

## Appendix A - ZONING<sup>[1]</sup>

### Footnotes:

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**State Law reference**— Michigan Zoning Enabling Act, MCL 125.3101 et seq.; Michigan Planning Enabling Act, MCL 125.3801 et seq.

### ARTICLE 01. - PURPOSE AND TITLE

#### Sec. 1.01. - Short title.

This ordinance establishes comprehensive zoning regulations for City of Taylor, and provides for the administration, enforcement, and amendment of those regulations, in accordance with the provisions of the Michigan zoning enabling act (MCL 125.3101 et seq.), as amended. This ordinance shall be known and may be cited as the "City of Taylor Zoning Ordinance," the "zoning ordinance" or "this ordinance."

(Ord. No. 09-434, § 1.01, 1-20-2009)

#### Sec. 1.02. - Purpose.

The purpose of this ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to:

- (a) Implement the recommendations of the City of Taylor Master Plan.
- (b) Regulate the intensity of land development to ensure compatibility among land uses and where applicable, provide transitions between land uses to reduce the negative physical and visual impact on adjacent properties.
- (c) Provide a solid residential base that will accommodate expansion of existing neighborhoods, protect residential areas from incompatible land uses, offer a variety of housing opportunities, and support the needs of the city's residents.
- (d) Protect the character and stability of residential properties, nonresidential uses and public amenities within the city and promote orderly development and/or redevelopment of these areas.
- (e) Provide commercial and office uses that offer a diversity of services for different target markets, are appropriately located for convenience and safety, and maximizes the design potential to create aesthetic business areas in the city that reflect the intended character of the area.
- (f) Provide an organized pattern of various industrial land uses that facilitates economic development, while properly minimizing negative impacts such as noise and truck traffic, is located away from residential areas, and reflects a quality design image of the city.
- (g) Promote development and redevelopment of sites and buildings that fulfill the city's land use goals and maximize the desirability of the city for future development.
- (h) Protect and enhance natural resources and maintain views into open spaces.
- (i) Incorporate open space elements into the land use pattern in a manner that creates an interconnected, unified system and provides green space, recreation, and/or protects sensitive natural features as applicable.
- (j) Preserve, protect, and enhance the integrity, economic viability and livability of the city's neighborhoods.
- (k) Improve the appearance and design quality of nonresidential development in the city.

- (l) Create a diversified and balanced mixture of land uses that will support the economic vitality, tax base and livability of the city.
- (m) Establish controls over incompatible land uses and minimize the hazards of high-impact uses on surrounding neighborhoods.
- (n) Preserve and improve the capacity and safety of the existing street system and provide for improvements to mitigate direct impacts of new development where possible.
- (o) Create a safe, balanced, and coordinated multimodal transportation system that is pedestrian friendly and is adequate to accommodate the current and future needs of the city.

(Ord. No. 09-434, § 1.02, 1-20-2009)

Sec. 1.03. - Interpretation and conflicting regulations.

- (a) Where any provision of this ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this ordinance, the provision or standard which is more restrictive or limiting shall govern.
- (b) Where any graphic or table of this ordinance conflicts with the text of this ordinance, the text shall govern.
- (c) Except as otherwise provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building or structure is located.
- (d) No setback area or lot existing at the time of adoption of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.
- (e) The regulations established herein shall be the minimum for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this ordinance. Any uses or enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

(Ord. No. 09-434, § 1.01, 1-20-2009; Ord. No. 10-448, § 1, 4-6-2010)

Sec. 1.04. - 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; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. No. 09-434, § 1.04, 1-20-2009)

ARTICLE 02. - MAPPED DISTRICTS

Sec. 2.01. - Districts established.

For the purpose of this ordinance, the City of Taylor is hereby divided into the following districts:

**TABLE 2.01. ZONING DISTRICTS**

Type of District	Name of District
Single-family residential districts	R-1A Single-Family Residential District
	R-1B Single-Family Residential District
	R-1C Single-Family Residential District
Multiple-family residential districts	R-2 Townhouse Residential District
	RM-1 Low Rise Multiple-Family Residential District
	RM-2 High Rise Multiple-Family Residential District
Manufactured home districts	R-3 Manufactured Home Park District
Business districts	B-1 Local Business District
	B-2 Regional Business District
	B-3 General Business District
	O-1 Office District
	O-2 Regional Office District
Midtown districts	MT-1 Midtown Taylor Office/Institutional District
	MT-2 Midtown Taylor Mixed Use Commercial
Industrial districts	TRO Technology-Research-Office District
	I-1 Light Industrial District
	I-2 General Industrial District
Parking districts	P-1 Vehicular Parking District
Overlay districts	FP Floodplain Overlay District

(Ord. No. 09-434, § 2.01, 1-20-2009)

Sec. 2.02. - Zoning map.

The City of Taylor is hereby divided into zoning districts as shown on the zoning map which, along with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance. The city council may amend the zoning map following the procedures outlined in article 27, amendments to ordinance.

(Ord. No. 09-434, § 2.02, 1-20-2009)

Sec. 2.03. - District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of any of the districts established in this ordinance, as shown on the zoning map, the following rules shall apply:

- (a) *Centerline or right-of-way of streets.* Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- (b) *Lot lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) *City limits.* Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (d) *Railroad lines.* Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (e) *Water bodies.* Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- (f) *Parallel or perpendicular.* The boundaries of zoning districts are intended to follow centerlines, streets or other rights-of-way, watercourses, and lot lines, or be parallel or perpendicular thereto, unless otherwise clearly indicated on the zoning map.
- (g) *Determination.* The zoning board of appeals (ZBA) shall make a determination, upon written application or upon its own motion, in those situations where due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

(Ord. No. 09-434, § 2.03, 1-20-2009)

Sec. 2.04. - Zoning of vacated areas.

Whenever any street, alley or other public way within the City of Taylor shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it is attached.

(Ord. No. 09-434, § 2.04, 1-20-2009)

Sec. 2.05. - Zoning of annexed areas.

Whenever any area is annexed to the City of Taylor, one of the following conditions shall apply:

- (a) Land that is zoned previous to annexation shall be classified whichever district of this ordinance most closely conforms with the zoning that existed prior to annexation. Such classification shall be recommended by the planning commission for approval by the city council.
- (b) Land not zoned prior to annexation shall be automatically classified as an R-1A district until a zoning map for said area has been adopted by the city council. The planning commission shall recommend the appropriate zoning districts for such area within three months after the matter is referred to it by the city council.

(Ord. No. 09-434, § 2.05, 1-20-2009)

ARTICLE 03. - SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 3.01. - Intent.

The R-1A through R-1C Single-Family Residential Districts are intended to provide sites for single-family detached dwellings and residentially-related uses that serve the residents in the district. These districts provide a range of housing opportunities from larger suburban lots to more compact urban neighborhoods. These districts are intended to create walkable neighborhoods that are integrated into the character of the city. It is also the intent of these districts to protect natural areas and include recreational open space within neighborhoods and throughout the city.

(Ord. No. 09-434, § 3.01, 1-20-2009)

Sec. 3.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of table 3.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards, are met.
- (c) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 3.02. SINGLE-FAMILY RESIDENTIAL DISTRICTS  
SCHEDULE OF USES**

Use	R-1A	R-1B	R-1C	Additional Requirements
<b>Residential uses</b>				

Home occupations	P	P	P	section 13.01(a)
Single-family detached dwellings	P	P	P	section 13.01(b)
<b>Animal and agricultural uses</b>				
Farms and accessory roadside stands	SLU	SLU	SLU	section 13.02(b)
Stables, livestock barns and boarding stables	SLU	SLU	SLU	—
<b>Public and institutional uses</b>				
Cemeteries	SLU	SLU	SLU	section 13.03(a)
Colleges, universities, and other institutions of higher learning, offering courses in general, technical, or religious education and not operated for profit	SLU	SLU	SLU	section 13.03(b)
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	SLU	SLU	SLU	section 13.03(c)
Public buildings and uses but not including storage yards	SLU	SLU	SLU	—
Schools, elementary, offering courses in general education	SLU	SLU	SLU	—
Schools, intermediate and/or secondary, offering courses in general education	SLU	SLU	SLU	—
<b>Health care and social assistance</b>				
Adult foster care family homes (up to six adults, 24 hours per day)	P	P	P	—
Child care centers and day care centers	SLU	SLU	SLU	section 13.09(c)

Family child care homes (up to six children, less than 24 hours per day)	P	P	P	—
Foster family group home (five to six children, 24 hours per day)	P	P	P	—
Foster family home (one to four children, 24 hours per day)	P	P	P	—
Group child care homes (seven to 12 children, less than 24 hours per day)	SLU	SLU	SLU	section 13.09(f)
<b>Entertainment and recreation uses</b>				
Golf courses and country clubs	SLU	SLU	SLU	section 13.10(b)
Private open space and neighborhood parks	P	P	P	—
Private recreational facilities, public recreational facilities, and nonprofit swimming pool clubs	SLU	SLU	SLU	section 13.10(e)
Public parks and recreational facilities	P	P	P	—
<b>Utilities and waste disposal uses</b>				
Essential services and uses not requiring outdoor storage of materials of vehicles	SLU	SLU	SLU	section 13.12(c)
Wireless communication facilities and services				
Attached or collocated on existing structures	P	P	P	section 13.12(k)
New wireless communication support structure on government site	SLU	SLU	SLU	section 13.12(k)
<b>Accessory uses</b>				
Accessory buildings and uses customarily incidental to any of the principal permitted uses	P	P	P	section 15.01

Accessory buildings and uses customarily incidental to any of the principal special land uses	SLU	SLU	SLU	section 15.01
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(Ord. No. 09-434, § 3.02, 1-20-2009)

Sec. 3.03. - Area, height, and placement requirements.

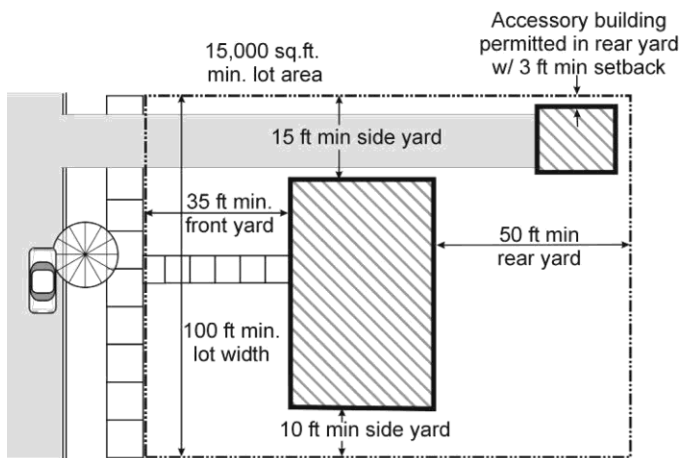
All lots and buildings shall meet the following dimensional requirements:

**TABLE 3.03. SINGLE-FAMILY RESIDENTIAL DISTRICTS  
AREA, HEIGHT AND PLACEMENT REQUIREMENTS**

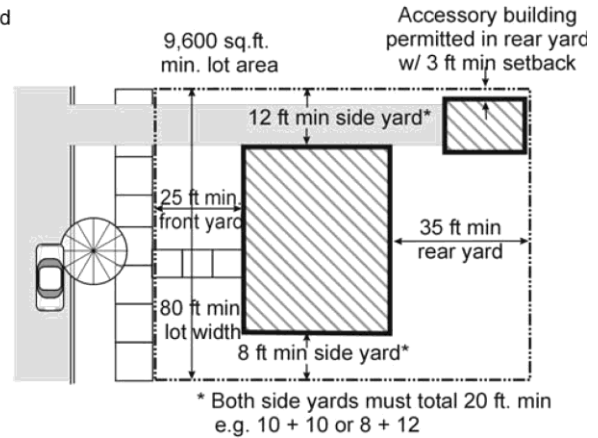
Zoning District	Minimum Zoning Lot Size Per Unit (a)		Maximum Height of Buildings		Minimum Yard Setbacks (ft.) (d, e, f)				Minimum Floor Area Per Unit (sq. ft.) (k)	Maximum Percent of Lot Area Covered (i) (percent)	
	Area (sq. ft.)	Width (ft.)	Stories	Feet (c)	Front (g, h, i)	Sides		Rear (j)		All Buildings	All Impermeable Surface
						Least One	Total Both				
R-1A	15,000 (m)	100 (m)	2.5	30	35	10	25	50	1,800	25	65
R-1B	9,600	80	2.5	25	25	8	20	35	1,500	30	65
R-1C	7,200	60	2.5	25	20	5	15	25	1,350	30	75



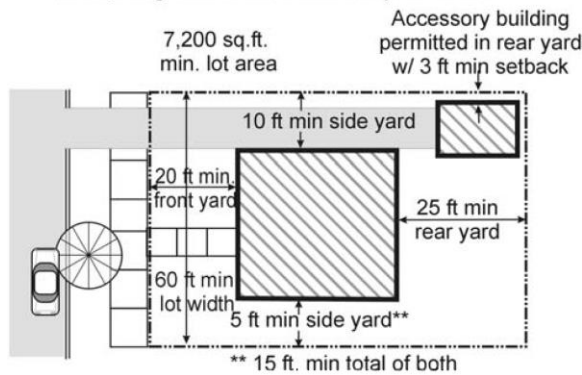
**R-1A One Family Residential  
Area, Height and Placement Requirements**



**R-1B One Family Residential  
Area, Height and Placement Requirements**



**R-1C One Family Residential  
Area, Height and Placement Requirements**



- (a) *Recreational area.* All residential developments containing more than six dwelling units shall provide a recreational area and amenities to sufficiently meet the anticipated needs of the residents of the development.
- (1) Open space/recreation areas equaling 1,500 square feet per dwelling unit shall be provided and be clearly delineated on the plat or site plan.
  - (2) The planning commission shall determine the adequacy of any proposed recreation areas and amenities, considering the type of unit, the recreation needs of anticipated residents and the proximity of nearby recreation amenities.
  - (3) Recreational amenities such as playscapes, athletic fields, trails, picnic tables or other suitable recreation facility to meet the needs of the residents shall be provided within the recreation area. Provisions for separate adult and youth recreation areas are encouraged.
  - (4) Recreation amenities shall be centrally located within neighborhoods.
  - (5) Required setbacks, buffers, greenbelts, individual lots, public rights-of-way, private road easements, wetlands and stormwater management areas shall not be considered as recreation areas.
  - (6) The recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings. Preserved natural features on the site may be counted toward meeting the open space requirement if improvements are provided that allow passive recreation use such as pathways, gazebos and picnic areas. At least one-half of the required recreation area shall be developed for active recreational use.

