6) feet.
 - c. **Display period.** The sign shall not be erected prior to approval of a site plan, final preliminary plat or equivalent City action, and shall be removed within five (5) calendar days of completion of the project's final phase.

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3. **Garage sale signs.** One (1) temporary sign, not exceeding eight (8) square feet in area for each side of such sign, may be used to advertise a garage sale. Such sign shall be located on the premises of the garage sale and shall be promptly removed upon completion of the garage sale. Garage sale signs located at other properties anywhere throughout the City other than the property holding the sale shall be strictly forbidden.

B. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district, subject to the following:

1. All principal buildings shall display their assigned street number in a manner legible from the street right-of-way, and in accordance with Fire Department policies.
2. Nameplates, not exceeding two (2) square-feet in area, identifying the name of the business or occupants of a building or lot.
3. Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Article.
4. Window signs not exceeding two (2) square-feet in area, that indicate the hours of operation for a business and whether the business is open or closed.
5. Memorial signs or tablets, when cut into any masonry surface or constructed of bronze or other incombustible material.
6. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, including pennants installed by the City on major streets for aesthetic or promotional purposes.
7. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, or other municipal signs, including legal notices, park and playground signs and emergency notices.
8. Changes to sign copy within an approved changeable copy area.
9. Posting of not more than one "No Trespassing" sign or similar notice for each 100 feet along a lot boundary. Each sign shall not exceed three (3) square-feet in area, and shall be located entirely upon private property.

Section 17.05 Signs Permitted With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 17.10 (Sign Permit) requirements:

A. Site Entry Features with Signage.

Site entry features with signage may be erected at each entrance to a residential subdivision, apartment community, condominium development, manufactured housing park or office, research or industrial park, subject to the following:

1. **Number of signs.** Maximum of one (1) sign on each side of the entrance from a major street.
2. **Setbacks.** Site entry features with signage shall be located outside of any street right-of-way or corner clearance area, and shall further comply with the following minimum setback requirements:
 - a. 10 feet from any street right-of-way or curblineline of any internal access driveway.

-
- b. Five (5) feet from any sidewalk or paved path.
 3. **Sign area and height.** The maximum height for signs on a site entry feature shall not exceed six (6) feet, and the maximum sign area shall not exceed 24 square feet.
 4. Planning Commission review. The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.

B. Building Directory.

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level facade (such as a multiple-story office or commercial building), a building directory sign may be erected on the street level facade for these uses, subject to the following:

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level facade.
2. The maximum sign area of the building directory shall not exceed three percent (3%) of the signable area of the building.

C. Other Temporary Signs.

Temporary signs not otherwise regulated by Section 17.04 (Signs Permitted Without a Permit) [including temporary balloon signs, festoons, banners, pennants, and other temporary signs displaying a commercial message] shall be subject to the following:

1. **Number of permitted signs.** A maximum of one (1) sign per street frontage shall be permitted.
2. **Maximum sign area and height.** The maximum area and height of temporary signs permitted under this Section shall not exceed four (4) feet, and the maximum sign area shall not exceed twenty-four (24) square feet.
3. **Sign removal.** A removal agreement or security bond to guarantee removal of such signs may be required. Signs must be removed within four (4) days after completion of the activity for which they were erected.
4. **Display period.** The display period for such signs per use on a single lot shall not exceed two (2) times per calendar year for a temporary time period not to exceed 15 consecutive days per time period.
5. **Permission to display sign required.** Written permission to display the temporary sign(s) shall be required from the property owner, or the owner's agent or manager. Such permission shall be submitted with the sign permit application.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.06 Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the City, and to minimize the proliferation of excessive or out-of-scale signage that would compete for the attention of motorists, creating traffic hazards and visual blight within the City.

The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of Section 17.05 (Signs Permitted in All Districts with a Permit)]:

A. Building-Mounted Sign Standards.

(Supp. No. 7)

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TABLE 16-1	TYPE OF PERMITTED SIGNS		
	WALL	AWNING	WINDOW
Permit required?	yes	yes	no
May be illuminated?	yes	yes	no
Maximum number of sign faces per sign	1	1	1
Minimum sign height above ground (feet)	none	7.5 feet	none
Maximum sign area for all signs placed on the front, sides or rear of a building (square feet)	10% of the signable area of the building space occupied by the use		20% of the street level facade window surface area

1. **Location.** All building-mounted signs regulated by this Section shall be located entirely within the street level facade(s) of a building.
2. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure (including murals) shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, a permit must be obtained and the wall surface must be freshly painted with one continuous base color.
3. **Window signs.** The purpose of limiting the amount of window surface area that may be obscured by signage to a maximum of twenty percent (20%) of the street level facade window surface area is to:
 - a. Provide for the safety and security of persons and property in the City by preserving reasonable visibility through the windows; and
 - b. Prevent a proliferation of window signage that would distract motorists, adversely impact surrounding uses, and detract from the character of the neighborhood and City as a whole.

B. Permitted Modifications.

The following modifications to the standards of this Section for wall and awning signs have been established to:

1. Preserve the neighborhood character and appearance of the City's lower density residential districts (R-1, R-2, R-3, RM, RM-1, and R-4) through more restrictive signage standards for permitted non-residential uses in these districts.
2. To distinguish between the Office (OS-1) and Local Business (B-1) Districts that act as a transitional buffer zones for abutting Residential Districts, and the more intensive commercial and industrial districts.

The following modifiers to the standards for wall and awning signs specified in Section 17.06A shall apply to all wall, awning or projecting signs associated with non-residential land uses and buildings in the above zoning districts:

PERMITTED MODIFIERS	MAXIMUM SIGN AREA

Sign located in a Residential (R-1, R-2, R-3, RM-1, or R-4) District	-3%
Sign located in the Office (OS-1) or Local Business (B-1) District	-2%
TOTAL PERMITTED WITH MODIFIERS:	_____ % of the signable area

Section 17.07 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the City, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, creating traffic hazards and visual blight within the City. The following shall apply to all ground signs accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of Section 17.05 (Signs Permitted in All Districts with a Permit)]:

A. Ground Sign Standards.

MAXIMUM GROUND SIGN HEIGHT	MINIMUM SIGN SETBACK FROM BUILDINGS AND STREET RIGHTS-OF-WAY	MAXIMUM SIGN AREA PER GROUND SIGN	MAXIMUM NUMBER OF GROUND SIGNS PER ZONING LOT
10 feet	equal to actual sign height	40 square feet	1

B. Permitted Modifications.

The following modifications to the standards of this Section have been established to:

1. Preserve the neighborhood character and appearance of the City's lower density residential districts (R-1, R-2, R-3, RM, RM-1, and R-4) through more restrictive signage standards for permitted non-residential uses in these districts.
2. Ensure that permitted signage is in reasonable proportion to the land use intensity.
3. Address the specific signage needs of multi-tenant shopping centers, large land uses, and uses that abut roads with expansive rights-of-way, such as Fort Street.
4. Distinguish between the Office (OS-1) and Local Business (B-1) Districts that act as a transitional buffer zone for abutting residential districts, and the more intensive commercial and industrial districts.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

...Cumul	PERMITTED MODIFIERS	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK	MAXIMUM SIGN AREA	MAXIMUM NUMBER OF SIGNS

		10 feet	equal to actual sign height	40 square feet	1
	Sign located in the R-1, R-2, R-3, RM, RM-1, or R-4 District	- 2 feet	no change	- 12 square feet	no change
	Sign located in the Office (OS-1) or Local Business (B-1) District	- 2 feet	no change	- 8 square feet	no change
	Total lot frontage = •500 feet or more of on one (1) street right-of-way, or •700 feet or more on two (2) or more street rights-of-way	no change	no change	+ 20 square feet	+ 1 additional sign
	Sign abuts a street right-of-way width of 120 feet or more.	+ 2 feet	no change	+ 20 square feet	no change
	Lot is occupied by three (3) or more separate non-residential uses (i.e. shopping center, office building, etc.)	no change	no change	+ 20 square feet	no change
	TOTAL PERMITTED WITH MODIFIERS:	<u>feet</u>	<u>feet</u>	<u>square feet</u>	<u>sign(s)</u>

C. Permit Required.

No person shall erect, alter or relocate a ground sign, including any changes in sign copy, without first obtaining appropriate permits from the City.

Section 17.08 Electronic Message Sign Standards.

Electronic message signs shall be permitted within the OS, B-1, B-2, B-3, M-1 and M-2 zoning districts. Such sign must be freestanding. Such sign shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

- A. An electronic message sign is permitted and regulated as a ground sign per Section 17.07. Wall signs are prohibited.

- B. A maximum of one (1) electronic message sign is permitted per property, business or business center occupied by multiple businesses, uses or buildings.
- C. The electronic display shall not flash, pulse or scroll.
- D. The frequency of the message change shall:
 - 1. Not exceed once every ten (10) seconds.
 - 2. Be completed in one (1) second.
 - 3. Occur simultaneously over the entire face of the electronic message sign.
- E. The maximum area of all electronic message signs shall not exceed fifty percent (50%) of the total permitted sign area.
- F. The maximum elevation of an electronic message sign shall not exceed six (6) feet. Such sign shall be setback ordinance requirements inclusive of the sign structure. Signs advertising fuel prices shall not exceed twelve (12) feet in elevation. Elevations are measured from grade level to top of sign structure.
- G. The width of an electronic sign shall not exceed eight (8) feet.
- H. No sign shall orient to face a residentially zoned property.
- I. No advertising of products, services or similar sold or located off-premise is permitted.
- J. The intensity of the display on any variable electronic message sign shall not exceed the levels specified in the chart below:

INTENSITY LEVEL (NITS)		
COLOR	DAYTIME	NIGHTTIME
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

- K. Prior to issuing a permit for an electronic message sign, applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method deemed appropriate by the Department. The characters on any variable electronic message sign must be lighted against a darker or less luminous background.
- L. The property owner and sign operator shall provide contact information for a person that is available to promptly turn off the variable electronic message sign after a malfunction. The property owner and sign operator shall correct the malfunction or remove power to the sign within twenty-four (24) hours of a request by the City of Riverview.
- M. A sign base and side supports shall be installed. The top of the base shall be set a minimum one (1) foot above grade level. The base and side supports shall be faced with material matching the texture and color of the principal building.
- N. An electronic message sign shall be required to be shut off between the hours of 10:00 p.m. or the closing time of normal business hours, whichever is later, and 7:00 a.m. or the opening of business hours, whichever is earlier.

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- O. Signs which constitute nonconforming uses under Section 18.17 of this Ordinance, or as to which variance(s) has/have been granted for sign size, height, location, or number, must be eliminated or brought into conformity with all currently applicable ordinance limits prior to the issuance of a variable electronic message sign permit for the business, business center, and/or regional center to which such nonconforming sign(s) pertain(s).
 - P. An electronic message sign which does not comply with the provisions of this subsection shall not be permitted in any zoning district in the City.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.09 Billboards.

A. Findings.

The City has made the following determinations related to billboard signs:

1. The placement of oversized and out-of-scale billboard signs would result in visual pollution, and obstructions of light and sunshine to adjoining properties and uses.
2. Billboard signs are not appropriate in areas zoned for residential uses, or in adjoining office or local business districts that serve as a transitional zone for the residential districts, because the advertising activity is commercial in nature, would be harmful to residential property values, and incompatible with the quality of life in residential areas.
3. Billboard signs are not appropriate in areas along the major thoroughfares and highways in the City, because a proliferation of billboard signs would create additional visual clutter and compete for the visual attention of motorists. These road corridors have been developed with multiple existing curb cuts, driveways and intersections, and numerous businesses that experience a high volume of employee, customer and client traffic. Location of billboard signs in these areas would create a visual diversion for motorists, and a traffic hazard to other vehicles and pedestrians in the area.
4. The placement of new billboard signs in the City is contrary to the purpose of this Article, and the goals and objectives of the City's Master Plan.

B. Billboards Prohibited.

In accordance with the above findings, billboard signs are hereby prohibited within the City of Riverview.

C. Existing Billboards.

Billboard signs lawfully existing in the City on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 17.10 (Nonconforming Signs). The Building Official shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the City.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.10 Sign Permit.

No person shall erect, alter or relocate a sign without first obtaining appropriate building and/or zoning permits from the City. The following shall be provided with any permit application:

A. Required information.

(Supp. No. 7)

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1. **Application.** The name, address and telephone numbers for the applicant, property owner, and sign contractor, street address or property location where the sign is to be located, and the type of sign, as defined in this Ordinance. Written consent of the property or sign owner to perform the proposed work shall also be provided upon request.
 2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
 3. **Construction drawings.** Specifications and drawings showing the materials, design, dimensions, structural supports, electrical components and type of illumination for each sign.
 4. **License and insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the City shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the City of Riverview and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the City at least 30 days prior to the date of cancellation.
 5. **Removal agreement or bond.** The Building Official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

B. Sign Permit Fee.

It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit has first been obtained from the Building Official, and a permit fee paid to the City according to the schedule of fees established by the City Council.

C. Sign Permit Revocable At Any Time.

All rights and privileges accrued under the provisions of this Ordinance or any amendment hereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized by an approved sign permit has not been completed within 180 days after date of issuance, the permit shall become null and void and a new permit shall be necessary to continue the project. Partially completed signs, if abandoned, shall be removed by the erector or property owner upon notice from the Building Official.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.11 Nonconforming Signs.

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

A. General Standards.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 17.03 (General Standards).

B. Good Working Order.

Nonconforming signs shall be maintained with all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. All sign faces or copy areas must be intact, and illuminated signs must be capable of immediate illumination.

C. Expansion, Relocation, and Servicing of Nonconforming Signs.

Nonconforming signs shall not be expanded or relocated. Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 17.03 (General Standards).

D. Alterations to Nonconforming Signs.

Alterations to a nonconforming sign frame or structural elements shall be subject to the following conditions:

1. The sign shall be brought into compliance with the maximum sign height and area standards for the location and type of sign, as specified in this Article.
2. Existing ground sign support structures and wiring may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.
3. Alterations to the sign copy area or structure of a nonconforming billboard sign shall be permitted, provided that the sign area and height are not increased.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.12 Sign Removal by City Action.

A. Abandoned or Unlawful Signs.

The Community Development Director shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 25.02 (Definitions), and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Community Development Director may order the removal of such signs in accordance with the following procedure:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. **Removal.** Abandoned or unlawful signs shall be removed within 30 days after notification of a determination and order for removal by the Community Development Director. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the City to seek Circuit Court approval to remove the sign at the property owner's expense. The owner shall reimburse the City for the actual costs of the removal plus associated administrative costs, or the City may place a lien on the property for necessary removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Building Official shall be repaired or removed within 30 days after notification by certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Building Official shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the City for the actual costs of the repair or removal plus associated administrative costs, or the City may place a lien on the property for such expenses.

C. **Unsafe Signs.**

The Building Official may order the removal of any sign determined to be unsafe without prior notice. After removal, the Building Official shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the City for the actual costs of removal, storage and reclamation, or the City may place a lien on the property for such expenses.

D. **Nonconforming Signs.**

The elimination of nonconforming signs in the City is hereby declared to be for a public purpose and for a public use. The City may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 17.10 (Nonconforming Signs) requirements.

E. **Temporary Signs.**

Temporary signs displayed within a street right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the City without notice. Signs removed shall be held by the City for a 5 calendar day reclamation period, after which the sign may be discarded.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.13 Exceptions.

The Zoning Board of Appeals (ZBA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this Article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

A. **Applications for Sign Exceptions.**

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the Zoning Board of Appeals (ZBA) within thirty (30) calendar days of the decision. Applications for exceptions from one (1) or more provisions of this Article shall be submitted in accordance with Section 19.05K (ZBA Application Requirements). Following a public hearing the ZBA may consider the standards stated in Section for the merits of granting an exception to particular requirements of this Article.

B. **Procedures for Consideration of Sign Exceptions.**

Applications for exceptions from the provisions of this Article shall be considered by the ZBA in accordance with the review procedures specified in Section 19.05 (Zoning Board of Appeals Authority, Responsibilities and Procedures).

C. **Exception Standards for Signs.**

The ZBA shall consider the following standards while reviewing any application for an exception from one (1) or more provisions of this Article.

1. **Intent of this Article.** The exception, if granted, does not substantially impair the intent and purpose of this Article.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.
3. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.

4. **Site features.** Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.
5. **Scale.** A sign that exceeds the allowable height or area standards of the Ordinance would be more appropriate in scale because of the intensity of the use, or the large size or frontage of the premises or building.

D. Findings and Conditions.

In granting or denying a sign exception, the ZBA shall state the specific grounds and findings for the decision. The ZBA may attach any conditions to approval of a sign exception regarding the location, character, timing of display, or other features of the proposed sign as deemed reasonable.

(Ord. No. 662, art. I, 3-18-2013)

Section 17.14 Summary of Regulations.

The following summary of selected sign provisions shall not supercede or replace other sections or regulations of this Article:

A. Building-Mounted Signs.

PERMITTED MODIFIERS	MAX. SIGN AREA
	10% of the signable area
Sign located in a Residential (R-1, R-2, R-3, RM-1, or R-4) District	-3%
Sign located in the Office (OS-1) or Local Business (B-1) District	-2%
TOTAL PERMITTED WITH MODIFIERS:	_____% of the signable area

B. Ground Signs.

	PERMITTED MODIFIERS	MAX. SIGN HEIGHT	MIN. SIGN SETBACK	MAX. SIGN AREA	MAX. NUMBER OF SIGNS
	...Cumulative Modifiers...		10 feet	equal to actual sign height	40 square feet
Sign located in the R-1, R-2, R-3, RM, RM-1, or R-4 District		- 2 feet	no change	- 12 square feet	no change
Sign located in the Office (OS-1) or Local Business (B-1) District		- 2 feet	no change	- 8 square feet	no change
Total lot frontage = •500 feet or more of		no change	no change	+ 20 square feet	+ 1 additional sign

on one (1) street right-of-way, or • 700 feet or more on two (2) or more street rights-of-way.				
Sign abuts a street right-of-way width of 120 feet or more.	+ 2 feet	no change	+ 20 square feet	no change
Lot is occupied by three (3) or more separate non-residential uses (i.e. shopping center, office building, etc.)	no change	no change	+ 20 square feet	no change
TOTAL PERMITTED WITH MODIFIERS:	<u>feet</u>	<u>feet</u>	<u>square feet</u>	<u>sign(s)</u>

(Ord. No. 662, art. I, 3-18-2013)

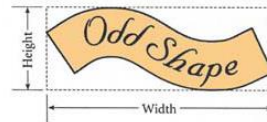
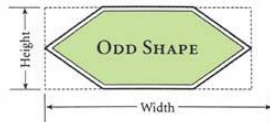
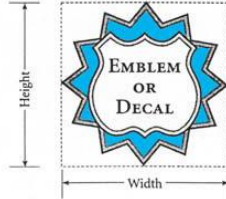
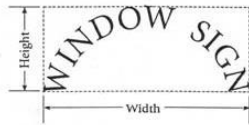
ILLUSTRATIONS



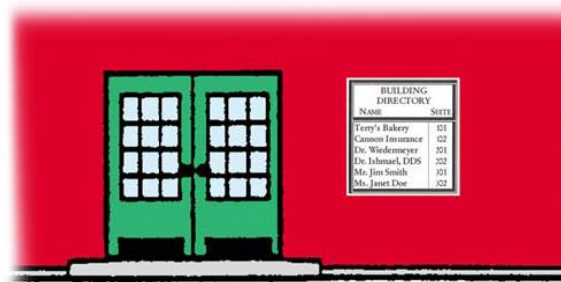
Awning Sign



Window Sign



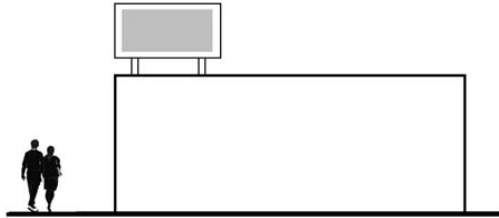
Computation of Sign Area



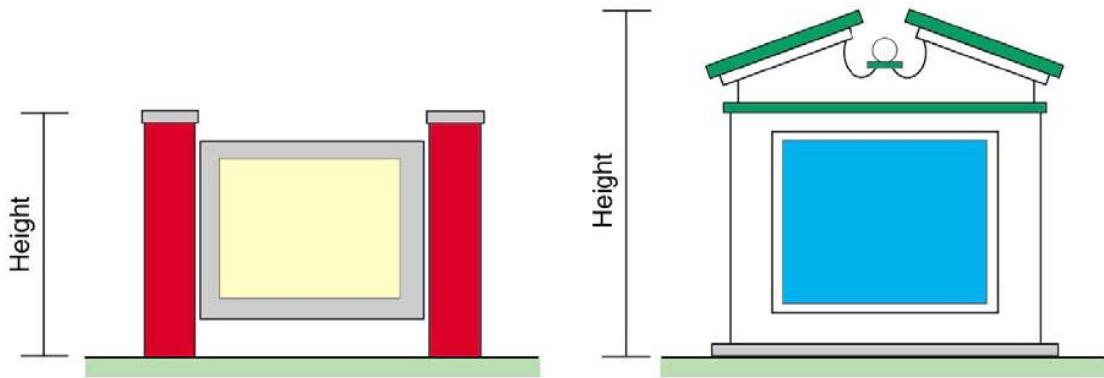
Building Directory



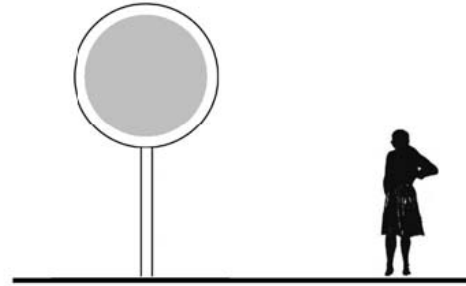
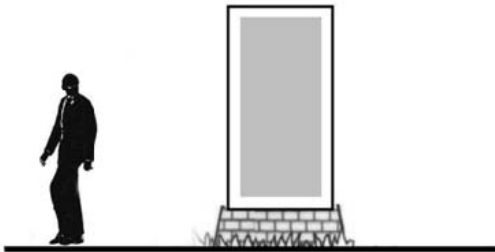
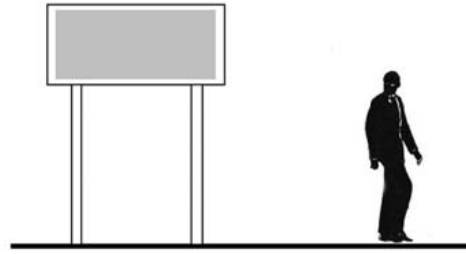
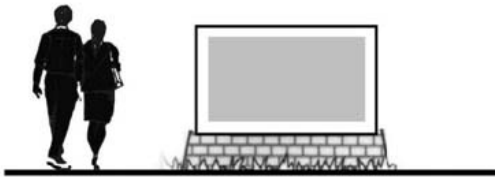
Projecting Sign