- (7) Recreational areas shall be irrevocably reserved for this use and required maintenance shall be the responsibility of the homeowners association unless otherwise approved by the city.
- (8) In a phased development, a land reservation and a performance guarantee meeting the requirements of section 25.08, performance guarantees, shall be required to guarantee the completion of planned improvements if not completed in the current phase.
- (b) *Lot frontage.* All lots shall have frontage on a dedicated public street. The frontage shall be of sufficient width so that the lot meets or exceeds the minimum lot width requirement at the front yard setback for in the district in which the lot is located. Flag or stacked lots that do not provide adequate frontage shall be prohibited.
- (c) *Building height.* Exceptions to building height shall be allowed as provided for in section 14.08, height limit.
- (d) *Projections into yards.* Those structures listed in section 14.11, projections into required yards, are permitted to project into required yard setbacks.
- (e) *Natural features setback.* All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- (f) *Landscape areas.* Greenbelts and buffer zones shall be provided in accordance with section 16.02, landscaping.
- (g) *Corner lot setbacks.* The front yard setback shall apply to all yards that adjoin a street including public streets, private streets and interstate highways. Corner lots and double frontage lots shall be considered to have two front yards. Buildings shall meet front setback requirements along all street frontages.
- (h) *Detention ponds.* Detention/retention ponds shall be prohibited in the required front yard setback, unless the city engineer determines there is no reasonable alternative due to existing topography and natural drainage problems. This restriction shall not apply to rain gardens, bio-retention swales, irrigation trench planters and other similar stormwater management alternatives to retention or detention ponds.
- (i) *Driveways in front yards.* Front yards shall not be paved, with exception of a maximum 16-foot wide driveway leading to a garage or dedicated parking pad, except homes with a three-car garage may have up to a 24-foot wide driveway. Refer to section 17.01, off-street parking, loading, access and circulation requirements, for additional requirements for residential parking.
- (j) *Railroad setback.* Principal residential structures shall be setback from any railroad right-of-way the minimum rear yard setback of the zoning district.
- (k) *Floor area.* The required dwelling unit floor area does not include basements, utility rooms, breezeways, porches, or attached garages.
- (l) *Lot coverage.* Maximum lot coverage shall be regulated by two measures:
  - (1) The maximum percent of the lot area that can be covered by buildings.
  - (2) The maximum percent of the lot area that can be covered by buildings plus other impermeable surfaces, such as pavement, decks and pools.
- (m) *R-1A lot sizes.* Where a division is proposed to an existing recorded lot in a platted subdivision, the resulting lots shall not have an area or width that is less than the median lot area and width for the other lots in the subdivision. This shall apply to the creation of a new building site through a land division, subdivision or site condominium.

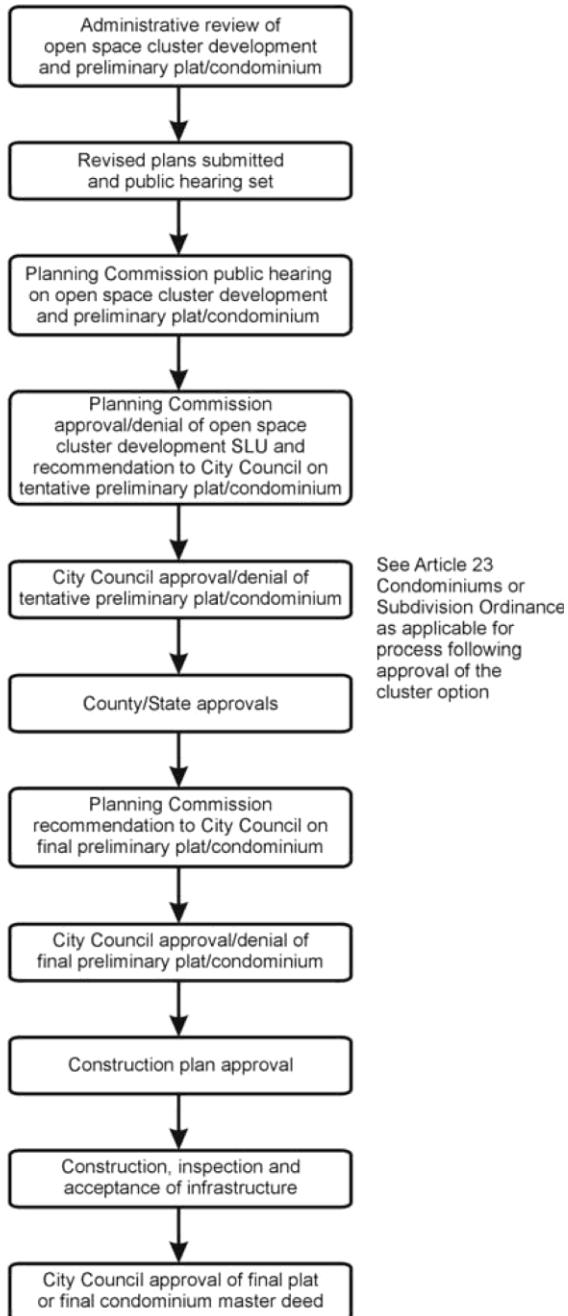
(Ord. No. 09-434, § 3.03, 1-20-2009)

Sec. 3.04. - Open space preservation (cluster) development.

- (a) *Intent.* This section permits, by special land use approval, residential development which, through innovative design, will encourage creative development benefiting the total community by preserving desirable open space in the form of woodlands, wetlands and other natural assets, or providing useable open space as an integral part of the residential living environment. This development option is also intended to be applied to infill parcels or sites exhibiting unusual characteristics or land use relationships. These provisions are not intended to result in an increase in density, but rather to allow for a more creative distribution of the permitted number of dwelling units on designated portions of the site.
- (b) *Qualification of parcel.* At least one of the following qualifications must be demonstrated to approve an open space preservation development:
- (1) The parcel contains natural assets, supported by documented evidence, which will be preserved through as an integral part of the design. These assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, steep topography, bodies of water (e.g., streams or ponds), or other natural features that should be preserved.
  - (2) The parcel contains floodplain or wetlands that would be preserved as undeveloped common open space.
  - (3) At least 20 percent of the site will be set aside as open space for conservation or active recreational purposes.
  - (4) Unusual physical characteristics, such as size or shape of the parcel, are present that reasonably prevent using conventional development.
  - (5) Conventional development would result in a substantial number of the lots abutting a major or secondary thoroughfare and be subjected to disturbance by vehicular traffic, noise and lights.
  - (6) The adjoining or adjacent land uses warrant a creative development alternative to facilitate a suitable transition between uses.
- (c) *Density.* The number of dwelling units allowable within an open space preservation development shall be determined through preparation of a alternate conventional development plan. The alternate conventional development plan shall show how the site would be developed with a conventional subdivision based upon the existing zoning district. The alternate conventional development plan is intended only to illustrate the allowable density for a site based upon the existing zoning district and is not an approved development plan.
- (1) The applicant shall present to the planning commission for review, an alternate conventional development plan for the project that is consistent with state, county, and city requirements and design criteria for a tentative preliminary plat. The alternate conventional development plan shall include sufficient right-of-way for roadways, common park area, and contain sufficient area for stormwater detention.
  - (2) The alternate conventional development plan shall provide lots meeting all dimensional standards of the zoning district. Lots may include wetlands or other unbuildable land provided that a buildable area for each lot is available.
  - (3) Once the allowed density is determined, then the same number of units shall be used for the open space preservation development.
- (d) *Dwelling unit type.* Detached and attached single-family units are permitted. The maximum number of attached units permitted in a single building is four.
- (e) *Placement and building requirements for attached units.* All attached units shall comply with the following requirements:
- (1) All principal buildings shall be set back at least 35 feet from all perimeter lot lines of the development site, including major streets. Accessory buildings, common parking areas and driveways may be located a minimum of ten feet from any adjoining lot line, except a street right-of-way.

- (2) Buildings shall be set back at least 25 feet from the internal street right-of-way line. For private streets where there is no public right-of-way or access easement, the required front yard setback shall be measured from a parallel line 30 feet from the centerline of the street.
  - (3) A setback of at least 15 feet shall be provided between the sides of buildings. There shall be at least 40 feet between the backs of residential buildings.
  - (4) The minimum required floor area shall be as required by the applicable district within which the parcel is located.
  - (5) No dwelling unit shall exceed a height of 25 feet.
  - (6) Variety in the design of individual groups of units shall be provided through the use of design details to avoid a continuous or repetitious appearance.
- (f) *Placement standards for detached units.*
- (1) To achieve the minimum open space requirement, lot areas and widths may be reduced below the district requirements; provided that an area equal to or greater than the total net area of lot reduction for the development shall be set aside as common open space.
  - (2) The setback requirements of the district may be reduced by up to 25 percent. The setbacks may be further reduced by the planning commission upon a specific finding that it will result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of additional natural features.
  - (3) The maximum building height shall meet the requirements of the district.
  - (4) The minimum dwelling unit floor area shall meet the requirements of the district.
- (g) *Open space.*
- (1) A minimum of 20 percent of the site shall be set aside as common open space for conservation or recreational purposes. At least one-half of the required open space shall be useable for recreation.
  - (2) The open space preservation development shall meet all of the design standards required by the city subdivision regulations.
  - (3) The master deed shall provide that all designated open space will be irrevocably dedicated for that purpose and shall prohibit use of the open space for future development. The city may require that conveyances or other documents be placed in escrow to accomplish this purpose. The master deed required by this section shall be reviewed and approved by the city, at the applicant's cost. A performance guarantee in accordance with section 25.08, performance guarantees may be required.
- (h) *General development requirements.*
- (1) At least two deciduous trees per dwelling unit meeting the size requirements of section 16.02, landscaping, shall be planted along internal streets and throughout the development portion of the site.
  - (2) A greenbelt in accordance with table 16.02.a shall be provided, in addition to any rear yard setback, along any part of the property that abuts a major street. The greenbelt or an equivalent natural buffer shall be landscaped with an undulating landscaped berm. Berms shall be planted with grass and slopes shall be gentle enough to avoid erosion. Berm locations shall be designed so that the view of oncoming traffic is not obscured.
  - (3) Sidewalks are required along all streets in accordance with the city's subdivision regulations and section 16.04, sidewalks. A pedestrian circulation plan shall be submitted and approved by the planning commission for the lands included in the open space.

**Open Space Cluster Development and Plat/Condominium Process**



- (i) *Review procedures.* Applications for residential open space preservation developments shall reviewed in accordance with the following process:
  - (1) *Special land use and preliminary plan review.*
    - a. In submitting an application for qualification of a parcel for open space preservation development to the planning commission, the petitioner shall include documentation substantiating one or more of the characteristics outlined in section 3.04(b), qualification of parcel. The qualification approval shall remain valid for a period of 18 months from the date of the special land use and concept plan approval.

- b. The application shall include an aerial photograph depicting the entire site and a concept plan (drawn to scale) showing how the petitioner intends to develop the site. At a minimum the concept plan shall include the following:
    - 1. Outline of the property showing the relationship of abutting properties and/or structures.
    - 2. Placement and basic configuration of buildings.
    - 3. Circulation patterns.
    - 4. Preservation/open space areas.
    - 5. Density calculations and number of units proposed.
    - 6. Buffering/screening techniques to be used.
  - c. The petitioner shall also submit a tentative preliminary plat or a preliminary condominium site plan with the special land use for concurrent review. Tentative preliminary plat applications shall meet all of the requirements of the city subdivision regulations. Tentative preliminary condominium plans shall meet all of the requirements of article 23, condominiums.
  - d. Upon receipt of the completed application, the request shall be given to the planning commission for placement on an agenda as a special land use as provided in article 21, special land use review. Following the public hearing, the planning commission shall take action on the special land use and make a recommendation to the city council on the tentative preliminary plat or condominium, as applicable.
  - e. Once the city council approves the tentative preliminary plat or condominium, as applicable, the approved plan shall become the basis for the final approval process.
  - f. Substantial departures from the tentative preliminary plat or condominium shall require a public hearing and approval of a new plan following the process above.
- (2) *Final plan review.* Following approval of the special land use and tentative preliminary plat approval or site condominium, as applicable, the applicant shall prepare detailed plans for final approval. Final plans along with a draft of the master deed and bylaws or restrictive covenants shall be submitted for approval of the final preliminary plat or final condominium site plan in accordance with the applicable process under the city subdivision regulations or article 23, condominiums. All final preliminary plats or condominium plans shall conform with the tentative preliminary plan, all conditions attached to the special land use approval, and the other requirements of this ordinance.
- (j) *Appeals.* The zoning board of appeals (ZBA) shall not have the authority to hear appeals of the planning commission's decision to approve or deny a special land use for an open space preservation development, nor to grant variances to the specific standards of this section or any conditions imposed on preliminary approval. The ZBA may hear requests for variances to dimensional requirements of individual lot owners following approval of the final site plan for the development.

(Ord. No. 09-434, § 3.04, 1-20-2009)

#### ARTICLE 04. - MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

##### Sec. 4.01. - Intent.

- (a) The R-2 Townhouse Residential District is designed as an intermediate density zoning district that allows a variety of housing types, including the single-family attached dwelling commonly termed the townhouse. It is intended that this district be used primarily on collector streets on smaller land parcels and in situations where the close proximity of single-family detached housing developments would be adversely influenced by the higher density traditional multiple family complex. It is intended to encourage development which, though multiple-family in nature, is closer in character or scale to

single-family development, with duplexes and attached townhouses, each having individual entrances, yards, driveways and garages.

- (b) The RM-1 Low Rise Multiple-Family Residential District is intended to provide sites for multiple-family dwellings of low-rise construction and residentially-related uses that serve the residents in the district. This district is intended to provide a proper environment for families that are smaller in size than those living in single-family dwellings, who wish to live in low-rise multiple-family dwellings. The RM-1 district is designed to furnish sites for various types of attached single-family and multiple-family dwelling structures and may serve as a transition between nonresidential districts and lower density single-family residential districts.
- (c) The RM-2 High Rise Multiple-Family Residential District is intended to provide sites for multistory multiple-family dwelling structures primarily for the elderly. These structures shall serve the residential needs of elderly persons desiring multiple-family accommodations with central services.

(Ord. No. 09-434, § 4.01, 1-20-2009)

Sec. 4.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of table 4.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards are met.
- (c) *Not permitted (—)*. The use is not permitted in the district.
- (d) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 4.02. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS  
SCHEDULE OF USES**

Use	R-2	RM-1	RM-2	Additional Requirements
<b>Residential uses</b>				
Home occupations	P	P	—	section 13.01(a)
Multiple-family dwellings	—	P	P	section 13.01(c)
Single-family detached dwellings, when occupied by the caretaker or manager of the multiple-family rental complex	—	SLU	SLU	section 13.01(b)

Stacked dwelling units	P	P	P	section 13.01(c)
Townhouse dwellings	P	P	P	section 13.01(c)
Two-family dwellings	P	—	—	section 13.01(c)
<b>Public and institutional uses</b>				
Cemeteries	SLU	SLU	—	section 13.03(a)
Colleges, universities, and other institutions of higher learning, offering courses in general, technical, or religious education and not operated for profit	SLU	SLU	—	section 13.03(b)
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	SLU	SLU	—	section 13.03(c)
Public buildings and uses but not including storage yards	SLU	SLU	SLU	—
Schools, elementary, offering courses in general education	SLU	SLU	SLU	—
Schools, intermediate and/or secondary, offering courses in general education	SLU	SLU	SLU	—
<b>Other services</b>				
Personal service uses on the first floor of a multiple-story building and not exceeding 10,000 sq. ft.	—	—	P	—
<b>Health care and social assistance</b>				
Adult foster care family homes (up to six adults, 24 hours per day)	P	P	P	—
Adult foster care large group homes (13 to 20 adults)	P	P	P	section 13.09(a)

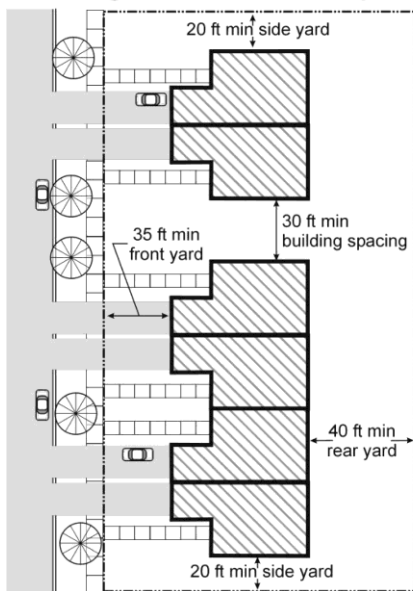


Adult foster care small group homes (seven to 12 adults)	P	P	P	section 13.09(b)
Child care centers and day care centers	SLU	SLU	—	section 13.09(c)
Convalescent homes and nursing homes	—	SLU	P	section 13.09(d)
Family child care homes (up to six children, less than 24 hours per day)	P	P	P	—
Foster family group home (five to six children, 24 hours per day)	P	P	P	—
Foster family home (one to four children, 24 hours per day)	P	P	P	—
Group child care homes (seven to 12 children, less than 24 hours per day)	SLU	SLU	P	section 13.09(f)
Senior assisted living	—	SLU	P	section 13.09(h)
Senior independent living	—	SLU	P	section 13.09(i)
<b>Entertainment and recreation uses</b>				
Golf courses and country clubs	SLU	SLU	—	section 13.10(b)
Private open space and neighborhood parks	P	P	P	—
Private recreational facilities, public recreational facilities, and nonprofit swimming pool clubs	SLU	SLU	—	section 13.10(e)
Public parks and recreational facilities	P	P	P	
<b>Utilities and waste disposal uses</b>				

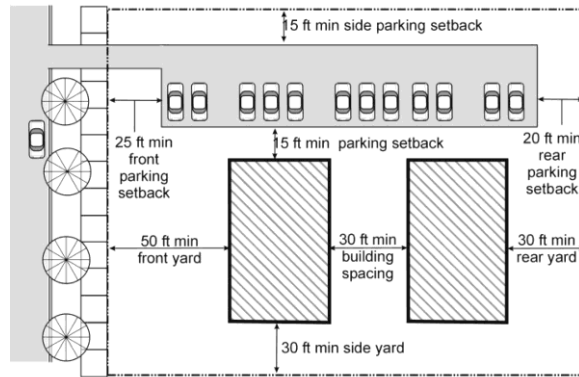


R-2	8	45	2	25	35	25	20	15	40	20	900	30	—
RM-1	15	—	2	25	50	25	30	15	30	20	700	30	—
RM-2	30	—	5	60(r)	75	25	75	15	75	20	600	30	—

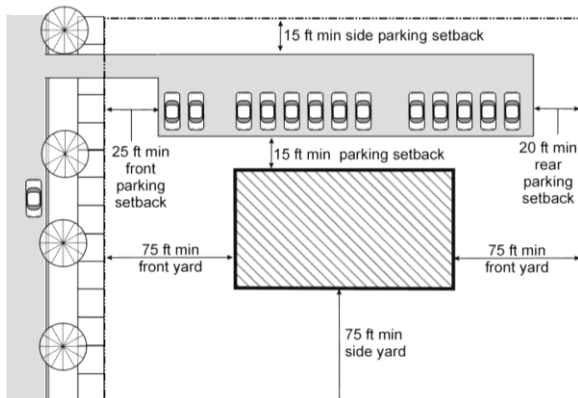
**R-2 Townhouse  
Area, Height and Placement Requirements**



**RM-1 Low-Rise Multiple-Family  
Area, Height and Placement Requirements**



**RM-2 High-Rise Multiple-Family  
Area, Height and Placement Requirements**



(a) *Recreational area.* Recreation areas and amenities shall be provided to sufficiently meet the anticipated needs of the residents of the development.

(1) Open space/recreation areas equaling 400 square feet per dwelling unit shall be provided and be clearly delineated on the site plan.

- (2) The planning commission shall determine the adequacy of any proposed recreation areas and amenities, considering the type of unit, the recreation needs of anticipated residents and the proximity of nearby recreation facilities.
  - (3) Recreational amenities such as playscapes, athletic fields, trails, picnic tables or other suitable recreation facility to meet the needs of the residents shall be provided within the recreation area. Provisions for separate adult and youth recreation areas are encouraged.
  - (4) Recreation amenities shall be centrally located within neighborhoods.
  - (5) Required setbacks, buffers, greenbelts, individual lots, public rights-of-way, private street easements, wetlands and stormwater management areas shall not be considered as recreation areas.
  - (6) The recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings. Preserved natural features on the site may be counted toward meeting the open space requirement if improvements are provided that allow passive recreation use such as pathways, gazebos and picnic areas. At least one-half of the required recreation area shall be developed for active recreational use.
  - (7) Recreational areas shall be irrevocably reserved for this use and required maintenance shall be the responsibility of the homeowners association unless otherwise approved by the city.
  - (8) In a phased development, a land reservation and a performance guarantee meeting the requirements of section 25.08, performance guarantees, shall be required to guarantee the completion of planned improvements if not completed in the current phase.
- (b) *Lot frontage.* All lots shall have frontage on a dedicated public street. The frontage shall be of sufficient width so that the lot meets or exceeds the minimum lot width requirement at the front yard setback for in the district in which the lot is located. Flag or stacked lots that do not provide adequate frontage shall be prohibited.
  - (c) *Access.* All multiple-family developments shall have direct access to major or secondary thoroughfares. All public streets shall meet the city street standards. All private streets shall have a minimum width of 31 feet.
  - (d) *Building length.* The maximum length of continuous and/or contiguous buildings shall not exceed 200 feet.
  - (e) *Building height.* Exceptions to building height shall be allowed as provided for in section 14.08, height limit.
  - (f) *Yards maintained as landscaped open space.* All buildings, parking, loading driveways, circulation aisles, and storage areas shall meet the setback requirement. Setback areas shall be provided with landscape greenbelts and buffer zones as required in section 16.02, landscaping.
  - (g) *Projections into yards.* Those structures listed in section 14.11, projections into required yards, are permitted to project into required yard setbacks.
  - (h) *Natural features setback.* All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
  - (i) *Building spacing.* The setback requirements indicated in table 4.03.a shall be measured from the perimeter of the lot. Internal setbacks shall be as follows:
    - (1) There shall be at least 30 feet between any two principal buildings in the R-2 and RM-1 districts. The building spacing may be reduced to 20 feet between the sides of two townhouse or two-family buildings.
    - (2) Where two or more multiple-family structures are erected on the same lot or parcel in the RM-2 district, they shall be separated by at least 50 feet, plus one foot for each two feet of the total combined height of the two structures.