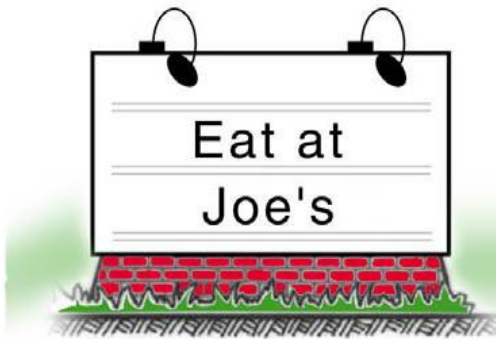
Roof Sign



Sign Height



Various Types of Ground Signs

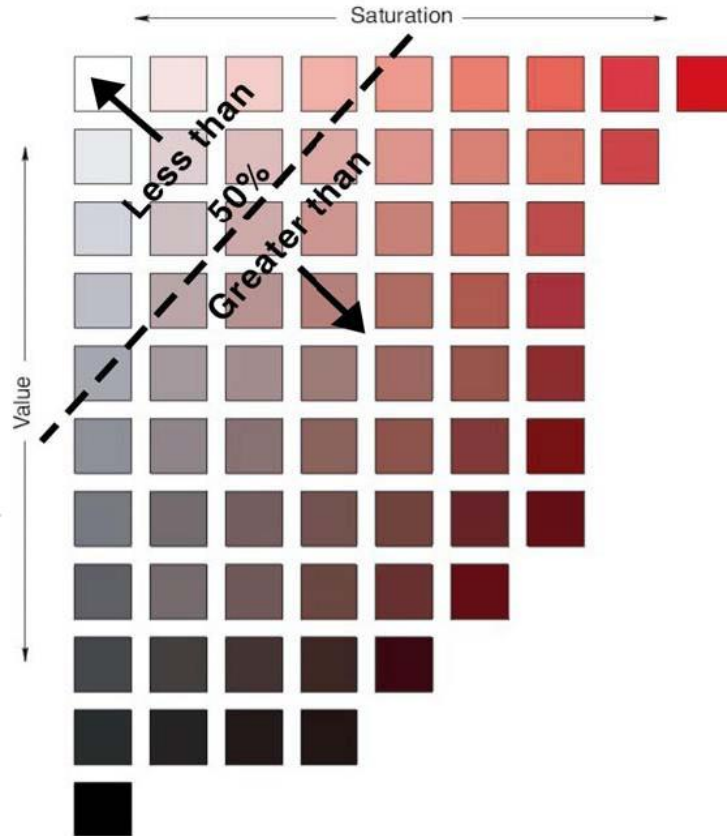


External illumination
only

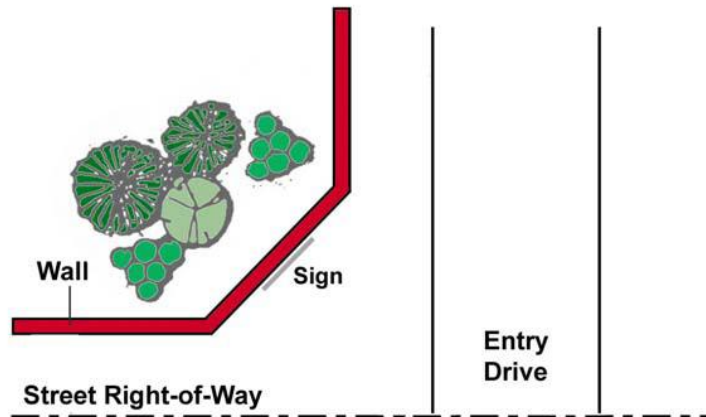
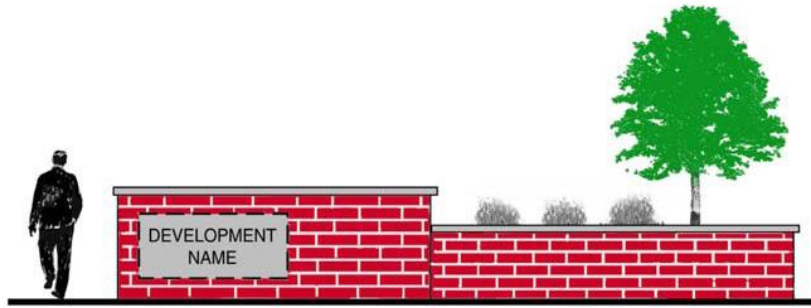


Internal illumination
permitted

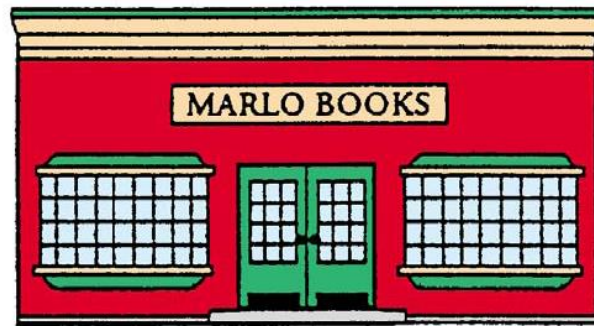
Sign Illumination



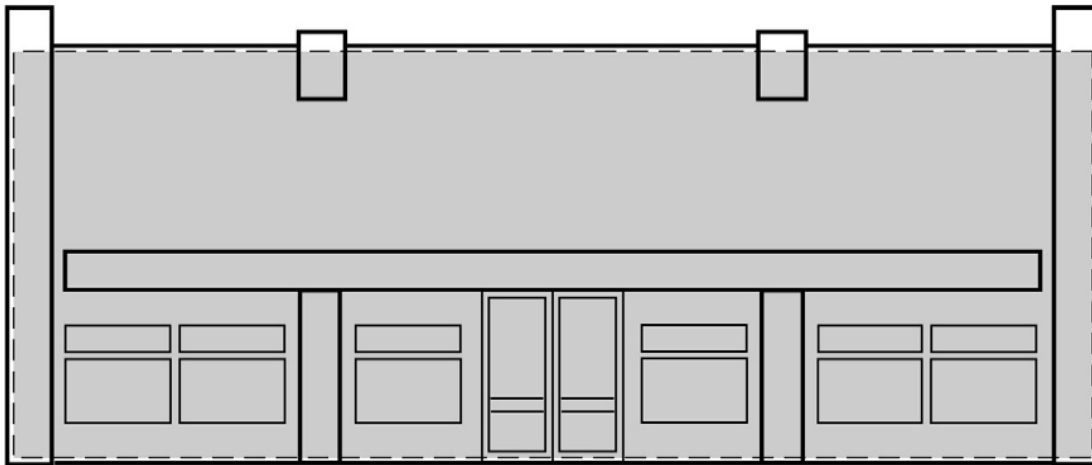
Color Value and Saturation



Site Entry Feature With Signage



Wall Sign



Signable Area for a Single-story Building

ARTICLE 19 ADMINISTRATIVE ORGANIZATION AND APPEALS

Section 19.01 Overview.

The purpose of this Article is to set forth the specific duties, responsibilities and scope of authority of the following official committees, boards, commissions and persons that are charged with administering, implementing, interpreting, and enforcing the provisions of this Ordinance:

- City Council.
- City Manager
- Planning Commission.
- Review committee(s)
- Zoning Board of Appeals.
- Designated zoning officials, including the Community Development Director, Building Official, City Planner, and City Clerk.

Section 19.02 City Council Authority and Responsibilities.

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

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), City Council shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 20.04 (Amendments). Adoption of any change to this Ordinance shall be by an amendatory ordinance.

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- B. **Review and Approval of Plan for Planned Developments.** City Council review and approval shall be required for all planned developments, in accordance with Article 11 (PD Planned Development District).
 - C. **Setting of Fees.** City Council shall have the authority to set, by ordinance or resolution, all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

Any application for matters requiring approval under this Ordinance may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required where professional input and review is desired before a decision is made about any development project or use subject to review and approval under the provisions of this Ordinance:

1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the City indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the City and a copy of the statement of expenses for the professional services rendered, if requested.
 2. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the City. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 60 days of final City action on the applicant's request, or within 60 days of withdrawal of the request by the applicant.
 3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any building or zoning permit or other approval issued by the City in response to the applicant's request. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.
- D. **Approval of Planning Commission Members.** In accordance with the City Charter, the City Council shall appoint members of the Planning Commission.

(Ord. No. 652, art. I. 6-4-12)

Section 19.03 Planning Commission Authority and Responsibilities.

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

- A. **Creation.** The Planning Commission is created pursuant to the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the applicable provisions of the City of Riverview Code of Ordinances, all of which enable and govern the activities and procedures under this Zoning Ordinance.
- B. **Membership and Operation.** In accordance with the City Charter, appointments of members of the Planning Commission shall be made by the City Council. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning

Commission shall be in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended).

In accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), the Planning Commission shall determine the time and place of meetings, adopt rules for the transaction of business, and keep a public record of its actions, findings, recommendations.

- C. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
1. **Formulation of the Zoning Ordinance and Amendments.** The Planning Commission is hereby designated as the commission specified in Section 301 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and shall perform the zoning duties of said commission as provided in the statute in connection with amendment of this Ordinance.

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to City Council.
 2. **Site plan review.** The Planning Commission shall be responsible for reviewing site plans in accordance with Section 20.01 (Site Plan Review), and for making determinations to approve, approve subject to conditions, or deny applications for site plan approval as provided in Section 20.01.
 3. **Special land use review.** The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special land use approval in accordance with Section 20.02 (Special Land Uses).
 4. **Planned development review.** The Planning Commission shall be responsible for holding hearings; reviewing; and making recommendations to City Council to grant approval, approval with conditions, or denial of proposed planned developments in accordance with Article 11 (PD Planned Development District).
 5. **Formulation of a Master Plan.** The Planning Commission is hereby designated as the commission specified in Section 2 of the Municipal Planning Act (P.A. 285 of 1931, as amended), and shall perform the planning duties of said commission as provided in the statute.
 6. **Review of matters referred by City Council.** Consistent with the Riverview City Code, the Planning Commission shall be responsible for review of plats and other land development matters referred by City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
 7. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to City Council on operations under the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance.
 8. **Report on operation of the Zoning Ordinance.** The Planning Commission shall prepare a report no less than once a year for the City Council on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.
- D. **Meetings.** The Planning Commission shall publish notice of a scheduled meeting in a newspaper of general circulation in the City of Riverview, not less than fifteen (15) days before the date of the scheduled meeting. Meetings of the Planning Commission are subject the Open Meetings Act.

(Ord. No. 652, art. I. 6-4-12)

Section 19.04 Review Committee(s).

The Community Development Director may from time to time create administrative committees to assist in the review of site plans and other applications under this Ordinance, in accordance with the following:

- A. **Intent and Purpose.** Formal or informal committees may be established to allow for expedited reviews of applications under this Ordinance.
- B. **Membership and Operation.** The Community Development Director may set the membership of any review committee.
- C. **Jurisdiction.** A review committee may perform multi-disciplinary reviews of applications for compliance with all City requirements. Any report will be a recommendation to the Community Development Director.

Section 19.05 Zoning Board of Appeals Authority, Responsibilities and Procedures.

The Zoning Board of Appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Intent and Purpose.** The ZBA is created which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), in accordance with the procedures and standards of these regulations, and in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantive justice done.
- B. **Membership and Operation.** The ZBA shall consist of seven (7) members who shall be appointed in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and as follows:
 - 1. ZBA members shall be citizens of the United States and residents of the City.
 - 2. Appointments shall be for a term of three (3) years, except upon initial establishment of the ZBA, appointments of members shall be for terms of one (1), two (2), and three (3) years respectively, so as to provide for a balanced and consistent number of subsequent appointments in future years.
 - 3. Members may be removed for cause by the City Council after consideration of written charges and a public hearing, or as otherwise provided by state law.
 - 4. In accordance with state law and the City Charter, vacancies on the ZBA shall be filled by appointment approved by the City Council. Such appointments shall be made not more than thirty (30) days after the preceding member's removal. Such appointments shall be for the remainder of the unexpired term.
 - 5. The compensation of the members of the ZBA shall be fixed by the City Council.
 - 6. The City Council may also if it so desires appoint not more than two (2) alternate members for the same term as regular members of the ZBA. The alternate members may be called on a rotating basis to sit in the place of regular members of the ZBA in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular members has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.
- C. **Jurisdiction.** The ZBA shall have power to act on those matters as defined in this Section and by the laws of the State of Michigan. Said jurisdiction includes:

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1. **Appeals.** The ZBA is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by an administrative official, office, department, board, commission, or enforcement officer in carrying out or enforcing any provisions of this Ordinance, subject to procedures and standards stated in this Section.

Appeals shall be granted only in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The action shall be based on findings regarding the standards set forth in this Section. The extent to which the following criteria apply to a specific case shall be determined by the ZBA and become part of the formal record of the case.

The ZBA may reverse or affirm, wholly or partly, or may modify any administrative order, requirement, decision, or determination, in accordance with the guidelines set forth herein.

2. **Criteria applicable to appeals.** The ZBA may reverse an order of any enforcement official or body only upon determining that the action appealed meets one (1) or more of the following standards:
 - a. Was arbitrary or capricious, or
 - b. Was based on an erroneous finding of a material fact, or
 - c. Constituted an abuse of discretion, or
 - d. Was based on erroneous interpretation of this Zoning Ordinance, zoning law or zoning case law.

3. **Variations.** The ZBA is authorized to grant a variance from the strict application of the provisions of this ordinance subject to criteria and considerations stated in the sub-sections below. In granting a variance, the ZBA may attach thereto such conditions and safeguards regarding the location, character, and other features of the proposed uses as it may deem reasonable so that the spirit of this ordinance is observed, public safety secured, and substantial justice done. The ZBA shall clearly state the grounds upon which it justifies the granting or denying of a variance, which shall be made part of the written record.

Variations shall be granted only in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The action shall be based on findings regarding the standards set forth in this Section. Variations shall not be granted solely upon economic or financial considerations. The applicability of the following criteria to a specific case shall be determined by the ZBA in formulating a decision and shall become part of the formal record of the case.

4. **Standards for variance decisions by the Appeals Board.** The Appeals Board shall base its decisions on variations from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - a. **For Dimensional Variations.** A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - (1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - (2) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

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- (3) That strict compliance with the regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - (4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district.
 - (5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- b. **For use variances.** A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:
- (1) The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
 - (2) That the need for the requested variance To obtain a use variance, the applicant must show unnecessary hardship which would unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
 - (3) That the proposed use will not alter the essential character of the neighborhood.
 - (4) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
5. **Criteria applicable to variances.** To grant a variance, the ZBA shall determine that request meets one (1) or more of the following criteria:
- a. **Practical difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
 - b. **Substantial justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - c. **Public safety and welfare.** The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.
 - d. **Extraordinary circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

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- e. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right also possessed by other property owners in the same zoning district.
 - f. **Additional considerations.** The ZBA shall review all of the following when reviewing a variance to assure that the proposed variance is the minimum modification needed to meet the requirements of the applicant under the Ordinance and may condition any variance based upon its findings:
 - (1) The granting of a variance or appeal shall not increase the hazard of fire or otherwise endanger public safety.
 - (2) The granting of a variance or appeal shall not unreasonably diminish or impair the value of surrounding properties.
 - (3) The granting of a variance or appeal shall not alter the essential character of the neighborhood or surrounding properties.
 - (4) The granting of a variance or appeal shall not impair the adequate supply of light and air to any adjacent property.
 - (5) The size, character, and location of any development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.
 - (6) Any development allowed upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.
 - (7) Any development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.
 - (8) The location, design, and height of a building, structure, fence, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.
 - (9) The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.
 - 6. **Interpretation.** The ZBA is authorized to interpret boundaries of zoning districts as presented in the official zoning map. Upon request of the Planning Commission or any administrative or enforcement officer charged with enforcement of this Ordinance, the ZBA may interpret and clarify the meaning or applicability of Zoning Ordinance text. Interpretations of zoning district boundaries, as shown upon the official Zoning Map accompanying and made part of this Ordinance, shall be made in such a way as to carry out the intent and purpose of this Ordinance and the City's Master Plan.
 - 7. **Exceptions.** The ZBA is authorized to hear and decide requests for exceptions to the Ordinance as provided for within the Ordinance, and for other decisions specifically authorized by this Ordinance. Any exceptions shall be subject to such conditions as the ZBA may require to preserve

and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance:

- a. Allow the erection and use of a building or use of premises for public utility purposes upon recommendation of the Planning Commission.
- b. Allow the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- c. Allow such modification of the height and area regulations as specified in Section 9.204 (Height Exceptions), or as may be necessary to secure an appropriate improvement of a lot that 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.
- d. Allow temporary buildings and uses for periods not to exceed 365 calendar days.
- e. Allow, upon proper application, temporary uses that do not require any capital improvement of a structural nature, and are not otherwise permitted in any district. The ZBA may grant permission for the above temporary uses for a period not to exceed 365 calendar days, with the granting of one (1) 365 calendar day extension being permissible upon proper application, subject to all of the following conditions:
 - (1) The granting of the temporary use shall not constitute a change in the basic uses permitted for the district nor for the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the ZBA.
 - (4) In classifying uses as not requiring capital improvement, the ZBA shall determine that any facilities associated with the use are demountable structures that do not require foundations, heating systems, or sanitary connections, or are related to permitted uses of the land. Recreational developments without permanent facilities (such as, but not limited to golf-driving ranges and outdoor archery courts) may be considered as temporary uses not requiring capital improvement.
 - (5) The use shall be in harmony with the general character of the district.
 - (6) The ZBA shall receive and review a recommendation from the Community Development Director regarding the proposed use as it relates to current and long-range planning for the area in which the proposed temporary use is requested, and its impact upon the City's Master Plan.
- f. Allow modification of wall requirements when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

D. **Limitations.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the text or stated intent of any part of this Ordinance. The ZBA shall not

have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, such power and authority being reserved to City Council, in the manner provided by law.

The ZBA is strictly prohibited from hearing appeals of or granting variances from special land use determinations or conditions of approval as regulated under Section 20.02 (Special Land Uses). The ZBA is also strictly prohibited from hearing appeals of or granting variances from any determinations, standards or conditions established within a Planned Development, as regulated under Article 11 (PD Planned Development District).

The ZBA shall not have the power to grant variance or changes to requirements of any other body having appropriate regulatory jurisdiction under this Ordinance, unless specifically authorized by a provision of this Ordinance.

- E. **Powers.** The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. With an affirmative decision, the ZBA may impose conditions pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The decision of the ZBA shall be final. However, a person aggrieved by this Ordinance may appeal to the Circuit Court for review pursuant to Section 606 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
 - F. **Procedure.** The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the City Clerk, and shall be public record. The ZBA shall render all decisions without unreasonable delay.
 - G. **Meetings and Hearings.** All meetings of the ZBA shall be held at the call of the Chair, and as such times as the ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
- The ZBA shall select a reasonable time and place for hearings, and shall give due notice thereof to the parties in accordance with Section 20.03 (Public Hearing Procedures) of this Ordinance and Section 401 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- H. **Stay of Proceedings.** An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Planning Commission or zoning official certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property; in which case proceedings shall not be stayed other than by a restraining order granted by the Circuit Court.
 - I. **Notice.** The ZBA shall take no action authorized by this Ordinance or the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), except as related to a specific case and after a public hearing has been conducted. The ZBA shall, by general rule or in specific cases, determine the interested parties who may be affected by any matter brought before it, which shall in all cases include all owners of record of property (according to the most current City assessment records) within 300 feet of the premises in question. Such notice may be delivered either personally or by mail addressed to said respective owners as disclosed by the assessment roll, and to the tenant(s) at the address given for the property in the last assessment roll. If the tenant's name is not know, the term "occupant" may be used.

The ZBA may require any party applying to the ZBA for relief to give such notice to other interested parties as the ZBA shall prescribe. Such notice shall contain the address, if available, and location of the

property for which the variation or other ruling by the ZBA is sought, as well as a brief description of the nature of the request.

J. **Concurring Vote Required.**

1. **Appeals, Exceptions, Interpretations and Dimensional Variances.** The concurring vote of a minimum of four (4) members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; and to grant a variance from any non-use or dimensional standard of this Zoning Ordinance.
2. **Use Variances.** The concurring vote of a minimum of five (5) members of the ZBA shall be necessary to grant a variance from the use provisions of this Ordinance.

K. **Variance and Appeal Application Requirements.**

1. **Application for variances and appeals.** A person filing an application to the ZBA shall use forms as specified by the ZBA. All required fees shall accompany an application before any action shall commence to review the application. The application shall specify the grounds for the request, and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the applicable section(s) of the Ordinance involved in the request.
2. **Sketch plan required.** Each application shall be accompanied by a sketch plan for the site that includes the following information, as applicable:
 - a. Applicant's name, address, and telephone number.
 - b. Property identification (Sidwell) number, scale, north point, and dates of submission and revisions.
 - c. Zoning classification of petitioner's parcel and all abutting parcels.
 - d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and on properties within 50 feet of the site.
 - e. For variances requested from any dimensional standard of this Ordinance, the sketch plan shall include verified measurements of existing conditions, and clearly state the proposed dimensions or conditions for which the variance is sought.
 - f. Where an application to the ZBA involves a variance sought in conjunction with a site plan review by the Planning Commission, the application date for site plan review shall also be provided.
 - g. Any additional information that may be required by the Building Official or the ZBA to make the determination requested herein.
3. **Formal record of requests.** The ZBA shall prepare, build, and retain a formal record of each variance request or appeal consideration, and shall base its decision on this record. This formal record shall include all of the following:
 - a. Relevant administrative records and related administrative orders.
 - b. A copy of the public notice for the hearing associated with the request.
 - c. Such documents, exhibits, plans, photographs, or written reports as may be submitted to the ZBA for its consideration.

All written findings of fact, the decisions, orders, and any conditions imposed by the ZBA in acting on the appeal shall be entered into the official record, after being signed by the Chair of the ZBA, thereby effectuating the decision and any conditions imposed thereon.

- L. **Orders.** In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the orders, requirements, decisions, or determinations appealed under this Ordinance 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 Planning Commission, Community Development Director, Building Official or other zoning official from whom the appeal is taken.
1. No order of the ZBA allowing the erection of a building shall be valid for a period longer than 365 calendar days, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 2. No order of the ZBA allowing a use of a building or premises shall be valid for a period longer than 365 calendar days unless such use is established within such period. Where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 3. An order of the ZBA allowing a variance or exception that is not utilized within 365 calendar days of its issuance shall be considered null and void and an application must be re-filed if it is desired at a future date. A variance or exception that is legally utilized and maintained continues to run with the property and any subsequent owners who legally continue the variance or exception under its original or amended terms.
 4. The reason(s) utilized as a basis for making any decision shall be stated in the minutes of the ZBA.
 5. The ZBA may require such conditions and the posting of necessary bonds or other financial guarantees acceptable to the city council to control compliance with specified conditions.
 6. Copies of the decisions of the ZBA shall be furnished to the City Council and Planning Commission.
- M. **Decision Final.** The decisions of the ZBA shall be final, but shall be subject to review by the Circuit Court consistent with Section 606 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The Circuit Court may order the ZBA to rehear a case in the event that the Court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence that is material and with good reason was not presented to the ZBA.

(Ord. No. 652, art. I, 6-4-12)

Section 19.06 City Manager Authority and Responsibilities.

The City Manager, as chief administrative head of the City of Riverview shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance.

Section 19.07 Zoning Official Responsibilities.

The Community Development Director, Building Official, City Clerk, City Planner, and other designated City officials and/or their duly authorized representatives shall administer certain actions necessary for the implementation of these regulations. In carrying out their designated duties, all zoning officials shall be required to

administer the Zoning Ordinance precisely as it is written. No zoning official shall make changes or vary the terms of these regulations.

- A. **Responsibilities of the Community Development Director.** The Community Development Director, or a duly authorized representative, shall be responsible for overall administration of the Zoning Ordinance. The Community Development Director shall coordinate the implementation of this Ordinance among City Council, the Planning Commission, the Zoning Board of Appeals, enforcement officials, City departments, consultants, applicants, and the general public. In addition to specific responsibilities outlined elsewhere in these regulations, the Community Development Director or duly authorized representatives shall have the following responsibilities:
1. Preparation and administration of budgetary matters regarding the implementation of these regulations.
 2. Resolution of problems occurring between applicants, staff, and the general public.
 3. Periodically report to City policy makers on the status of City's zoning and planning administration.
 4. Provide citizens and public officials with information relative to these regulations and related matters.
 5. Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.
 6. Review all applications for site plan review, special land use review, and planned development, and take any action required under these regulations.
 7. In cooperation with the Building Official, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable Ordinances and codes are met.
 8. Forward to the Planning Commission completed applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to these regulations, and other matters that must be reviewed by the Planning Commission.
 9. Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.
 10. Review requests for temporary structures and/or uses involving a period of 90 calendar days or less.
 11. Forward to City Council all recommendations of the Planning Commission concerning matters on which action is either mandatory or discretionary on the part of City Council.
 12. Periodically report to the Planning Commission on the status of City's zoning and planning administration.
 13. Maintain the current official Zoning Map of the City and an up-to-date Zoning Ordinance text by recording all adopted amendments.
 14. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
 15. Initiate investigations into alleged violations of these regulations and proceed with appropriate corrective measures as required.
 16. Perform other related duties required to administer these regulations.
- B. Reserved.

C. Responsibilities of the Building Official.

In addition to specific responsibilities related to enforcement and administration of the state Construction Code enforced by the City, the Building Official or duly authorized assistants shall have the following responsibilities:

1. Provide citizens and public officials with information relative to these regulations and related matters.
2. Provide direction to applicants in determining and completing appropriate procedures related to site plan review, rezoning, and other zoning matters.
3. Review applications for site plan review, special land use review, and planned development, provide recommendations regarding the content of said plans and take any action required under guidelines stated within these regulations.
4. Issue building or other appropriate permits when all provisions of these regulations and other applicable ordinances are met.
5. In cooperation with the Community Development Director, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable Ordinances and codes are met.
6. Perform inspections of buildings, structures, and premises to insure that the land use or improvements to the land are and will remain in compliance with these regulations.
7. Initiate and perform investigations into alleged violations of these regulations and proceed with appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.
8. Maintain records as accurately as is feasible for all nonconforming uses, structures, and lots that exist on the effective date of the Zoning Ordinance, updating the record as conditions affecting the nonconforming status of such uses changes.
9. Perform other related duties required to administer these regulations.

D. Responsibilities of the City Clerk.

The City Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations.
2. Record or cause to be recorded and prepare the official minutes of all meetings of the Planning Commission and Zoning Board of Appeals.
3. Maintain official records and file all official minutes and documents in an orderly fashion.
4. Perform other related duties required to administer these regulations.

E. Responsibilities of the City Planner.

The City may employ a City Planner, who may be a member of City staff, a firm or organization retained on a consulting basis, or staff and a consultant may share the responsibilities. In addition to specific responsibilities outlined elsewhere in these regulations, upon request from City Council, the Planning Commission, the Community Development Director, or other authorized City body or official, the City Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the City and its environs, within the scope of the appropriate Michigan Planning and Zoning Enabling Acts.

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2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
 3. Advise and assist City Council and other authorized City bodies or officials and are responsible for carrying out their directives.
 4. Provide citizens and public officials with information relative to these regulations and related matters.
 5. At request of the City, review applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines stated in these regulations.
 6. At the request of the Planning Commission or City Council, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the City.
 7. Periodically report to the Planning Commission on the status of City's zoning and planning administration.
 8. Perform other related duties, as authorized, to administer these regulations.

ARTICLE 20

PROCEDURES AND STANDARDS

Section 20.01 Site Plan Review.

A. Purpose.

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

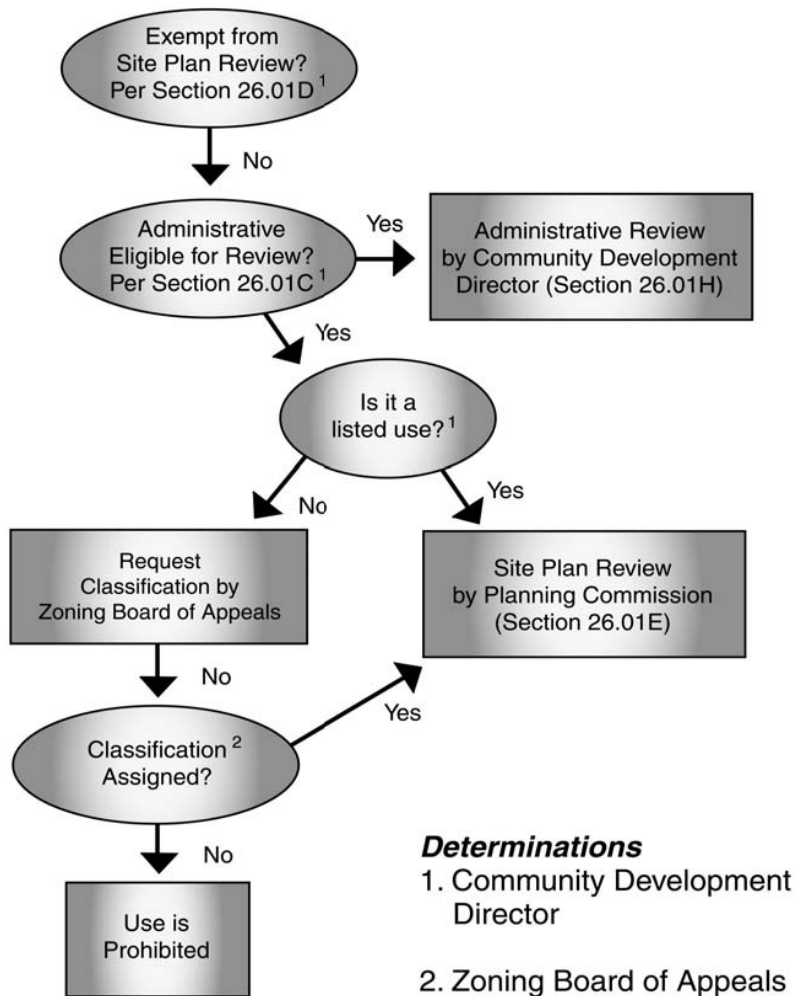
Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.

B. Type of Site Plan Review Required.

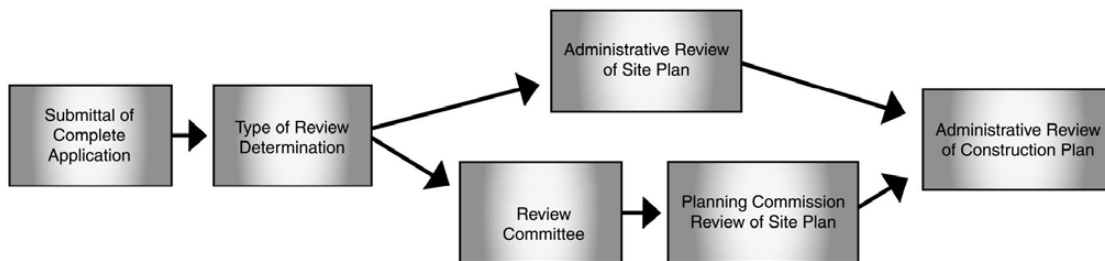
Two separate review processes have been established in accordance with the purpose of this Article. Certain developments or uses, as listed in Section 20.01C, have been determined to be appropriate for a less intensive administrative site plan review. A small number of uses, as listed in Section 20.01D, are exempt from site plan review.

For all other development projects and uses, submission and approval of a site plan shall be required in accordance with the following chart:

Type of Site Plan Review Required



Site Plan Review Process



C. Projects Eligible for Administrative Review.

The following development projects, uses and other activities shall be eligible for administrative review and approval:

PROJECTS ELIGIBLE FOR ADMINISTRATIVE REVIEW	
NEW CONSTRUCTION. (other than single-family residential)	
1.	Minor changes during construction due to unanticipated site constraints or outside agency requirements.
2.	Construction of accessory structures.
3.	Sidewalk or pedestrian pathway construction or relocation.
NEW USES OR CHANGES OF USE.	
4.	Re-occupancy of a building that has been vacant for more than 30 days, but less than 180 days.
5.	A change in use to a similar or less intense use, as determined by the Community Development Director, provided that significant site changes are not required.
EXPANSIONS, ALTERATIONS AND OTHER PROJECTS.	
6.	An increase in the existing floor area of a multiple-family or non-residential building of up to 2,500 square feet or twenty percent (20%), whichever is less.
7.	Minor landscaping changes, or species substitutions consistent with an approved construction plan.
8.	Grading, excavation, filling, soil removal, or creation of ponds on a residential lot.
9.	Minor building modifications that do not significantly alter the facade, height, or floor area of the building.
10.	Parking lot improvements, without any building changes.
11.	An increase in the number of parking spaces of up to twenty percent (20%).
12.	Waste receptacle relocation to a more inconspicuous location, or installation of screening around the waste receptacle.
13.	Changes to a site required by the City for code or safety considerations.
14.	Projects and activities of a similar character and intensity, as determined by the Community Development Director.

D. Exempt Projects.

The following activities are exempt from site plan review due to their relatively low impact on adjacent land uses, or because compliance with applicable building, fire and zoning regulations can be addressed by other means:

1. A single-family dwelling and accessory structures on a single lot.
2. Family child day care homes, as licensed by the State of Michigan.
3. Establishment of a home occupation listed in Section 10.104 as a permitted accessory use.
4. Essential service or barrier-free access improvements.

E. Site Plan Review Procedure.

Site plans shall be reviewed in accordance with the following:

1. **Pre-application meeting.** Applicants are encouraged to meet informally with the Community Development Director to discuss site issues and application of Ordinance standards, prior to submitting site plans for formal review.
2. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
3. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to any review committee(s) for review and comment. The Community Development Director may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
4. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from any review committee(s), staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section 20.01M (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 - a. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny site plan approval.
 - c. **Approval.** Upon determination that a site plan is in compliance with the standards and regulations set forth in this Ordinance, the site plan shall be approved.
 - d. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, protect significant site features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of

this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

5. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Planning Commission's action. The Secretary shall mark and sign three (3) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. Two (2) copies shall be kept on file in the City, and one (1) shall be returned to the applicant.

F. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

G. Construction Plan Review Procedure.

The applicant shall submit construction plans to the City for review and approval prior to the start of work on the site, along with copies of all necessary permits or approvals from outside agencies.

1. **Approval of construction plans.** Construction plans shall be subject to administrative review and approval by the Building Official.
2. **Standards for construction plan approval.** Construction plan approval shall be granted when all of the following requirements are met:
 - a. The site design and improvements shown on the construction plan are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.
 - b. All applicable engineering, building and fire code standards have been addressed to the satisfaction of the Fire Department, City Engineer and Building Official.
 - c. All local, county and state requirements that apply to the site or proposed use have been satisfied, and all necessary outside agency permits or approvals have been obtained by the applicant.
3. **Recording of construction plan action.** After action has been taken on the construction plan, at least three (3) copies of the final plan shall be marked "APPROVED" or "DENIED" as appropriate, with the date that action was taken. At least one (1) copy shall be returned to the applicant, and two (2) copies shall be kept on file in the City.

H. Administrative Review.

The following shall apply to all site plans eligible for administrative review:

1. **Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan review, as outlined in Section 20.01E, except that the Community Development Director shall have the authority to approve, approve subject to conditions, or deny the site plan.
2. **Appeals to the Planning Commission.** The Community Development Director or the applicant shall have the option to request Planning Commission consideration of a site plan eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Section 20.01E (Site Plan Review Procedure).

I. Approval of Phased Developments.

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.
3. Each phase shall be subject to a separate plan review by the Building Official and Community Development Director. Any revisions to the approved site plan shall be reviewed in accordance with Section 20.01K (Revisions to Approved Site Plans).

J. **Site Plan Resubmission, Appeals, Expiration or Revocation.**

1. **Resubmission.** A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
2. **Appeals.** The Zoning Board of Appeals (ZBA) shall not have the authority to consider appeals of site plan determinations, except as follows:
 - a. **Appeals of Planning Commission actions.** Appeals of Planning Commission site plan review actions shall be subject to the review procedure and criteria for appeals of administrative actions, as specified in Section 19.05 (Zoning Board of Appeals Authority, Responsibilities and Procedures).
 - b. **Order of review.** Development projects requiring approval of a dimensional variance and a site plan shall first be submitted for site plan review, prior to ZBA consideration of dimensional variances. If a use variance is required, the project shall first be submitted for use variance review, prior to Planning Commission consideration of the site plan.
 - c. **Appeals of Planning Commission actions.** If the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the ZBA, prior to construction plan review. ZBA consideration shall be limited to the specific variances identified as conditions of site plan approval.
3. **Expiration of site plans.**
 - a. **Site plan approval.** Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the City for review.
 - b. **Extension of approval.** Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.
4. **Rescinding approval of site plans.** Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures), at

which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

- b. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

K. Revisions to Approved Site Plans.

Minor revisions to an approved site plan may be administratively reviewed by the Community Development Director, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Community Development Director to be minor, shall be reviewed by the Planning Commission as an amended site plan.

L. Required Information for Site Plans.

The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	R	E	P	A	M	A	D	M
SITE PLAN DESCRIPTIVE INFORMATION:								
Name, address, telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan., and the property location (address, lot number, tax identification number).	•		•				•	
Total land area.	•		•				•	
Existing and proposed use(s) and existing zoning of the property and surrounding parcels (including across street rights-of-way).	•		•					
Legal description of the property.	•		•					
SITE PLAN DATA AND NOTES:								
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	•		•				•	
Location map with separate scale and north-arrow showing surrounding land, water features and streets within ½ mile of the site boundaries.	•		•				•	
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, and overall height.	•		•				•	
Detailed parking, residential density and lot coverage calculations.	•		•					
EXISTING CONDITIONS:								
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions.	•		•					
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	•		•				•	
Existing site features, including significant natural, historical, cultural and architectural features, structures, driveways, fences, walls, signs and other improvements; with notes regarding their preservation or alteration.	•		•				•	
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	•		•					
SITE PLAN DETAILS:								

Location, outside dimensions, setback distances and proposed uses of all site improvements.	•	•	•
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, access and drainage.	•	•	•
Identification of areas involved in each separate phase, if applicable.	•	•	
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types and methods of shielding.	•	•	
Waste receptacle locations and methods of screening.	•	•	
Transformer pad location and method of screening, if applicable.	•	•	
Outdoor sales, display or storage locations and method of screening, if applicable.	•	•	
Locations, sizes, heights, types and methods of illumination of all proposed signs.	•	•	
BUILDING AND ARCHITECTURAL DETAILS:			
Building facade elevations, drawn to an appropriate scale and indicating type and color of building materials, roof design, projections, awnings, window openings, entrance features, doors, and any building-mounted mechanical equipment.	•	•	
ACCESS AND CIRCULATION:			
Dimensions and centerlines of existing and proposed rights-of-way, including those abutting the site, and names of abutting streets, and the width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces.	•	•	
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	•	•	
Location and dimensions of existing and proposed interior sidewalks and sidewalks or paths within public rights-of-way.	•	•	
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage designation of fire lanes and location of loading areas.	•	•	
LANDSCAPING AND SCREENING:			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	•	•	
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and method of installation.	•	•	
Landscape maintenance plan, including notes regarding irrigation, and replacement of dead or diseased plant materials.	•	•	
Location, dimensions, construction materials, and cross-section for any required or proposed berms or greenbelts.	•	•	
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	•	•	
UTILITIES, DRAINAGE AND THE ENVIRONMENT:			
Grading plan, with existing and proposed topography at a minimum of two-(2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	•	•	
Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.	•	•	
ADDITIONAL REQUIRED INFORMATION:			
Other information as requested by the Community Development Director or Planning Commission to verify that the site and use are in accordance with the spirit and intent of this Ordinance, and the City's Master Plan.	•	•	•

M. Standards for Site Plan Approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
2. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding property, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientations, and pedestrian access.
3. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas and significant individual trees, to the extent feasible.
4. **Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
5. **Vehicular access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
6. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color.
7. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
8. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
9. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
10. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
11. **Drainage and soil erosion.** Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely impacted by stormwater runoff and sedimentation.
12. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the City's emergency response capabilities.

N. As-Built Site Plans.

The Community Development Director may require submittal to the City of an as-built site plan, prior to issuance of a certificate of occupancy or as a condition of occupancy. The as-built plan shall clearly indicate all modifications from the approved site plan, and shall be subject to approval by the Community Development Director.

O. Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Community Development Director shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

Section 20.02 Special Land Uses.

A. Purpose.

Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the City, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the land use objectives of the Master Plan.

B. Application Requirements.

Special land use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the Planning Commission:

1. **Eligibility.** The application shall be submitted by the owner of an interest in land for which special land use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings, or consideration of the proposal may be tabled.
2. **Requirements.** Special land use applications shall be submitted to the City at least 30 calendar days prior to a Planning Commission meeting at which review is sought, and shall include the following information:
 - a. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's authorization for the application.
 - b. Address, location and tax identification number of the property.
 - c. A detailed description of the proposed use.
 - d. A site plan, if required by Section 20.01 (Site Plan Review).
 - e. Appropriate review fees, as determined by City Council.

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- f. Any other information deemed necessary by the Planning Commission to determine compliance with this Ordinance.

C. **Special Land Use Review.**

After a complete and accurate application has been received and review fees paid, the application shall be reviewed in accordance with following procedures:

1. **Acceptance for processing.** The application shall be placed on the agenda of the next available, regularly-scheduled Planning Commission meeting to set a public hearing date.
2. **Coordination with site plan review.** A site plan associated with a special land use shall not be approved unless the special land use has first been approved. The Planning Commission may, at its discretion, consider special land use and site plan applications at the same meeting, or may require the site plan to be submitted for review following approval of the special land use.
3. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials and staff for review and comment. The Community Development Director may also submit the application materials to applicable outside agencies and designated City consultants for review.
4. **Public hearing.** A public hearing shall be held for all special land uses consistent with state law, and in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures).
5. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special land use approval, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 20.02E (Standards for Special Land Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special land use as follows:
 - a. **Tabling.** Upon determination by the Planning Commission that a special land use application is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may table consideration until a later meeting. Failure of the applicant, or the applicant's designated representative, to attend the meeting shall be grounds for the Planning Commission to table consideration of the special land use.
 - b. **Denial.** Upon determination that a special land use application is not in compliance with the provisions of this Ordinance, including Section 20.02E (Standards for Special Land Use Approval), or would require extensive modifications to comply with said standards and regulations, the special land use shall be denied. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special land use.
 - c. **Approval.** The special land use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 20.02E (Standards for Special Land Use Approval). Upon approval, the special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or portion thereof upon which the use is located.
 - d. **Approval subject to conditions.** The Planning Commission may approve a special land use subject to reasonable conditions:

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- (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole,
 - (2) Related to the valid exercise of the police power, and the impacts of the proposed use, or
 - (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special land use under consideration, and necessary for compliance with those standards.