- (3) The minimum yard, spacing, and setback requirements (both perimeter and interior) may be reduced by up to ten feet if the same space is increased by an equal amount on the opposite side of the building.
- (j) *Buffer from single-family residential districts.* The area within setbacks which abut a single-family residential district shall be maintained as landscaped open space unoccupied and unobstructed by any sign, building, paving or any use or activity that may be detrimental to adjacent single-family uses.
- (k) *Single-family residential.* Detached single-family residential located on individual lots shall meet the setbacks and building height requirements of the R-1B district.
- (l) *Freeway and railroad setback.* All dwelling units shall be setback a minimum of 200 feet from a freeway or railroad right-of-way.
- (m) *Front yard setback.* The front yard setback shall apply to all yards that adjoin a street including public streets, private streets and interstate highways. Corner lots and double frontage lots shall be considered to have two front yards. All buildings and parking areas shall meet the front yards setback requirement. Detention/retention ponds shall be prohibited in the required front yard setback, unless the city engineer determines there is no reasonable alternative due to existing topography and natural drainage problems. This restriction shall not apply to rain gardens, bio-retention swales, irrigation trench planters and other similar stormwater management alternatives to retention or detention ponds.
- (n) *Parking and building setbacks.* A minimum 15-foot setback from all internal streets, drives and parking areas shall be provided for multiple-family, two-family and attached single-family residential units. This setback shall not apply to individual unit driveways; provided, driveways shall maintain a minimum 25 feet between the building and a sidewalk for the parking of a vehicle without blocking the sidewalk.
- (o) *Front yard setback.* The planning commission may decrease the minimum front yard setback requirement for buildings by up to 50 percent where all of the following are met:
- (1) The building is designed to create a pedestrian-friendly environment.
  - (2) The parking lot is not located in the front yard or, where there are individual garages, the garages are side entry, rear entry or front entry with a 25-foot setback from the front lot line.
  - (3) The building design and reduced setback are consistent with the overall character of the neighborhood.
- (p) *Lot coverage.* Maximum lot coverage shall be regulated by two measures:
- (1) The maximum percent of the lot area that can be covered by buildings.
  - (2) The maximum percent of the lot area that can be covered by buildings plus other impermeable surfaces, such as pavement, decks and pools.
- (q) *Floor area.* The minimum floor area per dwelling unit shall not include area of attics, basements, utility rooms, breezeways, porches, or attached garages.
- (r) *Senior housing.*
- (1) The maximum density for elderly housing and congregate housing shall be: 30 units per acre in the RM-1 district and 60 units per acre in the RM-2 district.
  - (2) In the RM-2 district, the maximum building height may be increased to seven stories and 77 feet for buildings designed exclusively for elderly housing and congregate housing.
  - (3) The minimum floor area for elderly housing and congregate housing shall be in accordance with table 4.02.b.

TABLE 4.02.B. MINIMUM FLOOR AREAS FOR SENIOR HOUSING

	One Bedroom	Two Bedroom
Elderly housing	530 sq. ft.	630 sq. ft.
Congregate housing	350 sq. ft.	450 sq. ft.

(Ord. No. 09-434, § 4.03, 1-20-2009)

ARTICLE 05. - MANUFACTURED HOME PARK DISTRICTS<sup>21</sup>

Footnotes:

--- (2) ---

**State Law reference**— Mobile home park commission act, MCL 125.2301 et seq.

Sec. 5.01. - Intent.

The R-3 Manufactured Home Park District is to provide areas of such size and location as will encourage good manufactured home park developments served by necessary community services, and capable of protecting the health, safety and welfare of the residents.

(Ord. No. 09-434, § 5.01, 1-20-2009)

Sec. 5.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of table 5.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards, are met.
- (c) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 5.02. MANUFACTURED HOME PARK DISTRICTS  
SCHEDULE OF USES**

Use	R-3	Additional Requirements
<b>Residential uses</b>		
Home occupations	P	section 13.01(a)
Manufactured home parks and manufactured home subdivisions	P	section 5.03
Manufactured homes located in a manufactured home park	P	section 5.03
<b>Public and institutional uses</b>		
Places of worship, and other facilities normally incidental thereto	SLU	section 13.03(d)
Public buildings and uses, but not including storage yards	SLU	—
Schools, elementary, offering courses in general education	SLU	—
Schools, intermediate and/or secondary, offering courses in general education	SLU	—
<b>Health care and social assistance</b>		
Adult foster care family homes (up to six adults, 24 hours per day)	P	—
Adult foster care large group homes (13 to 20 adults)	P	section 13.09(a)
Adult foster care small group homes (seven to 12 adults)	P	section 13.09(b)
Child care centers and day care centers	SLU	section 13.09(c)
Family childcare homes (up to six children, less than 24 hours per day)	P	—
Foster family group home (five to six children, 24 hours per day)	P	—
Foster family home (one to four children, 24 hours per day)	P	—
Group child care homes (seven to 12 children, less than 24 hours per day)	SLU	section 13.09(f)

<b>Entertainment and recreation uses</b>		
Golf courses and country clubs	SLU	section 13.10(b)
Private open space and neighborhood parks	P	—
Private recreational facilities, public recreational facilities, and nonprofit swimming pool clubs	SLU	section 13.10(e)
Public parks and recreational facilities	P	—
<b>Utilities and waste disposal uses</b>		
Essential services and uses not requiring outdoor storage of materials or vehicles	SLU	section 13.12(c)
Wireless communication facilities and services		
Attached or collocated on existing structures	P	section 13.12(k)
New wireless communication support structure on government site	SLU	section 13.12(k)
<b>Accessory uses</b>		
Accessory buildings and uses customarily incidental to any of the principal permitted uses	P	section 15.01
Accessory buildings and uses customarily incidental to any of the principal special land uses	SLU	section 15.01

(Ord. No. 09-434, § 5.02, 1-20-2009)

Sec. 5.03. - Area, height and placement requirements.

(a) All lots and buildings shall meet the following dimensional requirements:

**TABLE 5.03. MANUFACTURED HOME PARK DISTRICTS  
AREA, HEIGHT AND PLACEMENT REQUIREMENTS**



Zoning District	Maximum Height of Buildings		Minimum Yard Setbacks (ft.)		
	Stories	Feet	Front	Side	Rear
R-3	2	25	50	10	10

- (b) *Site plan review of manufactured home parks.* See article 19, site plan review, for regulations regarding site plans.
- (c) *Off-street parking and loading.* Parking within the manufactured home park shall be provided in accordance with the requirements of the mobile home commission.
- (d) *Lot area.* The minimum required lot area for a manufactured home park shall be 15 acres.
- (e) *Manufactured home park development requirements.*
- (1) The manufactured home park shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
  - (2) There shall be not less than 720 square feet of floor area within each manufactured home. The floor area of any porch, sun deck, or other structure shall not be used to meet this requirement.
  - (3) The placement of manufactured homes within a manufactured home park shall meet the following internal setback requirements.
    - a. Twenty feet from any part of an attached or detached structure or an adjacent manufactured home that is used for living purposes.
    - b. Ten feet from an on-site parking space of an adjacent manufactured home site.
    - c. Ten feet from an attached or detached structure or accessory building of an adjacent manufactured home which is not used for living purposes.
    - d. Fifty feet from a permanent building.
    - e. Ten feet from the edge of an internal street.
    - f. Seven feet from a parking bay.
    - g. Seven feet from a common sidewalk.
  - (4) Manufactured home parks shall be landscaped as follows:
    - a. If the manufactured home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
    - b. If the park abuts a nonresidential development, the park need not provide landscape screening.
    - c. In all cases, however, a park shall provide landscape screening along the park boundary abutting a public right-of-way.

- d. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
  - e. Exposed ground surfaces in all parts of the manufactured home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (5) Open space shall be provided as required by Rule 946 of the mobile home commission and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.
  - (6) All streets within the park shall be constructed and paved in accordance with AASHTO (American Association of State Highway Transportation Officials) specifications specified in Rule 922 of the mobile home commission.
  - (7) The manufactured home park shall be provided with a walk system in conformance with the requirements of the Rule 928 of the mobile home commission.
  - (8) Each manufactured home site shall conform with mobile home commission requirements of Rule 602 for installation of mobile homes.
  - (9) The grounds of a manufactured home park shall be graded to drain properly into storm sewers.
    - a. If concrete pads are used with a well to receive the wheels of the manufactured home, such well shall be provided with a separate storm sewer connection which shall be adequate to drain any stormwater which might enter the well into the park's storm sewerage system.
    - b. All storm sewers shall be constructed in accordance with the state department of natural resources and environment manufactured home park standards, R325.3342 through R325.3346, by the developer.
  - (10) Site built single-family dwellings may be located in a manufactured home park as permitted by the mobile home commission.
- (i) *General requirements for manufactured home parks.*
    - (1) All manufactured home sites and all other buildings shall be connected to the sanitary sewer and water system of the city, if the systems are available within 200 feet of the manufactured home park at the time of preliminary plan approval.
    - (2) If public water or sewer is unavailable, the park shall connect to a state approved system.
    - (3) There shall be a maximum of two 16-square-foot monument signs per street frontage with an entrance that shall bear only the name of the manufactured home park. Such signs shall be located ten feet from the lot line/right-of-way line and shall comply with article 18, signs, and may be lighted, provided that the source of light is internal and/or shielded downward so as not to interfere with the vision of persons/traffic on adjacent right-of-way or property and is not of the flashing or intermittent type.
    - (4) The business of selling or storing new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured home development provided the development permits the sale.
    - (5) All other requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), as amended, and the most recent mobile home commission rules shall apply.

- (6) Two access points shall be provided to a major street to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park streets shall be interpreted as satisfying this requirement.

(Ord. No. 09-434, § 5.03, 1-20-2009)

#### ARTICLE 06. - BUSINESS AND OFFICE DISTRICTS

##### Sec. 6.01. - Intent.

- (a) The B-1 Local Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. B-1 district designations are located within close proximity to areas planned for large residential populations, and are intended to serve the immediate vicinity so as not to create unnecessary additional traffic. In order to promote business development compatible with nearby residential, uses are prohibited that would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation.
- (b) The B-2 Regional Business District is intended to serve a larger population than is serviced by a B-1 district. The district is general characterized by an integrated or planned cluster of establishments serviced by a common parking area and generating a large volume of vehicular and pedestrian traffic. The intent of this district is also to encourage the concentration of regional business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid encouraging marginal strip, business development along arterial streets. Special attention must be focused on site layout, building design, vehicular and pedestrian circulation and coordination of site features between adjoining sites.
- (c) The B-3 General Business District is intended to provide for retail commercial services dependent on major street traffic. The uses in the B-3 district will be more automotive oriented and serve a market that includes city residents and residents from surrounding communities. The permitted uses would be located at the juncture of principal streets and are generally not appropriate immediately adjacent to residential zoning districts. Special attention must be focused on site layout, building design, vehicular circulation and buffering from other nearby uses.
- (d) The O-1 Office District is intended to accommodate uses such as offices for professional and business services, planned office developments, as well as appropriately located related and ancillary services and uses. The O-1 district is intended to permit those office and personal service uses which will establish an appropriate district for uses which do not generate large volumes of traffic, traffic congestion, and parking problems, and which will promote the most desirable use of land in accordance with the master plan. The O-1 district is further intended to provide a buffer or zone of transition between residential and commercial districts and between residential districts and arterial streets.
- (e) The O-2 Regional Office District is designed and intended to accommodate large office buildings and restricted related retail and service establishments which service large numbers of people. The O-2 district is intended to permit those office and personal service uses which will provide office buildings in landscaped settings to create office parks or landmark office buildings.

(Ord. No. 09-434, § 6.01, 1-20-2009)

##### Sec. 6.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 6.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards, are met.
- (c) *Not permitted (—)*. The use is not permitted in the district.
- (d) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 6.02. BUSINESS AND OFFICE DISTRICTS  
SCHEDULE OF USES**

Use	O-1	O-2	B-1	B-2	B-3	Additional Requirements
<b>Animal and agricultural uses</b>						
Commercial kennels	—	—	—	—	SLU	Section 13.02(a)
Pet daycare	—	—	SLU	SLU	SLU	Section 13.02(c)
Pet grooming and obedience training with no boarding	—	—	P	P	P	—
Veterinary clinics and hospitals, not including outdoor kennels and runs	P	P	—	—	P	Section 13.02(d)
<b>Public and institutional uses</b>						
Business or technical colleges	—	P	—	SLU	SLU	—
Colleges, universities, and other institutions of higher learning, offering courses in general, technical, or religious education and not operated for profit	SLU	P	—	SLU	SLU	Section 13.03(b)
Large-scale institutional uses, places of public assembly and places of worship with a seating capacity of 1,500 people or more or parking for 500 vehicles or more	SLU	SLU	SLU	SLU	SLU	Section 13.03(d)
Public buildings and uses but not including storage yards	P	P	P	p	P	—

Union halls	—	—	—	P	P	
<b>Retail uses</b>						
Antique and collectible shop	—	—	—	SLU	—	—
Firearms dealers, distributors and repair shops	—	—	—	SLU and RLU	SLU and RLU	Article 20
Liquor stores with more than 30 percent of floor area dedicated to the sales of alcoholic beverages	—	—	SLU	SLU	SLU	—
Lumber and building material sales and storage yards and/or nonindustrial rental equipment centers	—	—	—	—	SLU	Section 13.04(a)
Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies, and equipment and similar uses	—	—	—	SLU	SLU	Section 13.04(b)
Outdoor display, sales, storage	—	—	—	—	SLU	—
Pawn shops, excluding automobile pawn facilities	—	—	—	SLU and RLU	SLU and RLU	Article 20
Precious metal and gem dealers purchasing from the general public	—	—	—	SLU and RLU	SLU	Section 13.04(c)
Replacement parts sales (new or econditioned only)	—	—	—	—	P	—
Resale shops	—	—	—	SLU and RLU	SLU	—
Retail and personal service uses on the first floor of a multiple story building. not exceeding 10,000 sq. ft. in O-2	—	SLU	P	P	P	—