Examples of such conditions include limitations on hours of operation or scope of permitted activities, requirements for periodic review or renewal, or automatic expiration of approval if the use ceases.

- e. **Recording of special land use action.** Planning Commission action on the special land use shall be recorded in the Planning Commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the Planning Commission's action. The Community Development Director shall keep one (1) copy of the written record on file in the City, and shall forward one (1) copy to the applicant as evidence of special land use approval.

D. Special Land Use Resubmission, Appeals, Expiration or Revocation.

1. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
2. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission.
3. **Expiration of special land use approval.** Special land use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special land use has been submitted for review. Special land use approval shall also expire upon expiration of the approved construction plan associated with a special land use.

Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special land use conforms to current Zoning Ordinance standards.

4. **Rescinding approval of special land uses.** Approval of a special land use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures), at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - b. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

E. **Standards for Special Land Use Approval.**

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community and the neighborhood.
2. **Compatibility with adjacent uses.** The special land use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special land use location and character is consistent with the general principles, goals, objectives and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special land use is in compliance with all applicable Ordinance provisions.
5. **Impact upon public services.** The impact of the special land use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
6. **Traffic impacts.** The special land use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special land use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
8. **Isolation of existing uses.** Approval of the special land use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

F. **Compliance with Special Land Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special land use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Community Development Director may make periodic investigations of developments for which a special land use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special land use approval.

Section 20.03 Public Notice; Public Hearings.

- A. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.
1. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the City Clerk shall be responsible for preparing the content of

the notice, having it published in a newspaper of general circulation in the City of Riverview and mailed or delivered as provided in this Section.

2. **Content of the Notice as Required by P.A. 110 of 2006:** All mail, personal and newspaper notices for public hearing shall describe the nature of the request, the location which is the subject of the request, when and where the request will be considered and shall include a description of any written comments.

3. **Personal and Mailed Notice:**

a. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- (1) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- (2) Except for re-zoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Riverview. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post notice at the primary entrance of the structure.
- (3) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section.
- (4) Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.

b. **Notice by mail/affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The City Clerk shall prepare a list of property owners and registrants to whom notices were mailed, as well as of anyone to whom personal notice was delivered.

4. **Time of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

- a. For a public hearing on an application for a re-zoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
- b. For another public hearing required by this Ordinance: Fifteen (15) days.

B. **Registration to Receive Notice by Mail:**

1. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval pursuant to this Section, or written notice of all applications for development approval

within the zoning district in which they are located. The City Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

2. **Requirements:** The requesting party must provide the City Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.
- C. **Board of Zoning Appeals:** The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall, either by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it. In all cases, interested parties shall include those persons to whom any real property within 300 feet of the premises in question shall be assessed, according to the latest assessment roll of the City, and the occupants of all single and two-family dwellings within 300 feet of the premises in question. Such notice may be delivered either personally or by mail, addressed to such respective owners as disclosed by the assessment roll and to the tenants at the addresses given for the property in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The Board may require any party applying to the Board for relief to give such notice to other interested parties as the Board shall describe.

(Ord. No. 652, art. I, 6-4-12)

Section 20.04 Amendments.

The City Council may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or official Zoning Map, consistent with state law and the following procedures and standards:

A. **Initiation of Amendment.**

Amendments to the provisions of this Ordinance may be initiated by the City Council, Planning Commission, or Community Development Director, or by petition from one (1) or more residents or property owners of the City. An amendment to the official Zoning Map may be initiated by the City Council, Planning Commission, or Community Development Director, or by the title holder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the City Council, Planning Commission, or Community Development Director.

B. **Application.**

An amendment to this Ordinance (except those initiated by the City Council, Planning Commission, or Community Development Director), shall be initiated by submission of a complete and accurate application to the City, along with the required fee established by City Council. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property and surrounding properties.
4. A written description of how the requested amendment meets the criteria stated in this Section.

C. **Amendment Review Procedure.**

The amendment and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials and staff for review and comment. The Community Development Director may also submit the application materials to applicable outside agencies and designated City consultants for review.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures).
3. **Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the City Council.

In considering a proposed amendment to the official Zoning Map, the Planning Commission shall consider the following factors in making its findings and recommendations:

- a. Consistency with the Master Plan's goals, policies and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - b. Compatibility of all the potential uses allowed in the proposed zoning district with the site's physical, geological, hydrological and other environmental features.
 - c. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - d. Capacity of City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.
 - e. Capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - f. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned and available to accommodate the demand.
 - g. The boundaries of the requested rezoning district in relationship to the surrounding area and the scale of future development on the site.
 - h. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 - i. Other factors deemed appropriate by the Planning Commission and City Council.
4. **City Council action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council shall consider the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for revision or further consideration.

D. **Re-Application.**

Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Community Development Department for a period of 365 calendar days unless the Community Development Director determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

ARTICLE 21

CONDOMINIUM REGULATIONS

Section 21.01 Intent and Scope of Regulations.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable City regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the applicable zoning district.

A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing all site standards of the City. It is the intent to regulate site condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures of this Article and Ordinance shall apply.

Section 21.02 General Requirements.

The following regulations shall apply to all condominium projects:

A. **Condominium Unit or Site Condominium Lot.**

For all purposes of this Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the City of Riverview Subdivision Regulations, and shall comply with all applicable regulations for the applicable zoning district.

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan.

B. **Area Computation.**

Areas within a public or private street right-of-way, or any equivalent easement or dedication, shall not be included in the calculation of the minimum area of a condominium lot or the determination of dwelling density for a site.

C. **Condominium Units.**

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or

constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.

2. **Attached or multiple-family residential units.** All condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units into individual condominium units, shall conform with all requirements of this Ordinance and the applicable zoning district.
3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of existing building(s) into individual condominium units, shall conform with all requirements of this Ordinance and the applicable zoning district.

D. Setbacks.

Yard setback requirements for a structure, as specified in Article 9 (Schedule of Regulations) shall be measured from the perimeter of the condominium lot to the nearest part of the structure.

E. Utility Connections.

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer system.

F. Relocation of Lot Boundaries.

Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 9 (Schedule of Regulations), and shall be subject to the review procedures specified in Section 20.01 (Site Plan Review).

G. Resulting Lots.

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 9 (Schedule of Regulations), or shall be placed into common areas within the project.

H. Roads in Condominium Projects.

All condominium projects shall require direct access and direct connection to a public road from the project site. All public or private streets within a condominium project shall conform to the standards and specifications of this Ordinance and those established by Wayne County and/or the City of Riverview for road design and maintenance, and shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks or paved pedestrian paths, and all necessary utilities.

Section 21.03 Review Requirements.

A condominium project shall be subject to the site plan review procedures specified in Section 20.01 (Site Plan Review), and the following:

A. Conceptual Review.

Applicants are encouraged to meet informally with the Community Development Director to discuss site issues and application of Ordinance standards, prior to submitting condominium site plans for formal review. Such review is intended to allow the developer to receive direction and

recommendations from the City staff regarding unit or lot sizes, orientation, street layout, and other conceptual plan issues.

Prior to Planning Commission consideration, the conceptual condominium site plan and application shall be distributed to any review committee(s) for review and comment. The Community Development Director may also submit the plans to applicable outside agencies and designated City consultants for review and comment.

For site condominium developments, conceptual condominium site plan review shall be considered the equivalent of a preliminary investigation, as specified in the City of Riverview Subdivision Regulations.

B. Condominium Site Plan Review.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in the City of Riverview Subdivision Regulations.

1. **Planning Commission Review.** Based upon the design standards and requirements set forth in this Ordinance and other applicable City regulations, the Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures and standards specified in Section 20.01E (Site Plan Review Procedure).
2. **Effect of Approval or Approval Subject to Conditions.** Approval of a condominium site plan shall mean that the plan meets the requirements of this Ordinance and other applicable City regulations, subject to any conditions imposed by the Planning Commission as part of its motion of approval.
3. **Effect of Denial.** A denial shall mean that the condominium site plan does not meet the requirements of this Ordinance and other applicable City regulations. Any motion of denial shall specify the reasons for the denial and those requirements that are not met.
4. **Expiration of Approval.** Condominium site plan approval shall be valid for a period of 24 months from the date of Planning Commission approval. Upon written request from the applicant, one (1) extension of up to 365 days may be granted if the approved condominium site plan adequately represents current conditions on and surrounding the site.

C. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

D. Condominium Construction Plan Review.

Prior to receiving a permit for construction of any improvements to the land, each condominium project shall be subject to administrative review and approval of a condominium construction plan by the Building Official. Where the Building Official determines that the site design or improvements shown on the construction plan have been materially altered from that shown on the approved condominium site plan, such plans shall be submitted to the Planning Commission for review and approval as an amended site plan.

1. For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as specified in the City of Riverview Subdivision Regulations.
2. A condominium construction plan application shall be reviewed and acted upon in accordance with the review procedures and standards specified in Section 20.01G (Construction Plan Review Procedure).

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3. Following construction plan approval, the Building Official may issue applicable permits for construction.

Section 21.04 Required Plan Information.

A. Conceptual Condominium Plan Requirements.

The following information must be included on, or attached to a conceptual condominium project site plan:

1. **Ownership Interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, option holder, lessee, or land contract vendee).
2. **Proposed Use.** The proposed use(s) of the condominium project (for example: residential, commercial, industrial).
3. **Density.** The total acreage of the condominium site, acreage set aside for roads and parking areas, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any street(s) for private ownership or dedication to the public.
5. **Road Layout.** The location of existing roads adjacent to the development with details on the connection of the project circulation system to the public system.
6. **Unit Lot Orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation/park areas.
7. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas;
8. **Natural Features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. Include the total acreage of all wetland areas and open space.

B. Condominium Site Plan Requirements.

A condominium site plan shall be provided to the Community Development Director in advance of a meeting for which a review is scheduled. The condominium site plan may be reviewed and processed concurrently with the notice required to be given to the City pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended). The following information shall be included with a condominium site plan:

1. **Conceptual Condominium Site Plan Information.** All information required for a conceptual condominium site plan, as specified in Section 21.04A (Conceptual Condominium Plan Requirements) above.
2. **Landscaping.** Proposed landscape screening, including greenbelt, berms, and screening walls, and a maintenance plan that is in compliance with Article 14 (Landscaping and Screening).
3. **Condominium Restrictions.** All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants that regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations. All items shall be physically incorporated as part of the site plan through detail sheets attached with the plan.

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4. **Common Areas Defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
 5. **Documents.** All condominium documents must be provided for review by the City Attorney.
 6. **Additional Information.** The following additional information must be submitted for City review:
 - a. Cross sections of roads, drive aisles and paved area;
 - b. Preliminary approval by the City Engineer and the appropriate Wayne County department(s) for proposed sanitary, storm, and/or water system locations.
 - c. All condominium documents as defined in this Ordinance.
 - d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- C. **Condominium Construction Plan Requirements.**
- The developer or proprietor may request condominium construction plan approval by submitting to the Building Official the following items:
1. **Revised Plan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
 2. **Condominium Site Plan Information.** All information required for a condominium site plan, as specified in Section 21.04B (Condominium Site Plan Requirements) above.
 3. **Outside Agency Approvals.** Verification of all required state and county approvals or comments pursuant to Section 21.03C (Outside Agency Permits or Approvals) above.
 4. **Section 71 Comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended).
 5. **Condominium Documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

Section 21.05 Project Standards.

The following standards are applicable to condominiums:

A. **Underlying Zoning Requirements.**

Condominium units shall be subject to all dimensional and area requirements and other design standards for the zoning district in which they are located, as specified in Article 9 (Schedule of Regulations). All dimensions and required information shall be shown on the site plan so that the Planning Commission can clearly determine that all applicable minimum requirements are met.

B. **Dimensions and Setbacks.**

The regulations shall be applied by requiring that the minimum area of the site condominium unit and the surrounding limited common element be, at least equal to the minimum lot area and lot width requirements for appropriate district in which the project is located

C. **Subdivision Requirements.**

The substantive requirements for streets, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the Land Division Act (P.A. 288 of 1967, as amended), and the design standards specified in the City of Riverview Subdivision Regulations, shall apply to all site condominium projects.

D. **Conversion Condominiums.**

All conversion condominium projects shall be subject to the dimensional requirements of the Zoning Ordinance and shall require site plan approval by the Planning Commission prior to the occupancy of any unit converted to a condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The Riverview Planning Commission shall review the site plan for a condominium conversion in the same manner as a new development on the site.

Section 21.06 Monuments.

All site condominium projects shall be clearly marked with monuments as follows:

A. **Required.**

Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

B. **Construction.**

All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and 36 inches long, and completely encased in concrete at least four (4) inches in diameter.

C. **Location.**

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

1. **Reference.** If the required location of a monument is inaccessible, or if the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
2. **Steel Rods.** If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
3. **Set at Grade.** All required monuments should be placed flush with the surrounding grade where practicable.

D. **Condominium Unit Corners.**

Each site condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half (½) inch in diameter, or other markers approved by the City

Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

E. Timing.

The Building Official, upon recommendation of the City Engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits with the City Clerk cash or a certified check, or an irrevocable bank letter of credit in an amount recommended by the City Engineer.

The period shall not exceed 365 days after the date of condominium construction plan approval. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to a forfeiture of the cash or a certified check, or an irrevocable bank letter of credit and the completion of the placement under the direction of the Building Official.

Section 21.07 Post Construction Requirements.

A. Document Submittals.

1. It shall be the responsibility of a developer or proprietor of a condominium project to furnish the following items to the Building Official:
 - a. One (1) copy of the recorded Master Deed;
 - b. One (1) copy of all restrictive covenants;
 - c. Two (2) copies of an "as built survey" sealed by a licensed professional engineer, landscape architect or registered planner;
 - d. One (1) copy of the site plan sealed by a professional engineer, landscape architect or registered planner on a mylar sheet in a format acceptable to the City; and
 - e. One (1) copy of the project site plan clearly showing unit lot lines and other area divisions, in an electronic format that is acceptable to the City.
2. The Building Official may withhold the issuing of any certificate of occupancy for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Official to do so.
3. The developer or proprietor shall also file, with the Wayne County Register of Deeds, all documents in a manner and format acceptable to the County for the recording of the plan and documents.

B. Temporary Occupancy.

The Building Official may allow occupancy of a condominium unit before all required improvements are installed, provided that a bond sufficient in amount and type to provide for the installation of all remaining improvements without expense to the City is submitted. Improvements must be completed before the expiration of the temporary occupancy permit to prevent forfeiture and completion of improvements under the direction of the City.

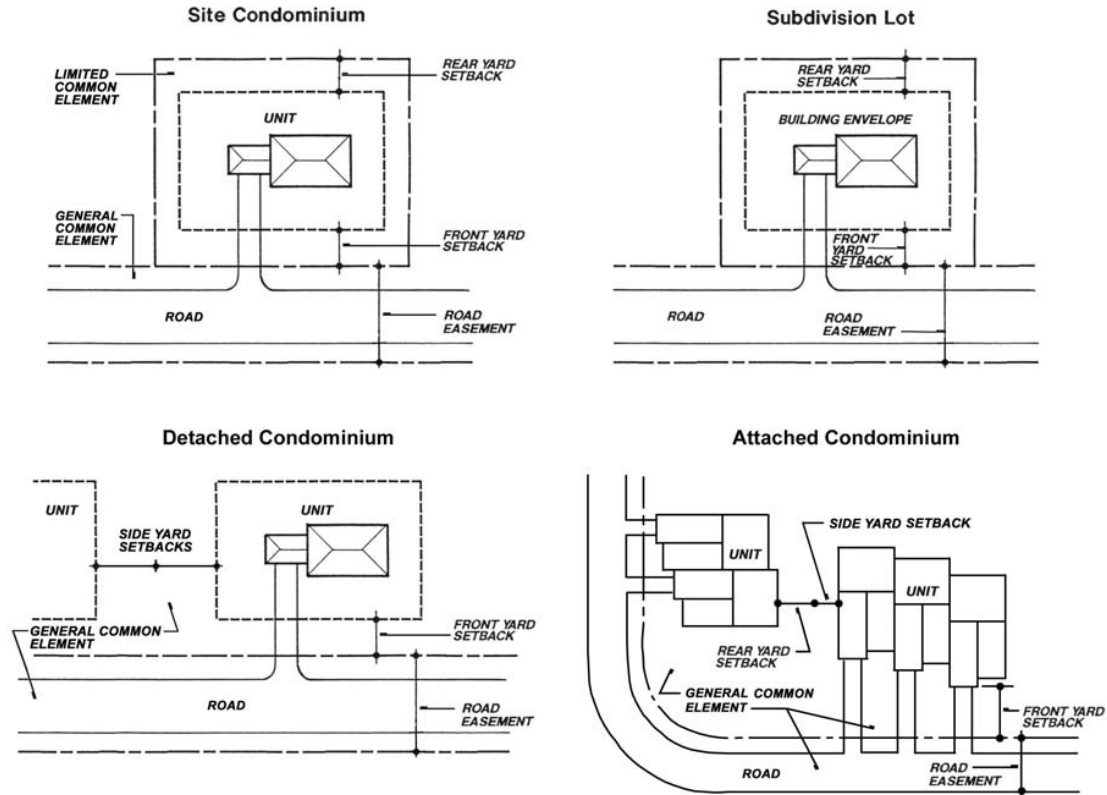
C. Plan Revisions.

If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the City for review and approval in accordance with the procedure specified in Section 20.01K (Revisions to Approved Site Plans).

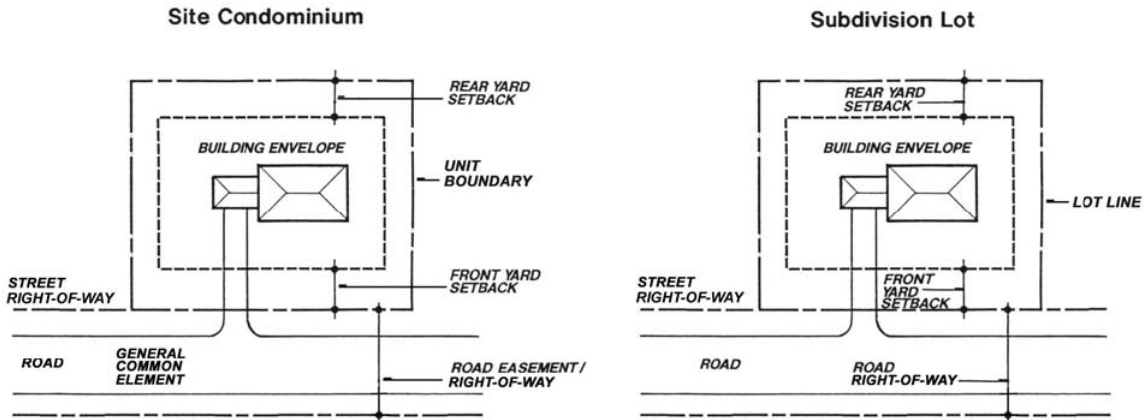
D. **Amended Documents.**

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission for review and approval, prior to the issuance of a building permit.

ILLUSTRATIONS



Condominium Terminology



Site Condominium Unit/Subdivision Lot Comparison

ARTICLE 22 NONCONFORMITIES

Section 22.01 Intent.

Nonconformities are uses, structures, buildings, or lots that do not conform to one (1) or more provisions or requirements of the Zoning Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of this Ordinance or amendment. Such nonconformities are not compatible with the current or intended use in the district where they are located. It is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which the nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconforming Regulations	
Issue	Requirement
Period of non-use before nonconforming use must cease	180 days
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Substitution of one nonconformity for another	Permitted under certain conditions
Nonconforming contiguous lots under same ownership	Must be combined
Expansion of nonconformity use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted

Maintenance, structure repairs	Generally permitted
Renovation, modernization	Maximum cost = SEV
Rebuilding after catastrophe	Permitted if damage is less than pre-catastrophe SEV

Section 22.02 Definitions.

For the purposes of this Article, the following words or phrases shall have the meaning ascribed to them:

A. Effective Date.

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

B. Nonconforming Structure.

A structure or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

C. Nonconforming Lot.

A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

D. Nonconforming Sign.

A sign that on the effective date of this Ordinance does not conform to one (1) or more regulations set forth in the Ordinance.

E. Nonconforming Structure.

A structure or portion thereof that does not meet the limitations on structure size, location on a lot, or other regulations for the district in which such structure is located.

F. Nonconforming Use.

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

G. Structural Nonconformity.

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

Section 22.03 General Regulations.

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

A. Continuation of Nonconforming Uses, Structures, and/or Buildings.

A nonconforming use may be continued and shall not be considered to be in violation of this Ordinance, provided that the use, structure, and land involved shall neither be structurally altered nor enlarged, unless otherwise permitted by this Ordinance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration of any nonconforming structure or part thereof to a safe

condition when said structure is declared to be unsafe by an order of an official charged with protecting the public safety.

B. Buildings Under Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any structure on which physical construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been diligently continued. Physical construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner.

Where demolition or removal of an existing structure has been initiated preparatory to rebuilding or permanent construction, such work shall be deemed to be physical construction, provided that such work shall be continued diligently until completion of the structure involved.

C. Discontinuation of Nonconforming Uses.

If any nonconforming use is discontinued, abandoned or ceases for any reason for a period exceeding 180 calendar days, any subsequent use of such land or structures and land in combination shall conform to the provisions set forth of the zoning district in which it is located. In applying this subsection to uses that are typically seasonal in nature, any time related to the off-season for the use shall not be counted.

D. Purchase or Condemnation.

Pursuant to Section 3a, Public Act 207 of 1921, as amended, the City may acquire (by purchase, condemnation or otherwise) private property for the purpose of removal of nonconforming uses or structures that constitute a nuisance or are detrimental to the public health, safety and welfare.

E. Recording of Nonconforming Uses and Structures.

The Community Development Director shall be responsible for making determinations as to the existence of legal nonconforming uses and structures, and for maintaining a record of such uses and structures. Failure on the part of a property owner to provide the Community Development Department with necessary information to make such determinations may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure.

If a nonconforming use or structure is superseded by a conforming use or structure, the nonconformity shall be deemed to be immediately and permanently removed.

G. Change of Tenancy or Ownership.

A change of tenancy, ownership or management of any existing nonconforming use or structure shall be permitted, provided there is no change in the nature or character of such nonconformity, which shall otherwise be maintained in compliance with this Ordinance.

H. Exceptions and Variances.

Any use or structure for which an exception or variance has been granted shall not be deemed a nonconformity. Where a future amendment to this Ordinance causes a nonconforming situation regarding the exception or variance, the use or structure shall be deemed nonconforming as of the effective date of the Ordinance amendment.

I. Unlawful Uses, Structures of Buildings.

Any use, structure or building that was unlawful at the time it was established shall not become a legal nonconformity because of the adoption or amendment of this Ordinance.

J. **Substitution of Use.**

A nonconforming use may be changed to another nonconforming use upon review and approval of the Zoning Board of Appeals (ZBA), provided that no structural alterations are required to accommodate the proposed use, and that the proposed use is more conforming to the intent of the zoning district than the existing nonconforming use. In permitting such a change, the ZBA may require conditions upon the new use to accomplish the purposes of this Ordinance.

K. **Change of Location.**

Should a nonconforming structure be moved to another parcel or another location on the same parcel for any reason whatsoever, it shall conform to the regulations for the zoning district in which it is then located.

Section 22.04 Nonconforming Lots of Record.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. **Use of Nonconforming Lots.**

Any nonconforming lot shall be used only for a use permitted in the zoning district in which it is located.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and accessory building(s) may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. **Variance from Area and Bulk Requirements.**

If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only pursuant to a variance granted by the ZBA.

C. **Combination of Nonconforming Lots.**

The City Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites that combine in dimensions less than the minimum requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel that is capable of accommodating a structure or building that conforms with the building area, setback, and side yard requirements for the zoning district in which it is situated.

D. **Nonconforming Contiguous Lots Under the Same Ownership.**

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or parts of the individual lots do not meet the requirement established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in the Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

Section 22.05 Modification to Nonconforming Uses or Structures.

No nonconforming use or structure shall be enlarged, extended, structurally altered or increased in intensity of use, except as specifically permitted by the regulations that follow:

A. **Applicability.**

The following regulations shall apply to:

1. Nonconforming uses of open land.
2. Nonconforming use of structures designed for a conforming use.
3. Nonconforming use of structures specifically designed for the nonconforming use not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with Ordinance standards.
5. Other nonconforming structures, including fences and signs.

B. **Enlargement, Extension, or Alteration.**

1. **Increase in nonconformity prohibited.** Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land shall be prohibited where such activity would result in an increase in the total amount of space devoted to a nonconforming use, or greater nonconformity with the requirements of the zoning district in which the property is located.
2. **Permitted extension.** Any nonconforming use may be extended throughout any part of a building that was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
3. **Alterations that decrease nonconformity.** Any nonconforming structure, or any structure or portion thereof occupied by a nonconforming use, may be altered if such alteration serves to decrease the degree of nonconformity. The Building Official shall determine if a proposed alteration decreases the degree of nonconformity.
4. **Variance to area and bulk requirements.** If a proposed alteration is deemed reasonable by the Building Official by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but the alteration requires a variation to area or bulk requirements, then such alteration shall not be permitted unless a variance is granted by the Zoning Board of Appeals.

C. **Repairs, Improvements, and Modernization.**

1. **Required repairs.** Repairs or maintenance deemed necessary by the Building Official to maintain a nonconforming structure in a structurally safe and sound condition shall be permitted. If a nonconforming structure or a structure occupied by a nonconforming use is declared physically unsafe by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations of the zoning district in which it is located.
2. **Permitted improvements.** Repairs, improvements or modernization of nonconforming structures shall be permitted, provided such repairs or improvements do not exceed the structure's pre-catastrophe state equalized value (SEV), as determined by the City Assessor. Any such repairs,

improvements or modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions of this subsection shall apply to all structures, except as otherwise provided in this Ordinance for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

D. Damage by Fire or Other Catastrophe.

Any nonconforming structure or any structure occupied by a nonconforming use that is damaged by fire, flood or other means to a point where the cost of repairs would exceed the structure's pre-catastrophe state equalized value (SEV) (as determined by the City Assessor) shall not be rebuilt, repaired or reconstructed, except in complete conformity with the provisions of this Ordinance.

In the event that the cost of repairing the damage is less than the structure's pre-catastrophe state equalized value, the structure may be restored to its pre-catastrophe status.

Such restoration shall take place only upon approval of the Building Official, and all construction shall be in full compliance with applicable provisions of this Ordinance and other applicable City Codes. Any request for such rebuilding, repair, or restoration shall be made to the Building Official within 180 days following the catastrophe, and shall be completed within 365 calendar days from the date of the catastrophe or the date that a building permit is issued for the work, whichever is later.

Section 22.06 Nonconforming Use Determination.

The Community Development Director shall consider the following standards when there is uncertainty whether or not a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land in question. Any determination by the Director may be appealed to the Zoning Board of Appeals (ZBA).

- 1. Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
- 2. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
- 3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
- 4. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
- 5. Dated aerial photos from Wayne County or other sources as accepted by the Director or ZBA show that the nonconforming use has ceased.**
- 6. Other relevant information shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

ARTICLE 23

PERFORMANCE STANDARDS

Section 23.01 Intent and Scope of Application.

A. **Purpose.**

The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

B. **Scope of Application.**

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Article. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Article.

C. **Submission of Additional Data.**

Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

Section 23.02 Performance Standards.

No activity, operation or use of land, buildings or equipment shall be permitted if such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards set forth in this Section.

A. **Noise.**

1. **Definitions.** The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this Article but not defined below or in Section 25.02 (Definitions) shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body:

- a. **A-weighted sound level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level:** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by 10 dB(A) before averaging.
- c. **Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

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- d. **Impulsive sound:** Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
 - e. **Noise:** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
 - f. **Noise disturbance:** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. For the purposes of this Ordinance, a noise disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this section.
 - g. **Noise sensitive zone:** An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
 - h. **Pure tone:** Any sound which can be distinctly heard as a single pitch, or a set of single pitches.
 - i. **Sound:** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
 - j. **Sound level:** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.
 - k. **Vibration:** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
2. **Noise disturbances prohibited.** No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Examples of noise disturbances include, but are not limited to:
- a. **Sounds which exceed Ordinance limits.** Any sound that exceeds the specific limits set forth in this Article shall be deemed a noise disturbance.
 - b. **Loading and unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
 - c. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
 - d. **Vibration.** Operating of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Article, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

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- e. **Noise sensitive zones.** Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Article, provided that conspicuous signs are displayed indicating the presence of the zone.
3. **Exceptions.** The provisions in this Article shall not apply to the following uses and circumstances:
- a. **Emergency exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Article.
 - b. **Additional exceptions.** The provisions in this Article shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
 - (1) Snow plowing, street sweeping, and other public works activities.
 - (2) Agricultural uses.
 - (3) Church bells, chimes, and carillons.
 - (4) Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
 - (5) Licensed vehicles being operated on a road or street.
 - (6) Nighttime excavation, construction, or repair of bridges, streets, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety, welfare, or convenience.
 - (7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.
4. **Variances.** An application for a variance from the provisions in this Article may be submitted to the Zoning Board of Appeals by the owner or operator of equipment on the property, subject to the following:
- a. Documentation shall be provided regarding the effects of sound from the equipment on the overall sound level in the area, including a study of the background sound levels, predicted level of sound at the boundary line due to the proposed operation, and justifications for the variance request in accordance with the criteria applicable to variances specified in Section 19.05 (Zoning Board of Appeals Authority, Responsibilities and Procedures).
 - b. Upon review of the request for a variance, the Zoning Board of Appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship, provided that the variance would not create a threat to the public health, safety, or welfare.
 - c. The Zoning Board of Appeals may impose time constraints and other conditions on the operation when granting a variance.
5. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Maximum Permitted Average A-Weighted Sound Levels

Receiving Zoning District	Time	Average Sound Level, dB(A)
Residential	7:00 a.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Commercial & Industrial	7:00 a.m. to 6:00 p.m.	62
	6:00 p.m. to 7:00 a.m.	55

Notes related to table:

- a. **Correction for tonal sounds.** For any source of sound which emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
 - b. **Correction for impulsive or impact-type sounds.** For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
 - c. **Planned development.** Where the receiving district is a planned development district, the applicable standards of this table shall be based on the types of uses within the planned development.
 - d. **Noise ordinance.** Nothing in this Article shall be deemed to supercede the Noise Ordinance, as specified in the City of Riverview Code of Ordinances.
6. **Permitted land use.** No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will not generate a noise disturbance as set forth in this Section at the time of initial full-scale operation of such activities.
- B. Surface Water Flow.**
- No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the Wayne County Drain Commissioner.
- C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.**
- Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.
- D. Odor.**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (½) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

1. **General Requirements.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the Fire Prevention and Protection Code, as specified in the City of Riverview Code of Ordinances, and applicable state, county and local regulations, including the Michigan Fire Prevention Code, Public Act 207 of 1941, as amended.
2. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one half (1.5) times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

3. **Detonable Materials.** The storage, utilization, or manufacture of detonable materials shall be permitted, subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	Restrictions
Storage, Utilization or Manufacture of 5 lbs. or less	Permitted Accessory Use in the M-2 District
Storage or Utilization of Over 5 lbs.	Special Land Use in the M-2 District
Manufacture of Over 5 lbs.	Special Land Use in the M-2 District

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

- a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
- b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid
- c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
- d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.

- e. Blasting explosives such as dynamite and nitroglycerin.
- f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
- h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Wayne County Health Department, and the U.S. Environmental Protection Agency.

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- a. ppm = parts per million
- b. µg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. **Radioactive Materials.**

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

Section 23.03 Procedures for Determining Compliance.

In the event that the City receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. **Official Investigation.**

Upon receipt of evidence of possible violation, the Community Development Director shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Director may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Community Development Director is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.
4. Measurement of the amount or rate of emissions of the material purported to be in violation.

B. **Method and Cost of Determination.**

The Community Development Director shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the City without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the City.

C. **Appropriate Remedies.**

If, after appropriate investigation, the Community Development Director determines that a violation does exist, the Director shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The Director shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

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1. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Community Development Director shall note "Violation Corrected" on the City's copy of the notice, which shall be retained on file. If necessary, the Director may take other action as warranted by the circumstances of the case, pursuant to the regulations in this and other City Ordinances.
 2. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Community Development Director shall take such action as may be warranted to correct the violation.
 3. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in this Ordinance, but that more time is required than was granted by the original notice, the Community Development Director may grant an extension if:
 - a. The Director deems that such extension is warranted because of the circumstances in the case; and
 - b. The Director determines that such extension will not cause imminent peril to life, health, or property.
 4. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Community Development Director may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

D. Costs and Penalties Incurred.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation.

If the bill is not paid within 30 days, the City shall take necessary action to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, the cost of determination shall be paid by the City.

ARTICLE 24

GENERAL PROVISIONS

Section 24.01 Administrative Regulations.

A. Scope of Regulations.

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

However, where a building permit for a structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within 180 calendar days of the effective date, said structure may be completed in accordance with the approved plans. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. Minimum Requirements.

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, and general welfare.

C. Relationship To Other Ordinances or Agreements.

This Ordinance is not intended to repeal or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. Vested Right.

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the provisions of Article 22 (Nonconformities).

E. Continued Conformity With Yard and Bulk Regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building or structure shall be a continuing obligation of the owner of such building or structure or of the property on which it is located, for as long as the building or structure is in existence. No open space shall be encroached upon nor shall any building or structure be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the structure is located.

No portion of a lot otherwise used in connection with an existing or planned structure complying with the provisions of this Ordinance, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time. For instance, an area of a lot that is a required setback for one (1) building may not be the required setback for another building on that lot or an adjoining lot.

F. Division and Consolidation of Land.

The division and consolidation of land shall be in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended; the Condominium Act, Public Act 59 of 1978, as amended; and the Subdivision Regulations specified in the City of Riverview Code of Ordinances. No lot or parcel division into two (2) or more lots shall be approved by either the City Council or Planning Commission, unless all lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses.

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

H. Restoring Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared unsafe by the Building Official, except as specified in Article 22 (Nonconformities).

I. **Permits.**

The following shall apply in the issuance of any permit:

1. **Permits for new use of land.** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use based upon appropriate reviews.
2. **Permits for new use of buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. **Permits required.** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City of Riverview Building Code, Housing Law or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

J. **Certificates.**

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy or Certificate of Zoning Occupancy approval has been issued for such use based upon appropriate review.

The following shall apply in the issuance of any certificates:

1. **Certificates required.** No building or structure, or part thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure. Certificate of Occupancy shall be required for new construction, substantial improvements and any change in occupancy of any building, structure or land in all office-service, business and industrial districts.
2. **Certificates including zoning.** Certificates of Occupancy, as required by the City building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Zoning Occupancy approval as required by this Ordinance. A Certificate of Zoning Occupancy approval shall be required for existing buildings or use of land.
3. **Certificates for existing buildings.** Certificates of Occupancy and/or Zoning Occupancy approval shall be required and issued for existing buildings, structures, or parts thereof, or existing uses of land in all districts other than residential districts if it is found that such buildings, structures, or parts thereof, or such use of land, represent conformity with the provisions of this Ordinance.
4. **Record of certificates.** A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. **Certificates for dwelling accessory buildings.** Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

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6. **Application for certificates.** Application for Certificates of Occupancy and/or Zoning Occupancy approval shall be made in writing to the Building Official on forms furnished by that department, and such certificates shall be issued upon completion of appropriate reviews. Inaccurate or incomplete information presented on any plan application shall void an approval which was based on the information presented. Work if in progress shall cease immediately and a new complete application is required.

(Ord. No. 605, art. I, 4-16-07)

Section 24.02 Exceptions.

A. Essential Services.

Essential services, as defined in Section 25.02 (Definitions), shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances. Proposals for essential service facilities shall be subject to review in accordance with Article 20 (Procedures and Standards), it being the intention of the City to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands.

Modification to Ordinance regulations governing lot area, building or structure height, building or structure placement, and use of land shall be permitted for essential service uses and structures, where strict compliance with such regulations would not be practical or feasible. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

B. Voting Place.

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

Section 24.03 Uses.

A. Allowable Uses.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used, designed or arranged for any purpose other than is permitted in the zoning district in which the structure or land is located.

B. Lawful Use of a Structure as a Dwelling Unit.

Any incomplete structure which does not meet the requirements of this Ordinance, or the State Construction Code enforced by the City, shall not be issued a Certificate of Occupancy and shall not be used as a dwelling. For the purposes of this Section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 8.503 (Temporary Structures and Uses).

C. Uses Not Otherwise Included in a District.

The Community Development Director shall have the authority to determine that a use not cited by name as a permitted use in a zoning district may be permitted, provided that the proposed use is clearly similar in nature to and compatible with the listed uses in the district. No use shall be permitted in a district under the terms of this Section, if the use is specifically listed as a use permitted by-right or as a special land use in any other district.

Section 24.04 Relocation of Existing Buildings.

No existing building or structure shall be relocated upon any parcel or lot in the City of Riverview unless the building or structure conforms to all requirements of this Ordinance for the district in which the building or structure is to be located and all requirements of the State Construction Code enforced by the City, and unless a building permit has been secured.

Section 24.05 Reserved.

Section 24.06 Accessory Structures and Uses.

Accessory structures, and uses shall comply with the following regulations:

A. General Requirements.

1. **Timing of construction.** No accessory structure or use shall be constructed or established on a parcel unless there is a principal building or use being constructed or already established on the same parcel of land.
2. **Site plan approval.** If submission of a site plan for review and approval is required, then said plans shall indicate the location of proposed accessory structures and uses.
3. **Nuisances.** Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.
4. **Conformance with lot coverage standards.** Accessory structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
5. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way and further, shall be located at least one (1) foot away from the easement or right-of-way.
6. **Use of accessory structures.** Attached and detached accessory structures in residential districts shall not be used as dwelling units or for any business, professional, trade or occupation, or as storage space that is offered for rent. Accessory structures may be used for a permitted home occupation, subject to the requirements of Section 8.104 (Home Occupations). An accessory structure shall be used only by the occupants of the residence to which it is accessory.
7. **Applicability of other codes and ordinances.** Accessory structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

B. Detached Accessory Structures.

1. **Setbacks.** Detached accessory structures (including garages) shall not be located closer than 3'-0" to any lot line nor located in any easement or required front yards.
2. **Height.** Detached accessory structures shall be limited in height to 14'-0".
3. **Square footage.** The total square footage of all detached accessory structures located on any lot shall not exceed the square footage of the habitable area of the ground floor of the principal structure. Such calculations shall include the square footage of any attached accessory structures.

C. Attached Accessory Buildings and Uses.

Unless otherwise specified in this Section, accessory buildings or uses (including garages and breezeways) which are attached to the principal building or structure shall be considered a part of the principal building for the purposes of determining conformance with area, setback and bulk requirements.

D. Accessory Structures.

1. **General requirements.** Accessory structures (for example, tennis courts, wind generators, antennae, solar panel system) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory structures and uses as listed above, unless otherwise permitted in this Ordinance.
2. **Exceptions to accessory structure standards.** Antennae and wireless communication facilities shall comply with the height standards specified in Sections 9.204 (Height Exceptions) and 24.14 (Wireless Communication Facilities).
3. **Solar panel systems.** Freestanding and roof-mounted solar panel systems, which are not defined as a Large Solar Array, shall be defined as accessory structures and located subject to the following standards:
 - a. Freestanding solar panel systems shall be located in the rear yard, subject to the setback requirements for accessory buildings.
 - b. Rooftop solar panel system attached to a pitched roof shall be flush-mounted and shall not overhang the roof edge.
 - c. Rooftop solar panel systems attached to a flat roof shall be set back a minimum six (6) feet from the roof edge and shall not be visible from ground level of adjacent property or public rights-of-way or public land.
 - d. All applications shall meet requirements for a site plan as found in Article 20 of the City's Zoning Ordinance.
 - e. Construction shall comply with the National Electric Safety Code or International Fire Code.
 - f. Components shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization acceptable to the City.
 - g. No advertising is permitted on a solar panel system.
 - h. The City shall have the right at any reasonable time to inspect the premises on which any solar panel system is located. The City may hire one (1) or more consultants to assist with any such inspections at the Applicant's or project owner's expense.
 - i. Each solar panel system shall be kept and maintained in good repair and condition at all times. If the Community Development Director or designee determines that a solar panel system fails to meet the requirements of this Ordinance, or that it poses a potential safety hazard, the property owner or operator shall shut down the solar panel system within forty-eight (48) hours after notice from the Director or designee and shall not operate, start or restart the solar panel system until the condition has been corrected.
 - j. A solar panel system determined to be abandoned or decommissioned shall be removed with the underlying roof and structure restored in compliance with the City of Riverview Building Codes within a period of time as determined by the Community Development Director or designee. Removal of solar panel system requires applicable city permits.

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- k. Each solar system shall comply with all applicable federal, state and county requirements, in addition to other applicable city ordinances.

E. Swimming Pools.

Private pools shall be permitted as an accessory use within the side or rear yard only, provided that they comply with the State Construction Code enforced by the City, and meet the following requirements:

1. **Setbacks and location.** The pool wall shall not be located closer than 6'-0" to any lot line nor located on any easement. There shall be a distance of not less than 4'-0" between the outside pool wall and any other building located on the same lot.
2. **Fencing.** For the protection of the general public, all yards containing permanent swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. Any gate required shall be of a self-closing and latching type, with the latch located on the pool side of the gate at least three (3) inches below the top of the gate. Openings in the gate shall not allow passage of a four (4) inch diameter sphere. This provision may be waived by the Building Official if the entire premises of the residence is enclosed.

Where an aboveground pool structure is the barrier, or the barrier is mounted on top of the pool, the means of access, ladder or steps, shall be capable of being secured, locked, or removed to prevent access when the pool is not in use. Fencing that complies with the above requirements may enclose the ladder or steps.

(Ord. No. 595, art. I, 9-19-2005; Ord. No. 704, art. I, 8-20-2018)

Section 24.07 Reserved.

Section 24.08 Grading Regulations.

Compliance with applicable grading regulations set forth in the City of Riverview Code of Ordinances shall be required.

Section 24.09 Safety Provisions.

A. Public Service Access.

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

B. Fire Protection.

All structures shall be provided with adequate fire protection, which may include adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the City Fire Chief or Building Official.

1. **Fire protection systems.** The Fire Chief or Building Official shall have the authority to require fire protection systems installed in any zoning district.
2. **Site development standards.** To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:
 - a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire

fighting protection for all buildings and uses, subject to applicable codes and review by the City officials.

- b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
 - c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
 - d. The permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.
- C. **Excavations and Holes.** Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the appropriate authorities of their existence.

Section 24.10 Sidewalks.

The Planning Commission may require sidewalks as a condition of site plan approval where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the following regulations:

A. General Requirements.

1. **Location and width.** Required sidewalks shall be five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
2. **Design standards.** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the City.
3. **Alignment with adjacent sidewalks.** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.
4. **Signage.** The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.
5. **Maintenance.** The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris.
6. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the appropriate Wayne County Department or the Michigan Department of Transportation to permit sidewalk construction in the road right-of-way.