Retail businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building						
Uses up to 12,000 sq. ft. net floor area	—	—	P	P	P	—
Uses between 12,000 and 60,000 sq. ft. net floor area	—	—	P	P	P	Section 13.04(d)
Uses 60,000 sq. ft. of net floor area or more	—	—	SLU	SLU	SLU	Section 13.04(d)
Retail business offering a drive-through service	—	—	—	SLU	SLU	Section 13.04(e)
<b>Motor vehicle uses</b>						
Automobile filling stations	—	—	—	SLU	SLU	Section 13.05(a)
Automobile rental establishments	—	—	—	—	SLU	—
Bus passenger stations	—	—	—	P	P	—
Motor vehicle maintenance and minor repair	—	—	—	—	SLU	Section 13.05(d)
Motor vehicle wash and detail establishments	—	—	—	—	SLU	Section 13.05(f)
Moving van, small truck and trailer rental	—	—	—	—	SLU	—
New and used automobile, boat, mobile home, recreation vehicle sales, including outdoor display areas	—	—	—	—	SLU	Section 13.05(g)
<b>Lodging and food service</b>						
Banquet halls	—	—	P	P	P	—

Carryout restaurants	—	—	P	P	P	Section 13.06(a)
Cocktail lounge/nightclub/bar (not including adult regulated)	—	—	—	SLU	SLU	Section 13.06(c)
Drive-in restaurants	—	—	—	SLU	SLU	Section 13.06(a)
Drive-through restaurants	—	—	—	SLU	SLU	Section 13.06(a)
Food/beverage service with accessory outdoor seating	—	SLU	SLU	P	P	Section 13.06(b)
Hotels and motels	—	P	—	P	P	—
Restaurants designed exclusively for consumption of food or beverages without a liquor license	—	SLU	P	P	P	—
Taverns/pubs/microbrewery (restaurants with liquor license but less than 30 percent bar area)	—	SLU	SLU	SLU	SLU	Section 13.06(c)
Restaurants with open front windows	—	—	SLU	P	P	—
<b>Other services</b>						
Barber shops, beauty parlors, health spas and therapeutic massage	SLU	—	P	P	P	—
Laundry or dry cleaning establishments, coin-operated laundromats, and self-serve dry cleaning establishments, dealing directly with the consumer	—	—	P	P	P	—
Photographic studios	P	P	P	P	P	—
Service establishment of an office, showroom, or workshop nature of an taxidermist, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction or similar service establishments which require a retail	SLU	—	P	P	P	—

adjunct, providing such use is within a completely enclosed building and excludes outside storage yards						
Tattoo parlor	—	—	—	SLU and RLU	SLU and RLU	Article 20
Tool and equipment rental, nonindustrial, which may include outdoor storage	—	—	—	—	SLU	Section 13.07(a)
<b>Finance, insurance, real estate, professional</b>						
Business service establishments, such as typing services, employment services, photocopying services, quick-print establishments, or office supply store	P	P	P	P	P	—
Conference centers, convention facilities, corporate education and training facilities	—	P	—	P	P	—
Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment	P	P	P	P	P	—
Financial establishments such as banks, credit unions, savings and loan associations						
With up to three drive-through teller lanes	P	P	P	P	P	Section 13.08(a)
With more than three drive-through teller lanes	SLU	SLU	—	SLU	SLU	Section 13.08(a)
Freestanding automated teller machine kiosks not located on a bank site	—	—	—	SLU	SLU	—
Insurance offices, brokerage houses and real estate offices	P	P	P	P	P	—
Newspaper offices	P	P	—	P	P	—



Freestanding automated teller machine kiosks not located on a bank site	P	P	P	P	P	—
<b>Health care and social assistance</b>						
Adult day care centers	P	P	P	P	P	—
Child care centers and day care centers	SLU	SLU	P	P	P	Section 13.09(c)
Funeral homes or mortuary establishments	P	P	—	SLU	P	Section 13.09(e)
Health care facilities such as hospitals, 24-hour urgent care centers and rehabilitation centers	P	P	—	—	P	Section 13.09(g)
Medical and dental offices, including clinics	P	P	P	P	P	—
<b>Entertainment and recreation uses</b>						
Adult regulated uses including: adult personal service establishment, adult supply (book) store, adult theater, adult physical culture establishment and group A cabarets	—	—	—	—	SLU and RLU	Article 20
Arcades, excluding adult arcades	—	—	—	SLU	SLU	—
Assembly halls and concert halls when conducted completely within enclosed buildings	—	—	—	SLU	SLU	—
Bowling alleys	—	—	—	P	P	—
Indoor recreation uses such as gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, rock climbing facilities, and similar recreational uses	—	—	—	P	P	—
Outdoor recreation uses, such as golf driving range, or court sports facilities, miniature golf, tennis and similar recreation uses, excluding gun ranges	—	—	—	SLU	SLU	Section 13.10(c)

Pool and billiard halls	—	—	—	SLU	SLU	—
Private club, fraternal organizations, and lodge halls	—	—	P	P	P	Section 13.10(d)
Public parks and recreational facilities	P	P	P	P	P	—
Recreational, health services and related uses including health clubs or gyms; dance schools, martial arts instruction, saunas, tanning salons or businesses providing whirlpool baths, or mineral baths	SLU	—	—	P	P	—
Shooting ranges when totally enclosed in a building	—	—	—	SLU and RLU	SLU and RLU	Article 20
Television and radio stations	—	—	—	P	P	—
Theaters (indoor, motion picture or live performance, but not adult regulated)	—	—	—	P	P	—
<b>Transportation and warehousing uses</b>						
Bus and railroad passenger stations	—	—	—	P	P	—
<b>Utilities and waste disposal uses</b>						
Essential services and uses not requiring outdoor storage of materials or vehicles	SLU	SLU	SLU	SLU	SLU	Section 13.12(c)
Public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations, but without storage yards, water and sewage pumping stations	—	—	SLU	SLU	P	—
Wireless communication facilities and services						
Attached or collocated on existing structures	P	P	P	P	P	Section 13.12(k)

New wireless communication support structure	SLU	SLU	SLU	SLU	SLU	Section 13.12(k)
<b>Construction uses</b>						
Service establishments of an office, showroom or workshop nature within a completely enclosed building of a contractor, including carpentry, electrical, glazing, heating, painting, paper hanging, plastering, plumbing, roofing, and ventilating, exterminator and similar establishments that require a retail adjunct; but excluding outside storage yards	—	—	—	—	P	—
<b>Accessory uses</b>						
Accessory buildings and uses customarily incidental to any of the principal permitted uses	P	P	P	P	P	Section 15.01
Accessory buildings and uses customarily incidental to any of the principal special land uses	SLU	SLU	SLU	SLU	SLU	Section 15.01

(Ord. No. 09-434, § 6.02, 1-20-2009; Ord. No. 13-474, § 1, 2-19-2013)

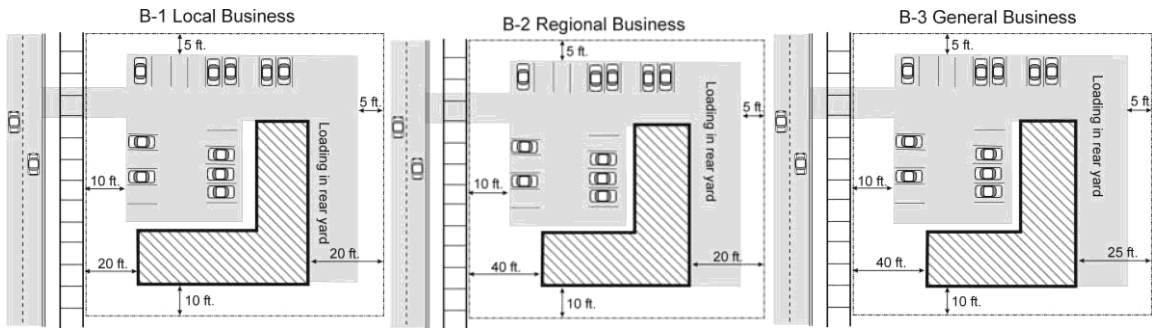
Sec. 6.03. - Area, height and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

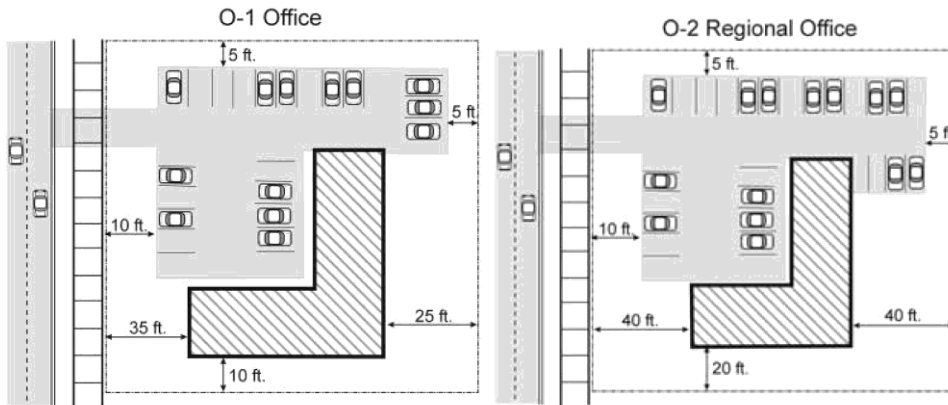
**TABLE 6.03. BUSINESS AND OFFICE DISTRICTS  
AREA, HEIGHT AND PLACEMENT REQUIREMENTS**

Zoning District	Maximum Height of Buildings		Minimum Yard Setbacks (ft.) (b, c, d, e)						Maximum Percent of Lot Area Covered (k) (percent)	
	Stories	Feet (a)	Front (f, g)		Side		Rear (j)		All Buildings	All Impermeable Surface
			Building	Parking	Building (h)	Parking	Building (i)	Parking		
O-1	2	25	35	10	10	5	25	5	35	70

O-2	5	65	40	10	20(j)	5	40(j)	5	35	70
B-1	2	25	20	10	10	5	20	5	40	70
B-2	3	35	40	10	10	5	20	5	40	70
B-3	3	35	40	10	10	5	25	5	35	70



Side yard setback adjoining another non-residential use may be reduced to zero (0) with a fire-wall. Setbacks adjoining residential shall be a minimum of 20 ft. Side yard setback adjoining another non-residential use may be reduced to zero (0) with a fire-wall. Setbacks adjoining residential shall be a minimum of 20 ft. Side yard setback adjoining another non-residential use may be reduced to zero (0) with a fire-wall. Setbacks adjoining residential shall be a minimum of 20 ft.



Side yard setback adjoining another non-residential use may be reduced to zero (0) with a fire-wall. Setbacks adjoining residential shall be a minimum of 20 ft. Where adjacent to a residential district the building shall be setback 40 ft. for the first 30 ft. of building height plus an additional 3 ft. for each additional 1 ft. of building height.

- (a) *Building height.* Exceptions to building height shall be allowed as provided for in section 14.08, height limit.
- (b) *Yards maintained as landscaped open space.* All buildings, parking, loading driveways, circulation aisles, and storage areas shall meet the setback requirement. Setback areas shall be provided with landscape greenbelts and buffer zones as required in section 16.02, landscaping.
- (c) *Outdoor storage.* Outdoor storage shall be screened in accordance with section 16.02, landscaping. Storage areas shall meet the applicable building setback requirements from each lot line.
- (d) *Projections into yards.* Structures in section 14.11, projections into required yards, shall be permitted to project into required yard setbacks.

- (e) *Natural features setback.* All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- (f) *Front yard setback.* The front yard setback shall apply to all yards that adjoin a street including public streets, private streets and interstate highways. Corner lots and double frontage lots shall be considered to have two front yards. All buildings, parking, loading and storage areas shall meet the front yards setback requirement. Detention/retention ponds shall be prohibited in the required front yard setback, unless the city engineer determines there is no reasonable alternative due to existing topography and natural drainage problems. This restriction shall not apply to rain gardens, bio-retention swales, irrigation trench planters and other similar stormwater management alternatives to retention or detention ponds.
- (g) *Front yard setback on small lots.* For lots that are less than 150 feet in depth, the front yard setback of a new building may match the front yard setback of the majority of existing buildings within the block.
- (h) *Building side yard setback.* No side yards are required along the interior side lot lines of the district adjoining another nonresidential lot where all requirements of the state construction code are met. If walls of structures facing interior side of lot lines contain windows, or other openings, side yard setbacks shall be provided in accordance with table 6.02. Where a lot borders on a residential district, there shall be provided a setback of not less than 20 feet on the side bordering the residential district.
- (i) *Parking side yard setback.* The parking setback shall not be required adjoining another nonresidential lot where the lots have shared driveway access, shared parking or other cross access circulation between the sites without the need to access a public street. Where a parking lot of loading area borders on a residential district, there shall be provided a buffer and screening from the residential district as required by section 16.02, landscaping.
- (j) *Loading areas.* Loading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley. All loading and unloading shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. Loading and unloading areas located in a side yard shall be fully screened from view from a public street. No overhead doors shall be permitted in the front elevation of the building. All residential districts and uses must be screened from truck loading and unloading activities.
- (k) *Lot coverage.* Maximum lot coverage shall be regulated by two measures:
  - (1) The maximum percent of the lot area that can be covered by buildings.
  - (2) The maximum percent of the lot area that can be covered by buildings plus other impermeable surfaces, such as pavement, decks and pools.
- (l) *Regional office setback from residential.* Where a O-2 district site abuts a residential district and is not separated by a street or railroad right-of-way, the building shall be setback from the residential district a minimum of 40 feet for the first 30 feet of building height plus an additional three feet for each additional one foot of building height in excess of 30 feet.

(Ord. No. 09-434, § 6.03, 1-20-2009)

## ARTICLE 07. - MIDTOWN DISTRICTS

### Sec. 7.01. - Intent.

The MT-1 Midtown Taylor Office/Institutional District and MT-2 Midtown Taylor Mixed Use Commercial District, are intended to promote the development of a pedestrian oriented and accessible, central commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted consistent with the City of Taylor Master Plan. Each use shall be complimentary to the

stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services. The MT-1 and MT-2 districts are further intended to:

- (a) Encourage traditional, pedestrian-oriented commercial/mixed use developments in a walkable main street environment.
- (b) Extend greater opportunities for greater traditional community living, working, housing, and recreation to all citizens and residents of the city.
- (c) Encourage a more efficient use of land and of public services and to reflect changes in technology of land development, by directing new development in a traditional pattern of mixed use and varied commercial styles.
- (d) Create a community center that is pedestrian, and transit-friendly, which supports a healthier and more sustainable community.
- (e) Reduce the excess sprawl of development and the segregation of land uses that cause increased vehicle travel and traffic congestion.
- (f) Discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities to accommodate the needs of several individual uses.
- (g) Prohibit the development of drive-through facilities, which degrade the pedestrian environment, contribute to traffic congestion and create a nuisance to residential uses in the type of compact mixed use environment desired for the Midtown area.
- (h) Prohibit uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automobile service stations, auto parts retail stores, carwashes, new and used motor vehicle sales or service establishments, drive-in restaurants and restaurants with drive-through facilities, business with drive-through facilities such as, but not limited to banks, credit unions, pharmacies, etc.
- (i) Promote the creation of urban places, which are orientated to the pedestrian, thereby promoting citizen security and social interaction.
- (j) Promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate to the design characteristics of an individual structure or development of other existing and planned structures or developments in a harmonious manner (architectural texture or pattern), resulting in coherent overall development patterns and streetscape.
- (k) Discourage commercial and business uses that create noise, glare or odors, which are a nuisance in a mixed use environment.
- (l) More efficiently provide for parking through shared parking and on-street parking where appropriate.

(Ord. No. 09-434, § 7.01, 1-20-2009)

#### Sec. 7.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of table 7.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.

- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards, are met.
- (c) *Not permitted (—)*. The use is not permitted in the district.
- (d) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 7.02. MIDTOWN DISTRICTS  
SCHEDULE OF USES**

Use	MT-1	MT-2	Additional Requirements
<b>Residential uses</b>			
Home occupations	P	P	section 13.01(a)
Live/work dwelling units	P	P	—
Loft apartments	—	P	—
Multiple-family dwellings	—	P	section 13.01(c)
Residential apartments on upper floor above a retail, personal service or office use on the ground floor	P	P	—
Single-family detached dwellings	P	P	section 13.01(b)
Stacked dwelling units	P	P	section 13.01(c)
Townhouse dwellings	P	P	section 13.01(c)
Two-family dwellings	P	P	section 13.01(c)
<b>Animal and agricultural uses</b>			

Pet grooming and obedience training with no boarding	P	P	—
Veterinary clinics and hospitals, not including outdoor kennels and runs	SLU	P	section 13.02(d)
<b>Public and institutional uses</b>			
Business or technical colleges	SLU	—	—
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	SLU	—	section 13.03(c)
Public buildings and uses but not including storage yards	P	P	—
Schools, elementary, offering courses in general education	SLU	—	—
Schools, intermediate and/or secondary, offering courses in general education	SLU	—	—
<b>Retail uses</b>			
Retail businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building			
Uses up to 12,000 sq. ft. net floor area	—	P	section 13.04(d)
Uses between 12,000 and 60,000 sq. ft. net floor area	—	SLU	section 13.04(d)
<b>Lodging and food service</b>			
Carryout restaurants	—	P	section 13.06(a)
Cocktail lounge/nightclub/bar (not including adult regulated)	—	SLU	section 13.06(c)
Food/beverage service with accessory outdoor seating	—	P	section 13.06(b)



Hotels and motels	P	P	—
Restaurants designed exclusively for consumption of food or beverages without a liquor license	—	P	—
Taverns/pubs/microbrewery (restaurants with liquor license but less than 30% bar area)	—	SLU	section 13.06(c)
Restaurants with open front windows	—	P	—
<b>Other services</b>			
Barber shops, beauty parlors and health spas	—	P	—
Laundry or dry cleaning establishments, coin-operated laundromats, and self serve dry cleaning establishments, dealing directly with the consumer	—	P	—
Photographic studios	—	P	—
Service establishment of an office, showroom, or workshop nature of an taxidermist, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction or similar service establishments which require a retail adjunct, providing such use is within a completely enclosed building and excludes outside storage yards	—	P	—
<b>Finance, insurance, real estate, professional</b>			
Business service establishments, such as typing services, employment services, photocopying services, quick-print establishments, or office supply store	P	P	—
Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment	P	P	—
Financial establishments such as banks, credit unions, savings and loan associations			
With no drive-through	P	P	section 13.08(a)

Insurance offices, brokerage houses and real estate offices	P	P	—
Newspaper offices	P	P	—
Office buildings, providing for uses such as corporate offices in accordance with the purpose of this district, including any of the following occupations: executive, administrative, professional, accounting, engineering, drafting, legal, writing and clerical	P	P	—
<b>Health care and social assistance</b>			
Adult foster care family homes (up to six adults, 24 hours per day)	P	P	—
Adult foster care large group homes (13 to 20 adults)	SLU	SLU	section 13.09(a)
Adult foster care small group homes (seven to 12 adults)	P	P	section 13.09(b)
Child care centers and day care centers	P	P	section 13.09(c)
Family child care homes (up to six children, less than 24 hours per day)	P	P	—
Foster family group home (five to six children, 24 hours per day)	P	P	—
Foster family home (one to four children, 24 hours per day)	P	P	—
Group childcare homes (seven to 12 children, less than 24 hours per day)	P	P	section 13.09(f)
Housing for the elderly/senior apartments	P	P	—
Medical and dental offices, including clinics	P	P	—
<b>Entertainment and recreation uses</b>			
Indoor recreation uses such as gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, rock climbing facilities, and similar recreational uses	P	P	—

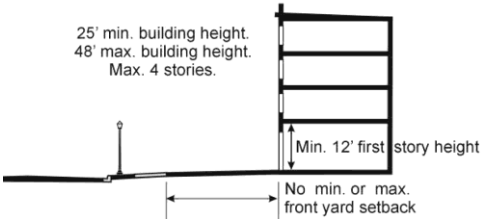
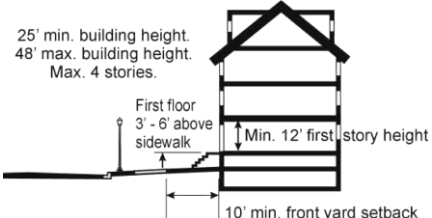
Outdoor theater, plazas, parks, and public gathering places	P	P	—
Private club, fraternal organizations and lodge halls	SLU	P	section 13.10(d)
Private open space and neighborhood parks	P	P	—
Public parks and recreational facilities	P	P	—
Recreational, health services and related uses including health clubs or gyms; dance schools martial arts instruction; saunas, tanning salons or businesses providing whirlpool baths, or mineral baths	P	P	—
Theaters (indoor, motion picture or live performance, but not adult regulated)	P	P	—
<b>Utilities and waste disposal uses</b>			
Essential services and uses not requiring outdoor storage of materials or vehicles	SLU	SLU	section 13.12(c)
Wireless communication facilities and services			
Attached or collocated on existing structures	P	P	section 13.12(k)
New wireless communication support structure on government site	SLU	SLU	section 13.12(k)
<b>Accessory uses</b>			
Accessory buildings and uses customarily incidental to any of the principal permitted uses	P	P	section 15.01
Accessory buildings and uses customarily incidental to any of the principal special land uses	SLU	SLU	section 15.01

(Ord. No. 09-434, § 7.02, 1-20-2009)

Sec. 7.03. - Area, height, and placement requirements.

- (a) *MT-1 district.* All lots and buildings in the MT-1 district shall meet the following dimensional requirements. Certain dimensional requirements apply to all types of buildings while others distinguish between residential and nonresidential/mixed use. Nonresidential/mixed use buildings refer to buildings containing commercial, office, or institutional, live/work units and buildings with multiple-family residential/apartment units above nonresidential uses on the first floor. Residential refer to single-family residential, two-family residential, townhouses and multiple-family residential.

MT-1 DIMENSIONAL REQUIREMENTS

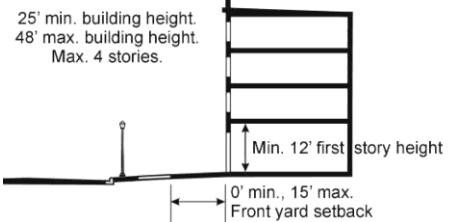
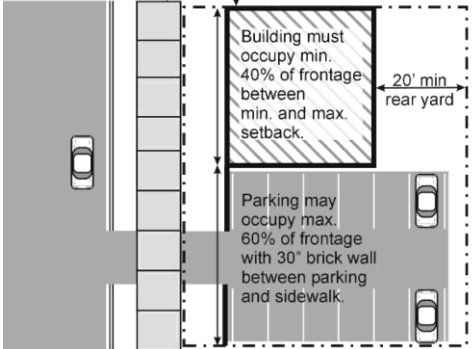
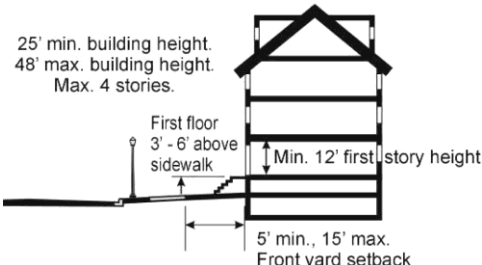
<p>Front yard</p>	<p>Nonresidential/mixed use No minimum/maximum</p> <p>Residential Ten-foot minimum</p>	<p style="text-align: center;"><b>MT-1 Dimensional Requirements</b></p> <p style="text-align: center;"><b>Non-residential/mixed-use building placement</b></p>  <p style="text-align: center;"><b>Residential building placement</b></p> 
<p>Side yard</p>	<p>None required with fire-rated wall Minimum ten feet with windows or other openings Minimum ten feet from adjacent residential lot</p>	
<p>Rear yard</p>	<p>Minimum 25-foot</p>	
<p>Building height</p>	<p>Minimum 25-foot Maximum four stories/48 feet</p>	
<p>First story height</p>	<p>Nonresidential/mixed use Minimum 12-foot first story height measured from floor to ceiling</p> <p>Residential First floor three to six feet above front sidewalk grade along any arterial or collector street, zero to six feet along local street Minimum nine-foot first story height measured from floor to ceiling</p>	
<p>Accessory building</p>	<p>Accessory building only in side or rear yard minimum three feet from side and rear lot line</p>	

Parking	<p>Nonresidential/mixed use</p> <p>No more than a single row of parking shall be allowed in the front yard facing Goddard Road</p> <p>All other parking shall be in a side or rear yard, or fronting on a side street</p>	
	<p>Residential</p> <p>No parking shall be permitted in the front yard</p> <p>All garages shall be located in the rear yard</p>	
Residential density	<p>Maximum 16 dwelling units per acre in a residential building</p> <p>Maximum 24 dwelling units per acre in mixed use building (such as apartments above commercial or live/work units)</p>	

(b) *MT-2 district.* All lots and buildings in the MT-2 district shall meet the following dimensional requirements. Certain dimensional requirements apply to all types of buildings while others distinguish between residential and nonresidential/mixed use. Nonresidential/mixed use buildings refer to buildings containing commercial, office, or institutional, live/work units and buildings with multiple-family residential/apartment units above nonresidential uses on the first floor. Residential shall refer to single-family residential, two-family residential, townhouses and multiple-family residential.