Section 24.11 Performance Guarantee.

- A. **Intent and Scope of Requirements.** To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or City Council may require that a performance guarantee be deposited with the City to insure faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Improvements means those features and/or actions considered necessary to protect natural resources or the health, safety, and welfare of the City residents and/or the future users or inhabitants of the proposed project. Improvements for which a performance guarantee may be required to include, but are not limited to, roadways, parking, lighting, utilities, sidewalks, screening and drainage.

- B. **General Requirements.** The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit or cash escrow. If the applicant posts a letter of credit, the credit shall require only that the City present the credit with a sight draft and an affidavit signed by the Community Development Director attesting to the City's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the City whenever the Community Development Director presents an affidavit to the agent attesting to the City's right to receive funds whether or not the applicant protests that right.
2. Any required performance guarantee shall be submitted prior to the issuance of the permit authorizing the activity or project. If appropriate, based on the type of performance guarantee submitted, the City may deposit the funds in an account in a financial institution with which the City regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.
4. The entire performance guarantee shall be returned to the applicant following inspection by the Building Official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
5. An amount not less than 10 percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.

- C. **Unsatisfactory Completion of Improvements.** Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the City may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee.

If the performance guarantee is not sufficient to cover the cost of required improvements, the City may complete the required improvements and then place a lien on the property to recover the full cost of such improvements. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 24.12 Waste Dumpsters and Enclosures.

Adequate refuse disposal facilities shall be required for all uses, except single-family and two-family residences.

- A. **Standards for Locating and Screening of Trash Dumpsters.** Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:
1. **Location.** Dumpsters shall not be located in the required front yard. Any such dumpster shall have adequate vehicular access, shall not encroach on a required parking area, and shall not conflict with entrances to principal buildings. Dumpsters shall be located to minimize their visibility from adjacent streets and adjacent properties. Unless otherwise approved by the Community Development Director, dumpsters shall be setback a minimum of ten (10) feet from any side or rear property line, and shall be located as far as practicable from any adjoining residential district.
 2. **Concrete pad.** Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three (3) feet in front of the dumpster enclosure.
 3. **Screening.** Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, or wood fencing, at least one (1) foot above the height of the enclosed dumpster. The height of the screening shall not exceed eight (8) feet. The screening material shall be compatible with the exterior of the principal building. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
 4. **Waiver of screening requirements.** The dumpster screening requirements may be waived upon finding that the unscreened dumpster will not be visible from adjoining property or from any public road, or upon finding that if the dumpster is visible from the adjoining property the impact will not be detrimental because of the size or location of the proposed dumpster or because of the nature of the adjoining use.

If it is determined that circumstances have changed and screening is needed, the Community Development Director may order screening around the dumpster at a later date. This Section is not intended to require the screening of any dumpster used on a temporary basis during construction, remodeling or demolition of a building.
 5. **Bollards.** Bollards (concrete filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening.
 6. **Site plan requirements.** The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

Section 24.13 Soil Erosion and Sedimentation Control.

New development in the City of Riverview shall comply with all soil erosion and sedimentation control provisions specified in the City of Riverview Code of Ordinances. All site plans shall include sufficient information to demonstrate compliance with soil erosion and sedimentation control standards of the City. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

Section 24.14 Wireless Communication Facilities.

A. Purpose.

The purpose of this Article is to:

1. Carry out the will of the United States Congress by permitting facilities within the City that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennae.
3. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

B. Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
2. Street address, parcel identification number or location of the property on which the facility is to be located.
3. Type of wireless communications facility, as defined in this Ordinance.
4. A sketch plan, on 11 inch by 17 inch paper, that includes:
 - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
 - b. A landscaping and screening plan, with details of proposed fencing, landscaping and screening materials.
 - c. Elevation drawings of all proposed towers and other structures on the site.
 - d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one (1) mile of the proposed location.
5. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
6. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
7. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the City Attorney, of permission to locate a wireless communications facility on the site.

8. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.
9. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the City of Riverview as the certificate holder and naming the City of Riverview, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the City as certificate holder. The City may require the applicant to supply a \$1,000.00 cash bond to the City, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
10. **Maintenance agreement.** The applicant shall submit a plan for the long term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the City if maintenance responsibilities change.
11. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the City Attorney, for the removal of towers or antennas as applicable. The applicant shall demonstrate that adequate funds will be available to the City for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the City in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Article.
12. **Tax-related information.** The applicant shall supply to the City Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Community Development Director that this condition has been satisfied.
13. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

C. Type of Review Required.

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	PERMITS	EXEM.
NEW TOWERS AND ANTENNAS			
Construction, alteration or enlargement of wireless communications facilities.	◆	◆	

Installation of antennas on existing structures.	◆	◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays.	◆	◆	
COLOCATION ON EXISTING TOWERS			
Co-location of antennas on an existing approved tower.		◆	
SATELLITE DISH ANTENNAS			
Installation of satellite dish antennas with a diameter of less than 1.5 meters.			◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger.		◆	
AMATEUR RADIO ANTENNAS			
Installation of amateur radio transmission and reception antennas.		◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority.			◆
OTHER PROJECTS			
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way.	◆	◆	
Repair, service or maintenance of an			◆

existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes.			
Telecommunication facilities as defined by the METRO Act, Public Act 48 of 2002, as amended.			◆

D. Review Procedure.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

1. **Permit review and exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Section. Facilities listed as subject to permit review shall be reviewed and approved by the Building Official in accordance with the State Construction Code, and other codes enforced by the City.
2. **Procedure.** After a complete and accurate application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
 - a. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 24.14B (Application)
 - b. **Acceptance for processing.** The application shall be placed on the agenda of the next available, regularly-scheduled Planning Commission meeting to set a public hearing date.
 - c. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials, staff, and any review committee(s) for review and comment. The Community Development Director may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
 - d. **Public hearing.** A public hearing shall be held by the Planning Commission for all proposed wireless communications facilities subject to Planning Commission review consistent with state law, and in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures).
 - e. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
 - (1) The Planning Commission shall address whether the facility is in compliance with the requirements of this Section and Ordinance.
 - (2) The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 24.14I (Criteria for Approval).

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- (3) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.

3. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Building Official to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
4. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the City prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

E. General Requirements.

1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency (RF) emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
5. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building facade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

F. Standards for Wireless Communications Towers.

The following shall apply to all wireless communications towers, in addition to the provisions of Section 24.14E (General Requirements):

1. **Location.** Wireless communications towers shall be limited to lots in the PSP (Public/Semi-Public Services) District, M-1 (Light Industrial) District, and M-2 (General Industrial) District that have sufficient lot area to accommodate the minimum setback requirements of this Section and Ordinance.
2. **Height.** Towers shall not exceed 195 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower.

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3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
 - a. **From lot boundaries:** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 20 feet. If located on the same lot with another permitted use, such facilities shall not be located in a front yard.
 - b. **From adjacent districts and uses:** A minimum of 300 feet from the boundary of a residential zoning district or lot occupied by a residential use.
 4. **Fencing.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a eight (8) foot high fence or decorative masonry wall, with a lockable gate to prevent unauthorized persons from accessing the tower. Barbed-wire is not permitted.
 5. **Screening.** Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:
 - a. **Ground equipment screening.** Screening shall be provided on all sides of the ground equipment area in accordance with the requirements of Section 14.04E (Screening).
 - b. **Right-of-way buffer zone.** To buffer the view of the tower from adjacent public streets, greenbelt plantings shall be provided along all public street frontages abutting the zoning lot where the tower is located, in accordance with the requirements of Section 14.04B (Landscaping Adjacent to Road Rights-of-Way).
 6. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.
 7. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

G. Standards for Antennae Located on Structures:

The following shall apply to antennae located on principal or accessory buildings, in addition to the provisions of Section 24.14E (General Requirements):

1. The principal use is a conforming use in the zoning district, and the building has a minimum height of 45 feet.
2. The antenna and support structure shall be permanently secured to the building.
3. The antenna and support structure shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than 10 feet.
4. The equipment enclosure shall be in a secured space within the building, or may be located on the building, provided that the design is architecturally compatible with the building.

H. Standards for Amateur Radio Antennae:

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 24.14E (General Requirements).

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1. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
 2. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

I. Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the City and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
2. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

J. Existing Towers and Antennas.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 24.14E (General Requirements) and all approved plans, permits, and conditions of approval.

K. Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the City about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the City to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission, in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision with regard to rescission shall be made by the Planning Commission. Written notification of the decision, and any order for removal, shall be provided to said owner, operator or leaseholder.

L. Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the City requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the City to seek court approval for such removal at the expense of the facility owner or operator.

M. METRO Act Telecommunication Facilities.

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act, Public Act 48 of 2002, as amended, and as referenced in the City of Riverview Code of Ordinances.

N. Small Cell Wireless Facilities.

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for small cell wireless facilities as defined and regulated by the small wireless facilities act, 2018 PA 365, MCL 460.1301, et seq., as amended, and as referenced in the City of Riverview Code of Ordinances.

(Ord. No. 716, art. I, 10-5-2020)

Section 24.15 Impact Assessment.

A. Intent.

The purpose of an impact assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards of this Ordinance.

B. Information Required.

Where required, preparation of an impact assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel to complete the impact assessment, which shall address the following issues, at minimum:

1. **Qualifications of preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment, and a brief statement of their qualifications.
2. **Site description.** An area plan or aerial photograph illustrating the entire site and nearby properties, overlaid with illustrations of adjacent land uses, zoning, public roads, utilities, soil types, 100-year floodplains, drains and general topography. The area described shall be within one-quarter (¼) mile for sites up to 20 acres, and within one (1) mile radius for larger sites.
3. **Conceptual site plan.** Illustration of the conceptual site plan and phasing of proposed uses upon which the impact analysis is based.
4. **Land use impacts.** Description of the types of proposed uses and structures, including any project phasing, and an indication of how any proposed uses conform or conflict with existing and planned development patterns. A description shall be provided of any significant increases in light, noise or air pollution, which could negatively impact adjacent properties.
5. **Environmental impact.** Description of any expected environmental impacts on site and area natural features. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction. Documentation by a qualified wetland specialist shall be required wherever regulated wetland may be impacted by the proposed project.

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6. **Impact on public facilities and services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to area fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
 7. **Utility impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
 8. **Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the appropriate Wayne County official shall be attached indicating their concerns and suggestions.
 9. **Storage and handling of waste and hazardous materials.** Methods of on- and off-site disposal of solid waste and/or hazardous materials shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment.
 10. **Historic and archeological significance** of the site and adjacent properties.
 11. **Alteration of the character** of the area by the proposed use.

C. Evaluation of the Impact Assessment.

The Planning Commission shall consider the criteria listed below in their evaluation of an impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the application. The Planning Commission shall determine that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan.
2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

D. Applicability of Other Standards and Ordinances.

Approval of the impact assessment shall not relieve the project's sponsor from complying with other land development standards of this Ordinance, with any other City Ordinance and with any other applicable local, state or federal laws or regulations.

E. Impact Assessment Cost.

The full cost of the impact assessment shall be paid for by the applicant. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the entire cost borne by the applicant. The City may require funds to be placed in escrow to cover such costs prior to the initiation of the impact assessment.

Section 24.16 Traffic Impact Assessment.

A. Intent.

The City of Riverview recognizes that land use decisions can have a significant impact on traffic operations and safety. The purpose of a Traffic Impact Assessment (TIA) is to assess the anticipated traffic impacts to assist in decision-making. The intent of this Section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Ordinance. The requirements of this Section are also intended to help City officials determine the appropriateness of certain uses at proposed locations in terms of traffic impact, and the adequacy of proposed access design when reviewing site plan, conditional land use, residential open space and planned unit development applications.

B. Applicability.

A TIA may be required prior to the approval of any of the following:

1. Requested amendment to the zoning map (rezonings);
2. Any use that generates truck traffic in the amount of more than 50 trips per day.
3. All businesses that have drive-up service including, but not limited to, fast-food restaurants, convenience and party stores, drug stores, and banks and financial institutions;
4. Residential projects containing 25 or more dwelling units;
5. Commercial, office, industrial, warehouse, institutional, entertainment and mixed-use development proposals involving 50,000 square feet or more in gross floor area; or
6. Any use not specified above which generates 50 or more peak hour trips, or 500 or more daily trips.

On multi-phase projects, a TIA shall be required if the entire project exceeds the threshold levels cited above, even if one or more phases of the project do not meet the threshold levels.

Where a proposed development does not meet the criteria listed above, but where there is evidence that the traffic generated by the proposed development would cause or aggravate unsafe traffic conditions, the Planning Commission may require a TIA. In making this determination, the Planning Commission may consider the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site that may contribute to traffic safety concerns.

C. Submittal Procedures.

The TIA shall be submitted with the rezoning request application, site plan or other submittal material. The applicant may discuss or meet with the Community Development Department prior to preparing the study to determine the type of study that is needed and the specific items to be addressed. The City may submit a copy of the TIA to other road agencies having jurisdiction over the road(s) affected (Wayne County Department of Public Services or MDOT) to give them the opportunity to provide input prior to the City taking action.

D. Qualifications of Preparer.

The TIA shall be prepared by a traffic or transportation engineer or community planner who has a minimum of three (3) years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the TIA shall be included in the study.

E. TIA Cost.

The full cost of the TIA shall be paid for by the applicant. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the entire cost borne by the applicant. The City may require funds to be placed in escrow to cover such costs prior to the initiation of the TIA.

F. Traffic Impact Study Contents.

The extent of information to be provided depends upon the expected trip generation of the proposed project. The information provided in the TIA shall be in accordance with the following standards:

1. **Description of project or proposed zoning.** A description of the project or proposed zoning district and site plan shall be provided, showing the location of buildings, parking, adjoining roads, nearby intersections, and driveways on adjacent parcels and directly across the street. Except for rezoning applications, the project description should identify the proposed use, the gross and net square footage, and the number of parking spaces proposed.
2. **Existing conditions.** Maps and narrative shall be used to identify all roads within the impact area of the project, the number of lanes and right-of-way of each road, the most recent a.m. and p.m. peak hour traffic counts, and average daily traffic (ADT) counts on each road as are available from the road authority with jurisdiction over the road in question.

The historical growth rate of traffic on adjacent roads shall be determined by examining traffic counts over the past three (3) to five (5) years. The growth rate shall be used to project background growth for the next five (5) years or for the number of years to complete the proposed project, whichever is longer. Where information is available from the Community Development Director, trips from proposed projects in the impact area shall be included in the background growth projections.

Where existing traffic counts are more than three (3) years old, new counts shall be taken. Traffic counts shall be taken during average or higher than average volume conditions, generally on a Tuesday, Wednesday or Thursday of a non-holiday week. For commercial development, additional Saturday counts shall also be taken.

The description of existing conditions shall also include accident history within 500 feet of the site and for any intersection that is expected to experience a traffic volume increase of at least five percent (5%) per 24-hour period or during peak hour due to the proposed project.

3. **Projections.** Maps and narrative shall be used to estimate the impact of the proposed project or rezoning on traffic. Morning and evening peak hour and average daily traffic shall be forecast for the proposed development, based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual. The preparer may use other commonly-accepted sources of data or supplement the ITE data with empirical data from similar projects in Michigan.

The directional distribution of the projected traffic shall be distributed onto the existing road network (inbound vs. outbound, left turn vs. right turn) to project turning movements at major site access points, intersections, and interchange ramps. The rationale for the directional distribution shall be provided.

4. **Capacity analysis.** The impact of the projected traffic on the capacity of roads serving the proposed development shall be analyzed, using procedures outlined in the most recent edition of

the Highway Capacity Manual published by the Transportation Research Board. Pre- and post-construction capacity analysis shall also be performed at all street intersections and expressway ramps where the expected traffic will comprise five percent (5%) or more of the existing intersection capacity.

5. **Gap analysis.** A "gap study" shall be completed to analyze the frequency and duration of gaps in the flow of through traffic.
 6. **Access analysis.** Maps and narrative shall be used to:
 - a. Identify the location and design of proposed access driveways and new road intersections.
 - b. Identify sight distance limitations.
 - c. Determine the distance to adjacent driveways and intersections.
 - d. Provide sufficient evidence that the design and number of driveways proposed is the fewest necessary, that the driveways will provide safe and efficient movement of traffic, and that all driveways comply with applicable City, county and state road authority sight distance requirements of the City, Wayne County, or Michigan Department of Transportation (MDOT), as applicable.
 7. **Mitigation measures.** The TIA shall identify realistic public and private mitigation measures needed to accommodate the projected traffic including the following, at minimum:
 - a. Identify improvements to intersections and roads to accommodate future volumes and provided adequate capacity.
 - b. Identify taper lanes, turn lanes, and passing lanes necessary to provide safe and adequate ingress and egress to the site.
 - c. Identify opportunities to accommodate bicyclists and pedestrians.
 - d. Identify opportunities to coordinate development and access with adjoining sites so as to alleviate the impact of increased traffic on public roads.
- G. **Modification of Study Requirements.**

The Community Development Director may waive or reduce the requirements of this Section as applied to a particular site or use, based upon the following factors:

1. Road improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.
2. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
3. A similar traffic study was previously prepared for the site and is still considered applicable.

ARTICLE 25

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 25.01 Rules of Construction.

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

1. The particular shall control the general.

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2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 5. The word "building" includes the word "structure". The word "build" includes the words "erect" and "construct". 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 (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 9. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meanings customarily assigned to them.
 10. The masculine gender includes the feminine and neuter.
 11. All measurements shall be to the nearest integer, unless otherwise specified herein.
 12. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
 13. Unless otherwise stated, the term "days" shall mean calendar days.

Section 25.02 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

ACCESSORY BUILDING. A type of structure that has a roof which is supported by columns or walls, is intended for the shelter or enclosure of persons, animals, goods or property, and is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is exclusively related. Examples of accessory buildings include garages, storage sheds, gazebos, play houses, greenhouses, pump houses, and dog houses.

ACCESSORY BUILDING, ATTACHED. An accessory building that is physically joined to the principal structure by a wall, roof, rafter or other structural component.

ACCESSORY STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as

the principal use to which it is exclusively related. Examples of accessory structures include accessory buildings, swimming pools, play structures, HVAC units, generators, and tennis courts.

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

ADULT REGULATED USES. As used in this Ordinance, the following definitions shall apply to adult regulated uses:

1. **ADULT BOOK or SUPPLY STORE.** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
2. **GROUP "A" CABARET.** An establishment which features any of the following; topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
3. **ADULT MOTION PICTURE THEATER or ADULT LIVE STAGE PERFORMING THEATER.** An enclosed building with a capacity of 25 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
4. **ADULT MODEL STUDIO.** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational institution.
5. **ADULT MOTEL.** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
6. **ADULT MOTION PICTURE ARCADE.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
7. **MASSAGE PARLOR OR MASSAGE ESTABLISHMENT.** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following; a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's or chiropractor's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical/chiropractic clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

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8. **ADULT OUTDOOR MOTION PICTURE THEATER.** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
 9. **SPECIFIED ANATOMICAL AREAS.** Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 10. **SPECIFIED SEXUAL ACTIVITIES.** The explicit display of one or more of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

APARTMENTS. See DWELLING, MULTIPLE FAMILY.

APARTMENT EFFICIENCY. See DWELLING, MULTIPLE FAMILY.

ARCADE. A building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations, etc., automatic sport devices or tables or similar activities for hire, or for amusement.

ARCHITECTURAL FEATURES. Steps, window sills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves, pediments.

AUTOMOBILE. Unless specifically indicated otherwise, "automobile" shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

AUTOMOBILE FILLING STATION. A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

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

1. **MINOR REPAIR.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
2. **MAJOR REPAIR.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

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

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

AUTOMOBILE OR VEHICLE DEALERSHIP. A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

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

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

BED AND BREAKFAST INN. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

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

BERM, OBSCURING. An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

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

BOARD OF APPEALS. The City of Riverview Zoning Board of Appeals, created pursuant to the provisions of the City and Village Zoning Act, Michigan Public Act 207 of 1921, as amended.

BUILDABLE AREA. The area of the lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING. Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter, or enclosure of persons, animals, chattels, or property or any kind. When any portion thereof is completely separated from every other part by division walls without openings, extending from the ground up, each such portion shall be deemed a separate building. A building shall not include such structures as signs, fences, or smokestacks. Also defined in the Michigan Building Code.

BUILDING, ACCESSORY. See ACCESSORY USE, BUILDING, OR STRUCTURE.

BUILDING ENVELOPE. See BUILDABLE AREA.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the coping of a flat roof; the deck line of a mansard roof; the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or seventy-five percent (75%) of the height of an A-frame. Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides

BUILDING LINE. A line formed by the greatest projecting face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

BUILDING LINE, SIDE. A line formed by the face of the primary building adjacent to the side yard; for the purposes of this Ordinance where a primary building has two (2) or more faces along the side yard, the longest adjacent face shall be used for determining the side building line.

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

BUILDING, TEMPORARY. A building which is not permanently affixed to the property and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used as an office on a construction site.

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

CHANGEABLE MESSAGE. Any sign designed or constructed so as the lettering or message contained thereon is capable of being changed by rearranging or installing new letters or messages without removing and replacing or resurfacing the face of such sign.

CHURCH, SYNAGOGUE, MOSQUE or similar PLACE OF WORSHIP. A building, structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services. Accessory structures and uses not directly involving religious services are excluded from this definition.

CITY. The City of Riverview, Michigan

CITY COUNCIL. The City Council of the City of Riverview, Michigan.

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

CLINIC, VETERINARY. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit (see also INSTITUTIONAL USES).

COLLEGE or UNIVERSITY. A school of higher learning, consisting of a building or buildings and other facilities for teaching and research. Colleges may include universities, junior colleges, trade schools, business schools, technical colleges and the like.

CO-LOCATION. The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the City.

COMMERCIAL RADIO TOWER. A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purposes of generating income.

COMMERCIAL USE. The use of the property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance "commercial use" shall not include industrial, manufacturing, or wholesale business or the rental of single or multiple family dwelling units.

COMMERCIAL VEHICLE. All motor vehicles used for the transportation of passengers for hire; constructed or used for transportation of goods, wares or merchandise; designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn; or as otherwise defined in the State Motor Vehicle Code, Michigan Public Act 300 of 1949, as amended.

COMMISSION. The Planning Commission of the City of Riverview.

CONDOMINIUM SUBDIVISION (SITE CONDOMINIUMS). A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows.

1. **CONDOMINIUM ACT.** Shall mean Michigan Public Act 59 of 1978, as amended.
2. **CONDOMINIUM LOT.** That portion of a site condominium project designed and intended to function similar to a platted lot subdivision for purposes of determining minimum yard setback requirements and other requirements set forth in Article 9 (Schedule of Regulations).
3. **CONDOMINIUM SUBDIVISION PLAN.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. **CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or a condominium lot as those terms are used in this Ordinance.
5. **COMMON ELEMENTS.** Portions of the condominium project other than the condominium units.
6. **DETACHED CONDOMINIUM.** A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.
7. **GENERAL COMMON ELEMENTS.** Common elements other than the limited common elements, intended for the common use of all co-owners.
8. **LIMITED COMMON ELEMENTS.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
9. **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
10. **SITE CONDOMINIUM PROJECT.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for the purposes of regulation in this Ordinance.

CONSERVATION EASEMENT. A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

CONTAINER TERMINAL. A structure and related storage area to which containers, which may or may not contain goods, are delivered for distribution, storage, loading, unloading, or for transfer to other modes of transportation.

CONVALESCENT OR NURSING HOME. See NURSING HOME.

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

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

DAY CARE CENTER. See RESIDENTIAL CARE FACILITIES.

DAY CARE HOME FOR ELDERLY ADULTS. See RESIDENTIAL CARE FACILITIES.

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

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

DETENTION BASIN. A man-made or natural water collection facility designed to collect surface water in order to impede its flow and to permit release of the water gradually onto natural or manmade outlets.

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

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

DISTRICT, ZONING. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN. Any business establishment so designed that its operation involves providing a service or a product to patrons while they are in their car, rather than within a building or structure. (See also RESTAURANT, DRIVE-IN)

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

DRIVEWAY. A private lane, designed primarily for use by vehicles, that connects a structures with the road.

DWELLING. Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one (1) family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent or other portable device not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING UNIT. One (1) or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

DWELLING, ACCESSORY. A dwelling unit that is accessory to and contained within the principal building, and has its own kitchen, bath, living area, sleeping area, and private entrance.

DWELLING, ONE-FAMILY. A building designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two (2) families living independently of each other.

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

- a. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- b. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- c. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

DWELLING, MANUFACTURED HOME. A type of manufactured housing that is transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems

contained in the structure. Recreation vehicles as described and regulated herein shall not be considered "manufactured homes" for the purposes of this Ordinance.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwelling units include those commonly known as apartments which are defined as follows:

1. **APARTMENT.** An apartment is an attached dwelling unit with party walls contained in a building with other apartment units which are commonly reached off of a common stair landing or a walk-way. Apartments are typically rented by the occupants. Apartment buildings often may have central heating systems and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
2. **EFFICIENCY UNIT.** An efficiency unit is a type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, and closets located directly off the principal room.

DWELLING UNIT, SINGLE-FAMILY ATTACHED OR TOWNHOUSE. A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

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

ELECTRONIC MESSAGE SIGN. A sign with a fixed or changing message composed of a series of lights or light-emitting diodes that may be changed through electronic means.

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

ENFORCEMENT OFFICIAL. The Enforcement Official is the person or persons designated by the City as being responsible for enforcing and administering the requirements of the Zoning Ordinance. Throughout this Ordinance, the Enforcement Official may be referred to as the Building Official, Community Development Director, City Engineer, or their agents. Such titles do not necessarily refer to a specific individual, but generally, the office or department most commonly associated with the administration of the regulations being referenced.

ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential Services do not include storage yards, sales or business offices, commercial buildings or activities, school bus yards, and wireless communication facilities.

EXCAVATION. The removal or movement of any soil, sand, stone, gravel or fill materials, except common household gardening and ground care.

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

FAMILY. Means either of the following:

- a. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this Ordinance.

FARM. The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products. For the purpose of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses, or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same contiguous tract of land.

FARM ANIMALS. Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as cats and dogs, that are capable of being trained and adapting to living in a human environment.

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

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

FLAG LOT. See LOT, FLAG.

FLOODPLAIN. Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- a. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100 year base flood.
- b. Principal estuary courses of wetland areas that are part of the river flow system.
- c. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

FLOODWAY. The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA, RESIDENTIAL. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is

exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

FLOOR AREA, USABLE. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FRATERNAL ORGANIZATION. See CLUB.

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupant of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

GARAGE SALE. Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GARAGE, SERVICE. See AUTOMOBILE REPAIR GARAGE.

GASOLINE SERVICE STATION. See AUTOMOBILE FILLING STATION.

GRADE, ESTABLISHED. The established grade is that elevation above mean sea level, which has been heretofore established, prior to July 1, 1976, for any subdivided lot within the City, by any one of the following:

- a. That rear yard grade as it existed on July 1, 1976, if an occupied dwelling has been erected on such subdivided lot and a permanent Certificate of Occupancy issued therefore; or
- b. That rear yard grade as it is indicated on the recorded plat for the subdivision; or
- c. That rear grade, as modified from the indicated grade on the recorded subdivision plat, by reason of surrounding development of improved parcels adjoining, by a written predetermination of grade issued by the City engineer in such instance, and filed with the City Clerk and also in the permanent records of the City engineering department.

GRADE, CERTIFIED ESTABLISHED. The certified established grade refers to the grade as certified by a registered professional engineer or a registered land surveyor at the time of the final inspection, if accepted by the city engineer, and recorded in the permanent records of the city engineering department at the time of the issuance of the Certificate of Occupancy.

GRADE, BUILDING. If there is not an established or certified established grade for a parcel, building grade shall be the grade of the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. See LANDSCAPING.

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

GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit, surety bond or such other instrument acceptable to the city.

HAZARDOUS USES. Pursuant to Michigan Public Act 451 of 1994, as amended, "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended:

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- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
 - b. "Hazardous substance" as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
 - c. "Hazardous waste" as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being section 324.11101 to 324.11152 of the Michigan Compiled Laws.
 - d. "Petroleum" as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

HEIGHT. See BUILDING HEIGHT.

HOME OCCUPATION. An occupation or profession conducted within a dwelling unit or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence, and where such use complies with the provisions of this Ordinance.

HOSPICE. A lodging place for the ill where persons are housed and are furnished meals and attendant care.

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

HOTEL. A building or part of a building, with a common entrance, or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered; maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

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

1. **SENIOR APARTMENT.** Multiple-family dwelling units occupied by persons 55 years of age or older.
2. **ELDERLY HOUSING COMPLEX.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
3. **CONGREGATE HOUSING.** A type of semi-independent housing facility containing a common kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support service, such as transportation and limited medical care.
4. **DEPENDENT HOUSING FACILITIES.** Facilities such as nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

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

IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the municipality to protect natural resources or the health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is the subject of zoning approval.

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

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

INGRESS AND EGRESS. As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

INSTITUTIONAL USES. As used in this Ordinance, "institutional uses" shall include educational, social and religious institutions, such as:

- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- b. Auditoriums, theaters, assembly halls, concert halls and similar places of assembly.
- c. Libraries, museums and similar centers for cultural activities.
- d. Churches, temples and other places of worship.
- e. Post offices.
- f. Private clubs, fraternal organizations and lodge halls.

JUNK or SALVAGE. Any motor vehicles, machinery, appliances, products or merchandise with parts missing or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Junk shall also include disorderly piles of wood, such as piles of firewood.

JUNK YARD OR SALVAGE YARD. An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to junk, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

KENNEL. Any lot or premise wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other household pets or animals.

LANDFILL. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

LANDSCAPING. The treatment of the ground surface with live plant materials and other decorative materials such as, but not limited to grass, groundcover, trees, shrubs, vines, and other living plant materials, stone, boulders, and mulch. Various landscaping-related terms are defined as follows:

1. **BERMS.** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.
2. **GRASS.** Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County, Michigan.
3. **GREENBELT.** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.

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4. **GROUND COVER.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
 5. **HEDGE.** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
 6. **HYDRO-SEEDING.** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
 7. **INTERIOR PARKING LOT LANDSCAPING.** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
 8. **MULCH.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
 9. **NURSE GRASS.** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
 10. **SCREEN OR SCREENING.** A wall wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
 11. **SHRUB.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
 12. **SOD.** An area of grass-covered surface soil held together by matted roots.
 13. **TREE.** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Wayne County, Michigan.
 - a. **DECIDUOUS TREE.** A variety of tree that has foliage that is shed at the end of the growing season.
 - b. **EVERGREEN TREE.** A variety of tree that has foliage that persists and remains green throughout the year.
 - c. **ORNAMENTAL TREE.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.
 - d. **SHADE TREE.** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Wayne County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.
 14. **VINE.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

LARGE SOLAR ENERGY SYSTEM. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one (1) end user.

LIGHTING. Various lighting related terms are defined as follows:

1. **LAMP (or BULB).** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.

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2. **FIXTURE.** The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), the ballast, housing, and the attachment parts.
 3. **FLOODLIGHT.** A fixture or lamp designed to direct light over a broad area.
 4. **FOOTCANDLE.** Illuminance produced on a surface one (1) foot from a uniform point source of one candela or when one (1) lumen is distributed into an area of one (1) square foot.
 5. **FULLY SHIELDED FIXTURE.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
 6. **GLARE.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
 7. **HIGH PRESSURE SODIUM (HPS) LAMP.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 8. **INCANDESCENT LAMP.** A lamp that produces light by a filament heated to a high temperature by electric current.
 9. **LASER SOURCE LIGHT.** An intense beam of light, in which all photons share the same wavelength.
 10. **LIGHT TRESPASS.** Light falling where it is not wanted or needed (also called spill light).
 11. **LOW PRESSURE SODIUM (LPS) LAMP.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 12. **LUMEN.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one (1) candela. One (1) footcandle is one (1) lumen per square foot. One (1) lux is one (1) lumen per square meter.
 13. **LUMINAIRE.** The complete lighting unit, including the lamp, fixture, and other parts.
 14. **MERCURY VAPOR LAMP.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 15. **METAL HALIDE LAMP.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
 16. **NON-ESSENTIAL LIGHTING.** Outdoor lighting which is not required for safety or security purposes.
 17. **RECESSED CANOPY FIXTURE.** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

LOADING SPACE, OFF-STREET. 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 and unloading merchandise or materials.

LOT. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat, occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

1. **CONTIGUOUS LOT.** Lots adjoining each other.
2. **CORNER LOT.** A lot abutting on and at the intersection of two (2) or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

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- a. Where the lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered 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.
 - b. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.
3. **DOUBLE FRONTAGE LOT.** A lot other than a corner lot having frontage on two (2) streets, but not including a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
 4. **FLAG LOT.** A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.
 5. **INTERIOR LOT.** Any lot other than a corner lot with only one (1) lot line fronting on a street.
 6. **THROUGH LOT.** See LOT, DOUBLE FRONTAGE.
 7. **ZONING LOT.** For the purposes of this Ordinance, a zoning lot is defined as a parcel of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single" ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - a. Single lot of record.
 - b. Portion of a lot of record.
 - c. Combination of lots of record, or portion(s) thereof.
 - d. Condominium lot.
 - e. Parcel or tract of land described by metes and bounds.

LOT AREA, NET. The total horizontal area within the lots lines of the lot, exclusive of any abutting public road rights-of-way or private road easements, or the area of any river or waterbody. The net lot area shall be used in determining compliance with minimum lot area standards.

LOT AREA, GROSS. The net lot area plus one-half (½) of the area of any public right-of-way area or private road easements immediately adjacent to or abutting the lot. The total horizontal area within the lot lines of the lot.

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

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

LOT LINES. The lines bounding a lot as defined herein:

1. **FRONT LOT LINE.** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On a flag lot, the

front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.

2. **REAR LOT LINE.** That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a subdivision plat recorded in the offices of the Wayne County Register of Deeds and City Assessor, or a lot or parcel described by metes and bounds, and accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Wayne County Register of Deeds and the City Assessor.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured at the two (2) points where the minimum front setback line intersects the side lot lines.

LOT SPLIT AND CONSOLIDATION. The dividing or uniting of lots by virtue of changes in the deeds in the office of the Wayne County Register of Deeds and the City Assessor.

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

MARGINAL ACCESS ROAD. See SECONDARY ACCESS DRIVE.

MASTER PLAN. The comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MECHANICAL AMUSEMENT DEVICE. Any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

MESSAGE. A communication transmitted by words, signals, graphics or other means from one (1) person, station, or group to another.

MEZZANINE. An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third ($\frac{1}{3}$) of the floor area of the story in which the level or levels are located.

MINI STORAGE UNITS. Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects not including the warehousing of products or supplies.

MANUFACTURED HOME. Manufactured home SEE DWELLING, MANUFACTURED HOME

MANUFACTURED HOME PARK. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

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

MOTEL. A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

MUNICIPALITY. The City of Riverview, Michigan.

NATURAL AREA. A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling, or other similar activity may have previously occurred.

NATURAL RESOURCES. Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two (2) types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.

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

1. **EFFECTIVE DATE.** Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.
2. **NONCONFORMING BUILDING.** A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.
3. **NONCONFORMING LOT.** A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.
4. **NONCONFORMING SIGN.** A sign that on the effective date of this Ordinance does not conform to one (1) or more regulations set forth in the Ordinance.
5. **NONCONFORMING STRUCTURE.** A structure or portion thereof that does not meet the limitations on structure size, location on a lot, or other regulations for the district in which such structure is located.
6. **NONCONFORMING USE.** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
7. **STRUCTURAL NONCONFORMITY.** A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a "dimensional nonconformity."

NUISANCE. Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NURSERY, PLANT MATERIALS. A space, building or structure, or combination thereof, where live trees, shrubs or plants used for gardening or landscaping are propagated, stored, and/or offered for retail sale on the zoning lot, but not including any space, building, or structure used principally for the sale of fruits, vegetables, or Christmas trees.

NURSERY SCHOOL. See RESIDENTIAL CARE FACILITIES.

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

OCCUPANCY, CHANGE OF. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

OCCUPIED. Used in any way at the time in question, including for storage.

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

OIL OR GAS PROCESSING PLANTS. A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

OPEN AIR BUSINESS. Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- b. Roadside stands for the sale of agricultural products.
- c. Various outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- d. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

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

OPEN SPACE. Any parcel or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be required for recreation, resource protection, aesthetics, or other purposes.

OPEN STORAGE. The storage of any materials or objects outside the confines of a building.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY DISTRICT. Zoning classification and regulations applicable to a particular property in addition to the base zoning regulations. Examples of overlay districts include historic districts, special neighborhood design districts, etc.

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

PARKING LOT, OFF-STREET. A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three (3) vehicles

PARKING SPACE. An area of definite length and width as designated in this Ordinance, exclusive of drives, aisles or entrances giving access thereto, for parking an automobile or other vehicle and which is fully accessible for such purposes.

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

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

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

PHOTOVOLTAIC DEVICE. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

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

PLANNER, CITY. The City Planner is the person or firm designated by the City Council to advise the City administration, City Council, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The City Planner may be a consultant or an employee of the City.

PLANNING COMMISSION. The Planning Commission of the City of Riverview.

PLAT, SUBDIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of development in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Subdivision Regulations contained in the City of Riverview Code of Ordinances.

PLOT PLAN. See SKETCH PLAN.

PRINCIPAL USE. See USE, PRINCIPAL.

PRIVATE STREET OR ROAD. See ROAD.

PROPERTY LINE. The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PUBLIC UTILITY. A person, firm or corporation, municipal department, board or commission duly authorized to furnish under federal, state or municipal regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that:

- a. The principal nature and scope of its business has characteristics of a natural monopoly; and
- b. It provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services.

RECEPTION ANTENNA. An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite reception antennae, but excluding such facilities that have been preempted from Municipal regulation by applicable state or federal laws or regulations.

RECOGNIZABLE AND SUBSTANTIAL BENEFIT. A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or

preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

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

RECREATIONAL VEHICLE. Recreational Vehicles shall include the following, as defined in the City of Riverview Code of Ordinances:

1. **BOATS AND BOAT TRAILERS.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis, sea-doods, floats, rafts, and similar devices and equipment.
2. **FOLDING TENT TRAILER.** A folding structure, mounted on wheels and designed for travel and vacation use.
3. **MOTORIZED HOME.** A recreational vehicle which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. **PICKUP CAMPER.** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
5. **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer; or a movable or portable dwelling, eight (8) feet or less in width by thirty-three (33) feet of less in length constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living.
6. **HORSE TRAILER.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
7. **SNOWMOBILES, GO-CARTS, MOTORCYCLES, MODPEDS, DIRTBIKES, or DUNEBUGGIES.** Motorized vehicles designed primarily for recreational travel or off-road use.
8. **UTILITY TRAILERS.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

RECREATIONAL FACILITIES. Playgrounds, parks, picnic areas, golf courses, ball fields, camps, swimming pools, nature preserves or any other type of community space or equipment that is designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

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

RESIDENTIAL CARE FACILITIES:

1. **CHILD CARE ORGANIZATION.** A facility for the care of children under 18 years of age, as licensed and regulated under the Child Care Organizations Act, Public Act 116 of 1973, as amended, and the associated rules promulgated by the State of Michigan. Such organizations shall be further defined as follows:
 - a. **CHILD CARE CENTER or DAY CARE CENTER.** A facility, other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

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

- b. **FOSTER FAMILY HOME.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 - c. **FOSTER FAMILY GROUP HOME.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 - d. **FAMILY DAY CARE HOME.** A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
 - e. **GROUP DAY CARE HOME.** A private home in which one (1) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
2. **ADULT FOSTER CARE.** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended, and the associated rules promulgated by the State of Michigan. Such organizations shall be defined as
- a. **ADULT FOSTER CARE FACILITY.** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.
 - b. **ADULT FOSTER CARE SMALL GROUP HOME.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - c. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - d. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week or for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

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

RESTAURANT. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

1. **BAR/LOUNGE.** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
2. **CARRY-OUT RESTAURANT.** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
3. **DRIVE-IN RESTAURANT.** A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
4. **DRIVE-THROUGH RESTAURANT.** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
5. **FAST-FOOD RESTAURANT.** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
6. **STANDARD RESTAURANT.** A standard restaurant is a restaurant whose method of operation involves either:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

RETENTION BASIN. A pond, pool, or basin used for the long-term storage of water runoff.

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

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

1. **PRIVATE ROAD.** Any road that is to be privately maintained and has not been accepted for maintenance by Wayne County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior Ordinance.
2. **PUBLIC ROAD.** Any road or portion of a road that has been dedicated to and accepted for maintenance by Wayne County, State of Michigan, the federal government or any other governmental unit.
3. **ARTERIAL ROAD.** A road that carries a high volume of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.

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4. **COLLECTOR STREET.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
 5. **CUL-DE-SAC.** A road that terminates in a vehicular turnaround.
 6. **MAJOR THOROUGHFARE.** An arterial road that is intended to service a large volume of traffic for both the immediate area and the region beyond, and may be designated as a thoroughfare, parkway, freeway, expressway or equivalent term to identify those roads comprising the basic structure of the roads plan.
 7. **LOCAL STREET.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

ROADSIDE STAND. A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

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

SATELLITE EARTH STATION. See RECEPTION ANTENNA.

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

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

SETBACK. The distance between the front, side or rear lot line and the nearest part of the structure on the lot.

1. **MINIMUM REQUIRED SETBACK.** The minimum distance between a front, side or rear lot line and the nearest part of the structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

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

SHOPPING MALL. A grouping of retail businesses and service uses on a single site and in an enclosed building with common parking facilities.

SIGN. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Unless otherwise indicated, the definition of "sign" includes interior or exterior signs which are visible from any public street, sidewalk, alley, park or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

1. **ABANDONED SIGN.** A sign that advertises a product or service that is no longer sold, produced, manufactured or furnished on the premises, or that is associated with a use that has been discontinued for more than 180 calendar days.
2. **ACCESSORY SIGN.** A sign which pertains to the principal use of the premises.

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3. **BILLBOARD or NON-ACCESSORY SIGN.** A sign that does not pertain to the principal use of the premises, or that advertises one (1) or more businesses, products, services, facilities or events not sold, distributed, manufactured or furnished on the premises where the sign is located. Also referred to as "outdoor advertising," or "off-premises sign."
 4. **BUILDING-MOUNTED SIGN.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs would include, but are not limited to canopy, marquee, wall or window signs.
 - a. **BUILDING DIRECTORY.** A wall sign where individual occupants of a building whose space is not located on the street level may display information directing visitors to their portion of the building.
 - b. **AWNING SIGN.** A sign which is painted on, printed on or attached to an awning or canopy.
 - c. **PROJECTING SIGN or MARQUEE.** A display sign attached to or hung from a marquee or other structure projecting from and supported by the building and extending more than 18 inches beyond the building wall, building line or street right-of-way line.
 - d. **WALL SIGN.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
 - e. **WINDOW SIGN.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
 5. **CLEARANCE.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
 6. **DAMAGED SIGN.** A sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.
 7. **DECORATIVE DISPLAY.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 8. **DIRECTIONAL SIGN.** A sign that uses arrows or words like "enter" and "exit" to regulate on-site traffic and parking.
 9. **GROUND SIGN.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface. Also referred to as a "freestanding sign."
 10. **MONUMENT SIGN.** A ground sign mounted directly to a base with no clearance between the established grade and the bottom of the sign.
 11. **NAMEPLATE.** A non-illuminated, on-premises wall sign identifying the name of the occupant of a residential dwelling unit or the name and profession of the occupants of a non-residential building.
 12. **NONCOMBUSTIBLE MATERIAL.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
 13. **NONCONFORMING SIGN.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a street right-of-way, or any sign that is missing necessary structural and functional components.
 14. **PORTABLE SIGN.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one (1) location to another.