MT-2 DIMENSIONAL REQUIREMENTS

Front yard	<p>Nonresidential/mixed use</p> <p>Minimum zero feet, maximum 15 feet</p>	
	<p>Residential</p> <p>Minimum five feet, maximum 15 feet</p>	
Building frontage required	<p>Building facade shall occupy a minimum of 40 percent of the frontage length along Goddard Road between the minimum and maximum setback</p>	
Side yard	<p>None required with fire-rated wall</p> <p>Minimum ten feet with windows or other</p>	

	<p>openings</p> <p>Minimum ten feet from adjacent residential lot</p>	<p><b>MT-2 Dimensional Requirements</b></p> <p><b>Non-residential/mixed-use building placement</b></p>  <p>25' min. building height. 48' max. building height. Max. 4 stories.</p> <p>Min. 12' first story height</p> <p>0' min., 15' max. Front yard setback</p>
Rear yard	Minimum 20 feet	
Building height	<p>Minimum 25 feet</p> <p>Maximum four stories/48 feet</p> <p>Minimum 12-foot first story height measured from ground level grade to ceiling</p>	<p>No min. side yard with fire-wall. 10' min. side yard with openings or adjacent to residential.</p>  <p>Building must occupy min. 40% of frontage between min. and max. setback.</p> <p>20' min rear yard</p> <p>Parking may occupy max. 60% of frontage with 30" brick wall between parking and sidewalk.</p> <p><b>Residential building placement</b></p>  <p>25' min. building height. 48' max. building height. Max. 4 stories.</p> <p>First floor 3' - 6' above sidewalk</p> <p>Min. 12' first story height</p> <p>5' min., 15' max. Front yard setback</p>
First story	<p>Nonresidential/mixed use</p> <p>Minimum 12-foot first story height measured from floor to ceiling</p> <p>Residential use</p> <p>First floor three to six feet above front sidewalk grade along any arterial or collector street</p> <p>Zero to six feet along local street</p> <p>Minimum nine-foot first story height measured from floor to ceiling</p>	
Accessory building	<p>Accessory building only in side or rear yard</p> <p>minimum three feet from side and rear lot line</p>	
Parking	<p>Nonresidential/mixed use</p> <p>Parking lots shall be not be allowed in the front yard facing Goddard Road</p> <p>Side and rear yard parking is permitted up to 60 percent of the frontage to the side of the building may be occupied by off-street parking, provided a 30-inch tall brick wall is located between the sidewalk and parking lot</p>	

	<p style="text-align: center;">Residential use</p> <p style="text-align: center;">No parking shall be permitted in the front yard</p> <p style="text-align: center;">All garages shall be located in the rear yard</p>	
Residential density	<p style="text-align: center;">Maximum 16 dwelling units per acre in a residential building</p> <p style="text-align: center;">Maximum 24 dwelling units per acre in mixed use building (such as apartments above commercial or live/work units)</p>	

- (c) *Modifications.* The planning commission may modify the area, height and placement requirements where strict adherence would serve no good purpose or where the overall intent of the district would be better served by allowing an alternative setback provided all of the conditions below are found to exist.
- (1) That a modification in setback will not impair the health, safety or general welfare of the city as related to the use of the premises or adjacent premises.
  - (2) That the setback shall be consistent with the building lines of adjacent buildings and not be setback a greater distance from the street than adjacent buildings.
  - (3) The building will still be oriented towards the street, provide pedestrian connections between the building, and the sidewalk along the street and maintain or enhance the continuity of the pedestrian-oriented environment.
  - (4) That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building.
  - (5) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.

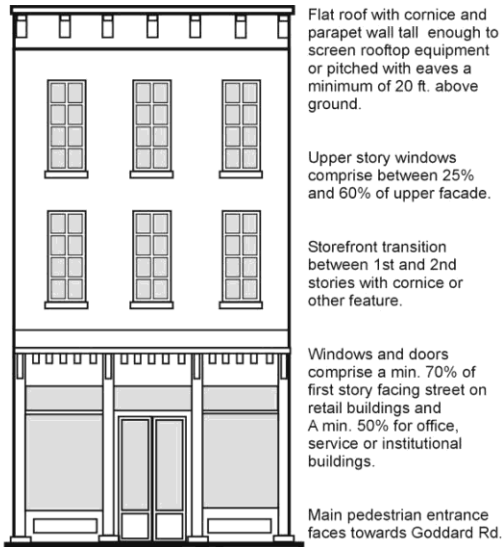
(Ord. No. 09-434, § 7.03, 1-20-2009)

Sec. 7.04. - Architectural requirements.

- (a) *Nonresidential and mixed use architecture.* Nonresidential buildings, mixed use buildings (with residential and nonresidential uses) and live/work units shall meet the following architectural design requirements:
- (1) *Front facade requirements.*
    - a. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.
    - b. All buildings shall have a public entrance that faces towards Goddard Road. Rear entrances are permitted, only if there is a primary entrance from Goddard Road.
    - c. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.

- d. For buildings longer than 100 feet, there shall be a minimum of one usable entrance every full 50 feet of frontage and architectural variation shall be provided to visually break the building up.

(2) *Windows and doors.*



- a. On a retail building, no less than 70 percent of the storefront/ground floor front facade between two feet and eight feet high shall be clear glass panels and doorway for retail and consumer service uses. For office, service, institutional or other nonretail uses a minimum of 50 percent of the ground floor front facade shall be clear glass panels and doorway.
- b. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
- c. Windows shall not be blocked with opaque materials or the back or shelving units.
- d. Openings above the first story shall be a minimum of 25 percent and a maximum of 60 percent of the total facade area.
- e. Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or, if installed on the outside, if the coiled box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors are encouraged. Other types of security devices fastened to the exterior wall are prohibited.
- (3) *Storefront transition.* Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.
- (4) *Roof design.*
- a. Unless otherwise approved by the planning commission, buildings shall have a flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
- b. The planning commission may permit a pitched roof. Pitched roofs shall not be permitted with eaves below a height of 20 feet. Mansard roofs shall not be permitted on single story buildings.
- c. Flat roofs shall be enclosed by parapets.
- d. All rooftop mounted equipment shall be screened from view on all sides of the building.



- e. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, style, scale and height.

(5) *Building materials.*

- a. The following exterior finish materials are required on the front facade and any facade facing a street or parking area. These requirements do not include areas devoted to windows and doors. These requirements apply in lieu of section 16.01, building appearance.
- b. All walls exposed to public view from the street or parking area shall be constructed of not less than 75 percent brick, stone, masonry, or other natural materials, not including window or door areas. Up to 25 percent of the facade may include wood siding or fiber cement siding.
- c. Panel brick, tilt-up brick textured paneling, bare metal, aluminum siding, metal panels, plastic, imitation stucco, texture 1—11, and mirrored glass shall be prohibited.
- d. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor only.

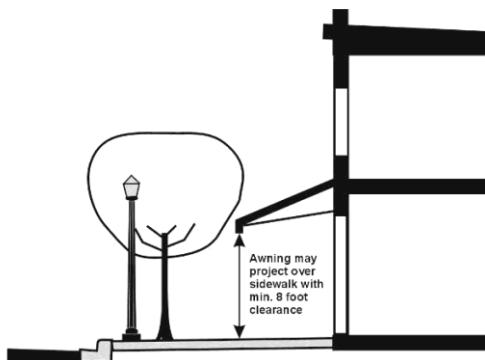
(6) *Building colors.* Exterior colors shall be compatible with the colors on adjacent buildings, subject to review by the planning commission. Proposed colors shall be specified on the site plan. Gaudy or fluorescent colors are prohibited.

(7) *Side or rear facade design.* Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a harmonious appearance, in accordance with the following design criteria. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.

(8) *Corner buildings.*

- a. Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets.
- b. A main entrance must be on a street-facing wall and either at the corner or within 25 feet of the corner.

(9) *Awnings.*



- a. Awnings may project over the public sidewalk with a minimum eight-foot clearance provided from the sidewalk, but may not extend beyond the street curb.
- b. Awnings shall be positioned immediately above the ground floor window area of the facade and have a straight shed that projects from the building at a straight angle with open sides.

- c. All awnings shall be attached directly to the building, rather than supported by columns or poles.
  - d. Awnings shall be constructed of a durable, material such as canvas or similar material, rather than metal, plastic, or rigid fiberglass. High gloss or plasticized awning are prohibited.
  - e. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.
  - f. Awnings shall be maintained in good appearance and repair.
  - g. Streamers, banners or similar items are prohibited.
- (10) *Live/work.* Live/work units shall be dwelling units attached with common side walls wherein the main floor of each unit is designed to accommodate a small business with upper floors utilized for dwelling purposes. The first floor space of each unit shall be designed to be utilized as an office or retail store with a commercial storefront that is at-grade with the sidewalk. The upper floors shall include a dwelling unit with the unit designed to be under single occupancy as an integral unit.
- (b) *Residential architecture.* Detached single-family and two-family residential dwellings, townhouses and multiple-family residential shall meet the following architectural design requirements. Mixed use buildings with multiple-family residential/apartment units above nonresidential uses on the first floor shall be subject to the design requirements of section 7.04(a) above.
- (1) *Building design.*
- a. Residential buildings shall be design based on traditional architectural styles, such as but not limited to: arts and crafts/bungalow, colonial, gothic revival, Italianate, Tudor, Victorian and others characteristic of the Midwestern United States and with historic buildings characteristic of Wayne County.
  - b. For any residential development that contains five or more dwelling units, typical elevations shall be approved by the planning commission as part of the development's design guidelines or a pattern book.
  - c. Townhouses shall each provide a separate entryway with direct access to the outdoors at ground level by way of a front porch or stoop. Each unit shall have defined front and rear yards. Each unit shall be provided with an individual garage, which may be attached or detached. All garages shall be located in the rear yard.

(2) *Front facade, single-family, two-family and townhouse.*

Townhouses with traditional architectural style.

Pedestrian orientation towards street with front porch or front stoop.

Garages located to rear or side not visible from street frontage.



- a. Each residential unit shall have an individual front door that faces the front lot line.

- b. All dwellings shall include a front porch or front stoop with steps.
  - c. A stop or porch (plus steps) shall not extend any nearer than three feet to the sidewalk located at the front of the lot. An ADA accessibility ramp may extend up to within one foot of any lot line.
  - d. The front facade of all residential units shall be at least 15 percent windows or doors.
  - e. The finished floor elevation shall be no less than three feet and no more than six feet above the elevation of the exterior sidewalk located at the front of the building along frontages of arterial and collector streets, as designated in the City of Taylor Master Plan. Entrances may be at grade along local street frontages.
- (3) *Front facade, multiple-family residential/apartments.*
- a. There shall be at least one pedestrian door facing the front lot line with access either directly to the sidewalk or to a center court that opens to the sidewalk along the street frontage.
  - b. The entrance shall be inserted three feet from the front building wall.
  - c. The first floor elevation shall be no less than three feet and no more than six feet above the average elevation of the exterior sidewalk located at the front of the building along frontages of arterial and collector streets, as designated in the City of Taylor Master Plan. Entrances may be at grade along local street frontages. An ADA accessibility ramp may extend up to within one foot of any lot line.
  - d. The front facade of all residential units shall be at least 15 percent windows or doors.
- (4) *Building material.*
- a. All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles found in Wayne County.
  - b. Permitted wall materials are limited to brick, stone, wood and fiber cement siding only. Vinyl siding shall be permitted above the ground floor only.
- (5) *Garages.*
- a. Detached garages shall be located in the rear yard and may be accessed by a rear alley or, in the case of single-family detached dwellings, by a driveway that runs from the front yard to the rear along the side of the dwelling.
  - b. Attached garages may be permitted on the rear of the building or on the side of the building; provided the garage is setback at least five feet behind the front building line of the living portion of the dwelling and the garage wall facing the street is less than 50 percent of the total length of the street-facing building facade.
  - c. Front loaded garages for attached residential dwellings are prohibited.
- (c) *Modifications.* The planning commission may approve deviations to the architectural requirements of this section in order to achieve the objectives of the midtown districts through the use of creativity and flexibility in development and design. Each deviation shall be evaluated based upon all of the following criteria:
- (1) Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the midtown district, as articulated in the Midtown Taylor Design Manual, and the proposed building fits within the context of adjacent buildings along the block.
  - (2) The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment.
  - (3) The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the midtown district.

- (4) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

(Ord. No. 09-434, § 7.03, 1-20-2009; Ord. No. 10-442, § 1, 3-16-2010)

Sec. 7.05. - Streetscape requirements.

- (a) *Match downtown development authority.* The area within the right-of-way between the curb and the building shall be identical to or compatible with the streetscape scheme of the downtown development authority (DDA).
- (b) *Street trees.* Street trees shall be provided at 25-foot to 40-foot intervals. The species of street tree and exact location shall be as specified on the DDA master street tree plan that is on file with the development services department. In the event that a DDA master street plan has not been prepared, than any of the following street trees shall be planted within the street right-of-way at 25-foot to 40-foot intervals: Norway maple, red maple, Bradford pear, or little leaf linden.
- (c) *Landscape plan.* On every site involving new development or redevelopment, a landscape plan shall be submitted for review and approval. The landscape design shall be identical to or compatible with the Midtown Taylor Design Manual on file with the development services department. Landscaping shall also meet the requirements of section 16.02, landscaping.
- (d) *Street furniture.* Benches and trash receptacles shall be provided in park and plaza areas and along sidewalks where the planning commission determines that pedestrian activity will benefit from these facilities.
- (e) *Bicycle facilities.* Developments shall be designed to accommodate bicycle travel, including the provision of bike paths, and bike racks at destination points such as shopping and recreational facilities.