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15. **ROOF SIGN.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
 16. **SIGN AREA.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
 17. **SIGNABLE AREA.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public street where the address or primary public entrance is located.
 18. **SIGN COPY.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - a. **ANIMATED.** Sign or sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
 - b. **CHANGEABLE.** Moveable letters or other forms of sign copy, not including animated copy, that can be altered by natural, mechanical or electrical means without replacing the sign copy area.
 19. **SIGN HEIGHT.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
 20. **SITE ENTRY FEATURE WITH SIGNAGE.** A sign identifying the name of and defining the entrance to a residential subdivision, apartment community, condominium development, manufactured housing park, office, research or industrial park or similar development.
 21. **TEMPORARY SIGN.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - a. **BALLOON.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - b. **BANNER.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - c. **FESTOONS.** A string of ribbons, tinsel, small flags or pinwheels.
 22. **UNLAWFUL SIGN.** A sign for which no valid permit was issued by the City at the time such sign was erected, or a sign that is not in compliance with the current Zoning Ordinance and does not meet the definition of a nonconforming sign.
 23. **UNSAFE SIGN.** A sign that is not properly secured, in danger of falling, or otherwise in a condition hazardous to the public health, safety or welfare.

SITE PLAN. A plan, prepared to scale, as required by Article 28.01 (Site Plan Review) showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

SKETCH PLAN. A plan that is prepared according to requirements stated in these zoning regulations, containing required information required for a sketch plan. A sketch plan is less detailed than a formal site plan. A sketch plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A sketch plan does not substitute for a formal site plan.

SOLAR ARRAY. Any number of photovoltaic devices connected together to provide a single output of electric energy or other energy.

SPECIAL EVENT. An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit City of Riverview community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL LAND USE. Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts.

STORY. That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- a. A mezzanine shall be deemed a full story when it covers more than one-third ($\frac{1}{3}$) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is twenty-four (24) feet or more.
- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET. See ROAD.

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

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

STRUCTURE. Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.

SUBDIVISION. See PLAT, SUBDIVISION.

SWIMMING POOL. Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

TRACT. Two (2) or more parcels that share a common property line and are under the same ownership.

TRANSITION. For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

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

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

THOROUGHFARE. See ROAD.

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

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- a. An increase in mortality, or
 - b. An increase in serious irreversible illness, or
 - c. Serious incapacitating, but reversible illness, or
 - d. Substantial present or potential hazard to human health or the environment.

TRUCK TERMINAL. A structure and related storage area to which goods are delivered for distribution or to be amalgamated or divided for delivering in larger or small units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

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

USABLE OPEN SPACE. Open space is "usable" if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands.

USE. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. **ACCESSORY USE.** See ACCESSORY USE, BUILDING, OR STRUCTURE.
2. **PERMITTED USE.** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
3. **PRINCIPAL USE.** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.
4. **SPECIAL LAND USE.** See SPECIAL LAND USE.

VETERINARY HOSPITAL. See CLINIC, VETERINARY.

VARIANCE. A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

WALL, OBSCURING. See LANDSCAPING: SCREENING.

WAREHOUSE. A building used primarily for storage of goods and materials. See also DISTRIBUTION CENTER.

WETLAND. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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

- a. Contiguous to an inland waterbody or pond, or a river or stream;
- b. Not contiguous to an inland waterbody or pond, or a river or stream, and more than five (5) acres in size;
- c. Not contiguous to an inland or pond, or river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to

the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

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

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

WIRELESS COMMUNICATION SUPPORT STRUCTURES. Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

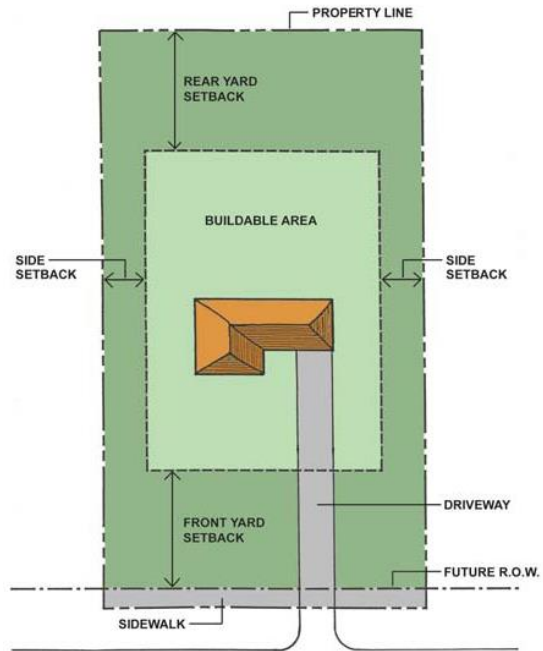
YARDS. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.
2. **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one (1) rear yard.
3. **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.

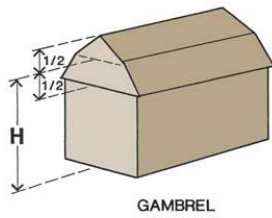
ZONING ADMINISTRATOR. The Zoning Administrator is the person or persons designated by the City to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work. The duties of the Zoning Administrator may be filled by people holding other positions, such as the Community Development Director or consultant.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals for the City of Riverview, Michigan.

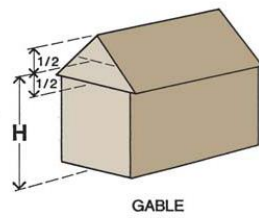
ILLUSTRATIONS



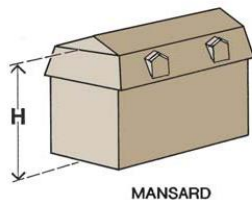
Building Envelope



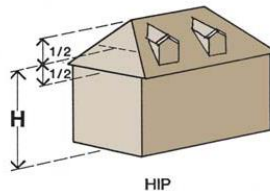
GAMBREL



GABLE

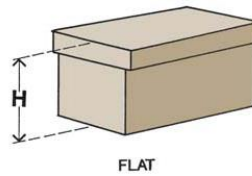


MANSARD

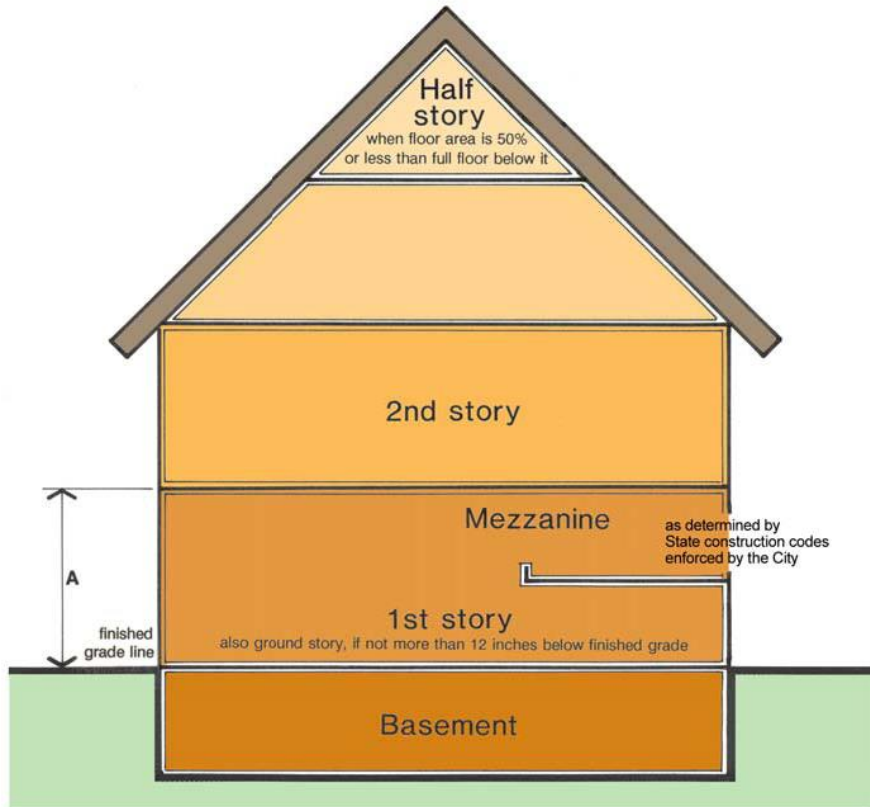


HIP

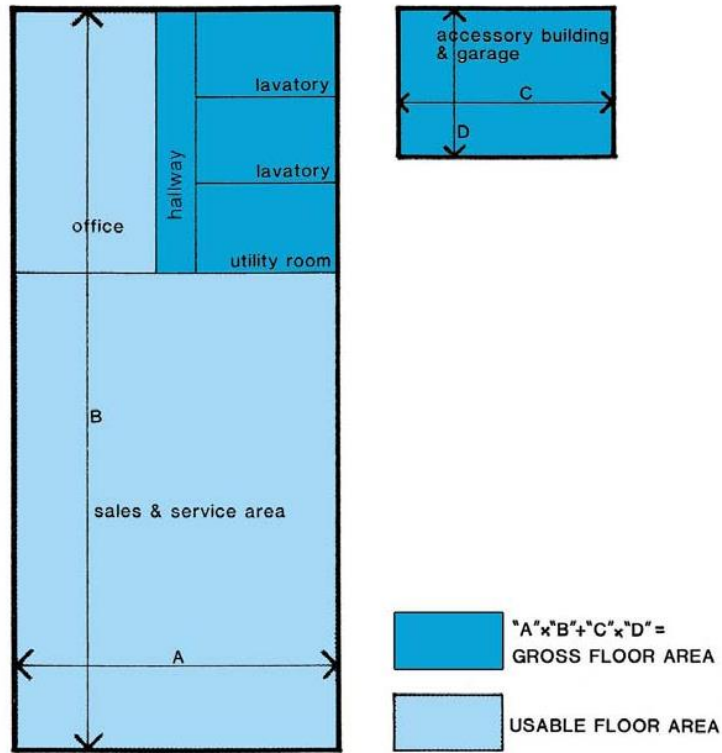
Building Height



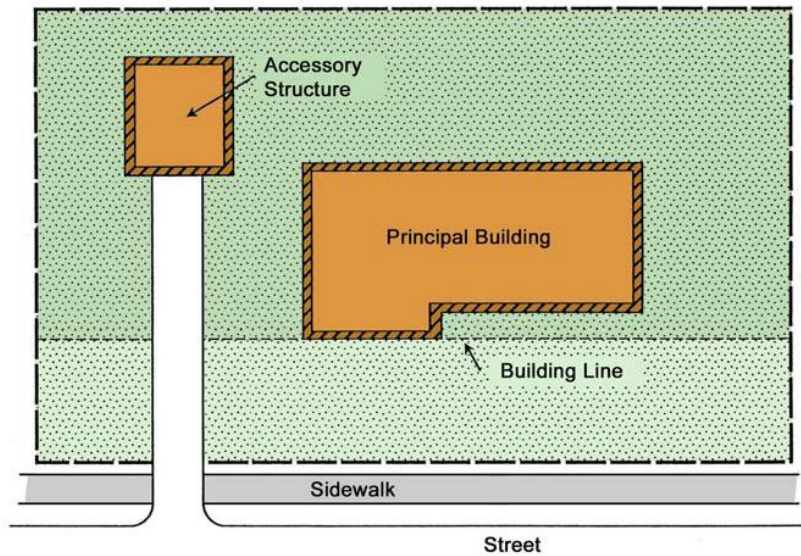
FLAT



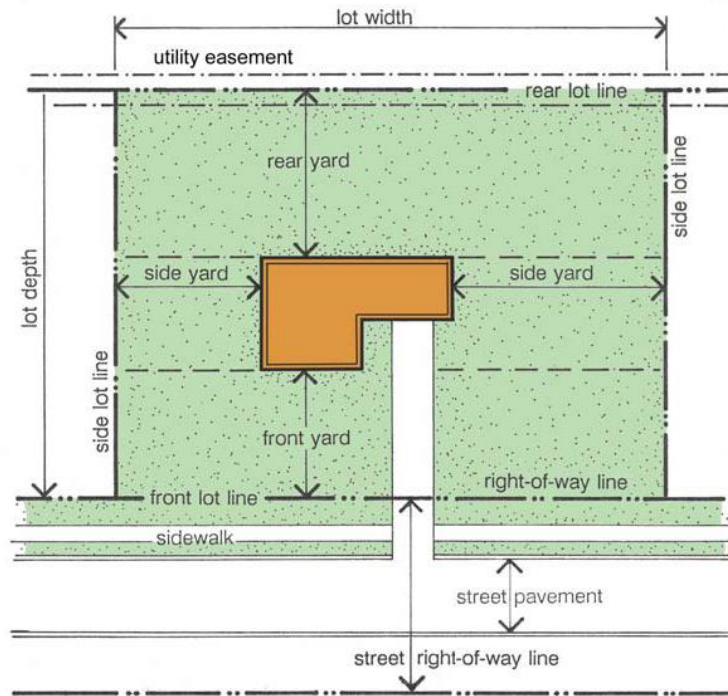
Basic Structural Terms



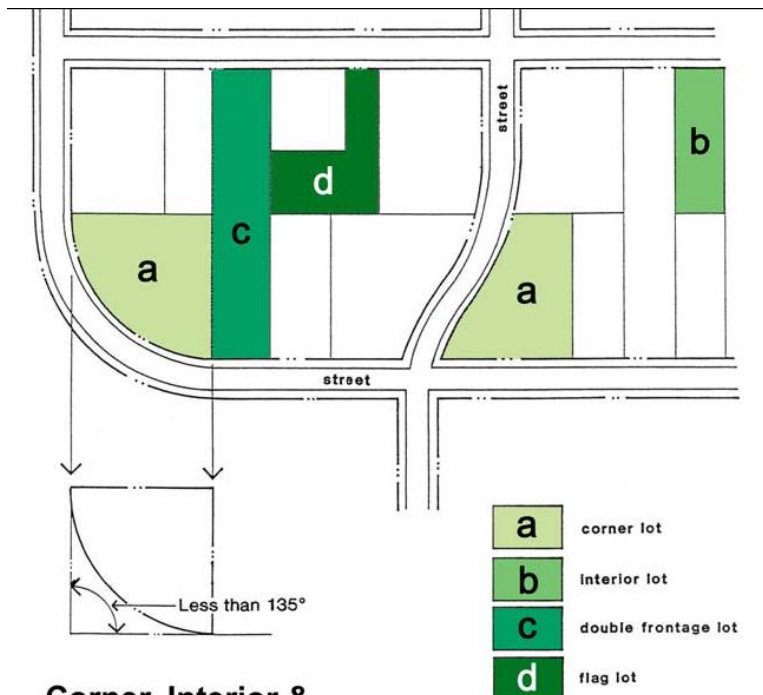
Floor Area



Accessory Structure



Yard Terms



Corner, Interior & Double Frontage Lots

(Ord. No. 662, art. I, 3-18-2013; Ord. No. 694, art. I, 12-4-2017)

ARTICLE 26

SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

Section 26.01 Severability.

If any part, sentence, paragraph, section or provision of this Ordinance is adjudged unconstitutional or invalid, or the application thereof to any person or circumstance, such invalidity shall not affect the remaining portion or application, or validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if such invalid provision had not been included.

Section 26.02 Repeal of Previous Ordinances.

All previous Zoning Ordinances adopted by the City of Riverview, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other Ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

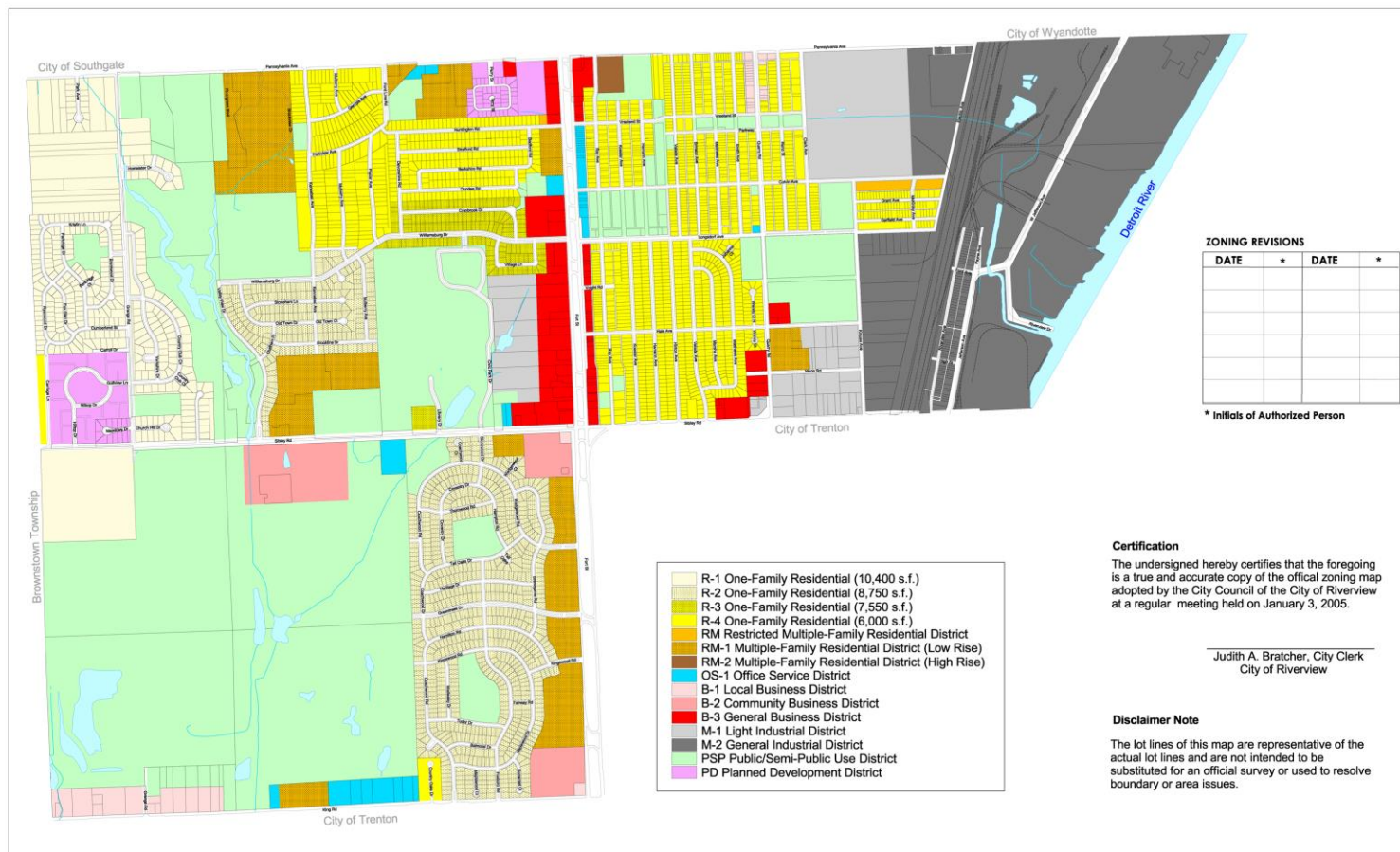
1. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such Ordinance has not been repealed.
2. Any prosecution started within one (1) year after the effective date of this Ordinance in consequence of any violation of any Ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such Ordinance has not been repealed.

Section 26.03 Adoption.

This Ordinance was adopted by the City Council of Riverview, following compliance with all procedures required by the City and Village Zoning Act (P.A. 207 of 1921, as amended), at its regular meeting duly held on the 3rd day of January, 2005, and ordered to be given publication in the manner prescribed by law.

Section 26.04 Effective Date.

This Ordinance is hereby declared to be effective as of the 23rd day of January, 2005, pursuant to the notice of adoption as required under Section 4 of the City and Village Zoning Act (P.A. 207 of 1921, as amended).



ZONING REVISIONS

DATE	*	DATE	*

* Initials of Authorized Person

Certification
The undersigned hereby certifies that the foregoing is a true and accurate copy of the official zoning map adopted by the City Council of the City of Riverview at a regular meeting held on January 3, 2005.

Judith A. Bratcher, City Clerk
City of Riverview

Disclaimer Note
The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues.

Official Zoning Map

Base Map Source: Wayne County GIS, 12/2002
Data Source: The City of Riverview, 03/2002



Riverview, Michigan, Zoning
CODE COMPARATIVE TABLE

CODE COMPARATIVE TABLE

This table gives the location within this Zoning Ordinance of those ordinances adopted since Ord. No. 580 on January 3, 2005, which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Date	Section	Section this Code
595	9-19-2005	art. I	24.06 B.
			24.06 E.
605	4-16-2007	art. I Added	24.01 I., J.
633	10-18-2010	art. I Added	2.08
652	6- 4-2012	art. I	1.01
			11.06
			19.02, 19.03
			19.05
			20.03
			24.11
653	6- 4-2012	art. I	10.01—10.10
662	3-18-2013	art. I	17.02
		Added	17.03 F., G.
			17.05 C., C.1.
		Added	17.08
		Rnbd	17.08—17.13
		as	17.09—17.14
			25.02
676	7-20-2015	art. I	Art. 6(tit.)
		Added	6.04
684	6-20-2016	art. I	6.03 B.
685	6-20-2016	art. I	7.02 D.
694	12- 4-2017	art. I	7.02 D.
		Added	8.411
			25.02
704	8-20-2018	art. I	13.02
		Added	14.01 F.5.
			24.06 D.
716	10- 5-2020	art. I Added	24.14 N.
717	10-19-2020	art. I	3.01
			9.101