(Ord. No. 09-434, § 7.05, 1-20-2009)

Sec. 7.06. - Parking and loading.

- (a) *Parking requirements.* Parking lots shall conform to the requirements of section 17.02, off-street parking facility design. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed use development that requires less reliance on automobiles, the planning commission shall have the discretion to reduce the number of parking spaces required by section 17.01, off-street parking, loading, access and circulation requirements, by up to 30 percent.
- (b) *On-street parking.* Where on-street parking is permitted, it may be credited towards meeting off-street parking requirements of section 17.01, off-street parking, loading, access and circulation requirements.
- (c) *Location.* Off-street parking shall be located in the side or rear yard to the maximum extent practical.
  - (1) In the MT-1 district, no more than a single row of parking shall be allowed in the front yard facing Goddard Road. All other parking shall be in a side or rear yard, or fronting on a side street. A 30-inch tall brick kneewall, ornamental fence, evergreen landscaping, or combination thereof, shall be provided between the parking and the sidewalk.
  - (2) In the MT-2 district, parking is permitted in the side yard where it is setback a distance equal to the building, and a 30-inch tall brick kneewall, ornamental fence, evergreen landscaping, or combination thereof, that serves as an extension of the adjacent building is provided between the parking and the sidewalk.

- (d) *Screening from residential.* Where parking is visible from a street, it shall be screened by a 30-inch tall brick screenwall, kneewall, ornamental fence, evergreen landscaping or combination thereof, located between the parking lot and the sidewalk. Where a parking lot for a nonresidential use is adjacent to a single-family residential use, a six-foot tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by section 16.02, landscaping. Wherever feasible, a five-foot wide openings shall be provided in the wall to encourage and connect to existing or future planned pedestrian pathway systems located on adjacent parcels.
- (e) *Landscaping.* Parking lot landscaping shall be provided as required by section 16.02, landscaping, except the area of landscape islands and number of parking lot trees may be reduced to one-half the normal requirement for parking that is located in the rear yard.
- (f) *Loading areas.* Loading areas shall be provided for uses required to have loading areas by section 17.03, off-street loading requirements. A service alley or designated loading space shall be reserved at the rear of the building. The planning commission may allow shared loading areas and waste receptacles between adjacent uses where shared use and maintenance easements are provided. Loading zones shall be hidden from public view by walls and landscaping to the greatest extent possible. All loading areas shall be screened from any adjacent residential areas and from view of any street by a six-foot tall brick wall.
- (g) *Waste receptacle enclosure.* Waste receptacle enclosures shall be located in the rear yard and meet the requirements of section 16.06, waste receptacles.

(Ord. No. 09-434, § 7.06, 1-20-2009)

#### Sec. 7.07. - Sidewalk displays and cafes.

- (a) *Sidewalk displays.* Sidewalk displays shall be permitted directly in front of an establishment, provided that at least five feet of clearance is maintained along pedestrian routes.
  - (1) Display cases shall be located against the building wall and shall not be more than two feet deep. The display area shall not exceed 50 percent of the length of the storefront.
  - (2) Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.
  - (3) Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.
  - (4) All vending machines and arcades shall be located within a completely enclosed building.
- (b) *Outdoor cafes.* Outdoor cafes, outdoor eating areas and open front restaurant (i.e., window service) shall be permitted subject to the requirements of section 13.06(b).

(Ord. No. 09-434, § 7.07, 1-20-2009)

### ARTICLE 08. - INDUSTRIAL DISTRICTS

#### Sec. 8.01. - Intent.

- (a) The purpose of the TRO Technology-Research-Office District, is to provide an environment where high tech uses and functions such as engineering, design, research and development, computer assisted design, robotics research, prototype development and limited manufacturing, telecommunications, and related storage, warehousing and limited assembly operations associated with principal permitted uses can be located. Advances in industry, technology, and office research facilities, have created uses which are related to industry and office uses, but may not be appropriate

or function adequately in a typical industrial or office zoning district. These uses have been identified as high tech uses. The TRO district will be located in a campus-type environment and so situated that uses will be developed without being negatively impacted by elements and conditions which are commonly found in an industrial zoning district.

- (b) The I-1 Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared materials. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted. Uses in this district must have less of an impact on surrounding uses and generate less truck traffic than the other industrial developments. Limitations regarding the degree of noise, smoke, glare, odor, and vibration are placed upon such uses to preclude any adverse effects upon nearby commercial or residential districts. It is intended that this district act as a transition between heavier industrial uses and residential or commercial areas. The general goals of this use district include, among others, the following specific purposes:
- (1) To provide sufficient space, in appropriate locations, to meet the needs of the city's expected future economy for the types of manufacturing and related uses described herein.
  - (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
  - (3) To promote manufacturing development which is free from danger of fire, explosion, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
  - (4) To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the city's tax revenue.
- (c) The I-2 General Industrial District is designed 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 I-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 material. The I-2 district is further designed to provide areas within the city where heavy industrial uses can most efficiently utilize major streets, utilities and other infrastructure while minimizing any incompatible aspects with neighboring districts.

(Ord. No. 09-434, § 8.01, 1-20-2009)

#### Sec. 8.02. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Special land use (SLU)*. The following uses may be permitted by obtaining special land use approval when all applicable requirements in article 13, use requirements, and the standards of section 21.04, review standards, are met.
- (c) *Not permitted (—)*. The use is not permitted in the district.
- (d) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 8.02. INDUSTRIAL DISTRICTS  
SCHEDULE OF USES**

Use	TRO	I-1	I-2	Additional Requirements
<b>Animal and agricultural uses</b>				
Commercial kennels	—	SLU	SLU	Section 13.02(a)
Greenhouses	—	P	P	—
Pet daycare	P	P	P	Section 13.02(c)
Processing and refining of animal products	—	—	SLU	—
Stables, livestock barns and boarding stables	—	SLU	SLU	—
<b>Public and institutional uses</b>				
Business or technical colleges	P	P	P	—
Colleges, universities, and other institutions of higher learning, offering courses in general, technical, or religious education and not operated for profit	P	P	—	Section 13.03(b)
Public buildings and uses but not including storage yards	P	P	P	—
Public works uses with outdoor storage	—	P	P	—
Trade or industrial schools and uses with the principal function of technical training	P	P	P	—
Union halls	—	P	P	—
<b>Retail uses</b>				

Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies and equipment and similar uses	P	P	P	Section 13.04(b)
<b>Motor vehicle uses</b>				
Automobile impound facilities and towing companies	—	—	SLU	Section 13.05(b)
Automobile pawn facilities	—	SLU	SLU	Section 13.05(c)
Automobile storage	—	SLU	SLU	—
Motor vehicle maintenance and minor repair	—	P	P	Section 13.05(d)
Motor vehicle major engine and body repair	—	SLU	P	Section 13.05(e)
Moving van, small truck and trailer rental	—	SLU	SLU	—
Truck and heavy equipment rental	—	SLU	SLU	Section 13.05(h)
Truck repair as a principal use	—	—	SLU	Section 13.05(e)
Truck stops	—	—	SLU	Section 13.05(i)
<b>Lodging and food service</b>				
Food/beverage service with accessory outdoor seating	SLU	SLU	—	Section 13.06(b)
Restaurants designed exclusively for consumption of food or beverages without a liquor license	SLU	SLU	SLU	—



Taverns/pubs/microbrewery (restaurants with liquor license but less than 30 percent bar area)	SLU	SLU	SLU	Section 13.06(c)
<b>Other services</b>				
Central dry cleaning plants and laundries	P	P	P	—
Service establishment of an office, showroom or workshop nature of a taxidermist, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction or similar service establishments which require a retail adjunct, providing such use is within a completely enclosed building and excludes outside storage yards	—	P	P	—
Tool and equipment rental, nonindustrial, which may include outdoor storage	—	P	P	Section 13.07(a)
<b>Finance, insurance, real estate, professional</b>				
Conference centers, convention facilities, corporate education and training facilities	P	P	P	—
Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment	P	P	P	—
High technology service activity which has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, development technical, or testing services	P	P	P	—
Newspaper offices	P	P	—	—
Office buildings, providing for uses such as corporate offices in accordance with the purpose of this district, including any of the following occupations: executive, administrative, professional, accounting, engineering, drafting, legal, writing and clerical	P	P	P	—
<b>Health care and social assistance</b>				

Child care centers and day care centers	SLU	SLU	SLU	Section 13.09(c)
Technological, medical and dental clinics; medical, optical, pharmaceutical and dental laboratories	P	P	P	—
<b>Entertainment and recreation uses</b>				
Drive-in outdoor theaters	—	SLU	SLU	Section 13.10(a)
Indoor recreation uses such as gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, rock climbing facilities, and similar recreational uses	—	P	SLU	
Public parks and recreational facilities	P	P	P	
Racetracks including mini-auto, carting, motorcycles, dirt bikes, and snow mobile	—	—	SLU	Section 13.10(f)
Recreational equipment storage	—	SLU	SLU	Section 13.10(g)
Shooting ranges when totally enclosed in a building	—	SLU and RLU	SLU and RLU	Article 20
<b>Transportation and warehousing uses</b>				
Bus and railroad passenger stations	—	P	P	
Mini-warehouse or self-storage facilities	—	P	P	Section 13.11(a)
Petroleum or other flammable liquid storage including fuel storage tank farms	—	—	SLU	Section 13.11(b)
Railroad transfer and storage tracks and railroad terminals	—		P	
Small package and overnight delivery distribution facilities				

Facilities up to 80,000 square feet	—	P	P	Section 13.11(c)
Facilities over 80,000 square feet	—	SLU	P	Section 13.11(c)
Truck driving schools	—	—	SLU	
Truck terminals and truck trailer and container storage yards	—	—	P	Section 13.11(d)
Warehousing establishments providing storage for a single company, may include multiple warehouses in multitenant buildings				
Facilities up to 80,000 square feet	—	P	P	Section 13.11(e)
Facilities over 80,000 square feet	—	SLU	P	Section 13.11(f)
<b>Utilities and waste disposal uses</b>				
Composting facilities (yard waste)	—	—	SLU	Section 13.12(a)
Conversion or composting of sewage or sludge into a useable or saleable product	—	—	SLU	Section 13.12(b)
Deep well or underground injection wells to be used for the storage or disposal of any material hazardous and nonhazardous	—	—	SLU	Section 13.12(d)
Essential services and uses not requiring outdoor storage of materials or vehicles	SLU	SLU	SLU	Section 13.12(c)
Hazardous waste storage handling and disposal facilities	—	—	SLU	Section 13.12(d)
Heating and electric power generating plants and all necessary accessory uses	—	—	P	—

Incineration of garbage or refuse	—	—	SLU	Section 13.12(e)
Junkyards, salvage yards and outdoor recycling of nonhazardous materials	—	—	SLU	Section 13.12(f)
Public water plants, public works garages, public works storage yards and similar uses	—	P	P	Section 13.12(g)
Public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations	P	P	P	Section 13.12(g)
Recycling and refuse transfer operations within an enclosed building	—	—	SLU	Section 13.12(h)
Sewage treatment plants	—	—	SLU	Section 13.12(i)
Transfer stations, treatment, storage or disposal facilities and recycling stations for nonhazardous waste	—	—	SLU	—
Wind energy conversion systems	SLU	SLU	SLU	Section 13.12(j)
Wireless communication facilities and services				
Attached or collocated on existing structures	P	P	P	Section 13.12(k)
New wireless communication support structure	SLU	SLU	SLU	Section 13.12(k)
<b>Construction uses</b>				
Asphalt, concrete mortar, plaster or mixing plant	—	—	SLU	Section 13.13(a)
Brick, tile, cement block and pipe manufacturing and storage	—	—	SLU	Section 13.13(b)

Contractors equipment storage and storage yards	—	SLU	SLU	Section 13.13(c)
Landscape contractor supply yard, including retail sales	—	P	P	—
Service establishments of an office, showroom or workshop nature within a completely enclosed building of a contractor, including carpentry, electrical, glazing, heating, painting, paper hanging, plastering, plumbing, roofing, and ventilating, exterminator and similar establishments that require a retail adjunct; but excluding outside storage yards	—	P	P	—
Wholesale lumber yards, building material, planing mills	—	SLU	SLU	—
<b>Manufacturing uses</b>				
Assembling and/or manufacture of automobiles and automobile bodies, trucks, engines, batteries, corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris	—	P	P	—
Breweries and distilleries	—	P	P	—
Lumber and planing mills	—	P	P	—
Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, as listed below, up to 80,000 square feet a. Textile mills and apparel production b. Wood product manufacturing c. Furniture and fixture manufacturing d. Rubber and plastic product manufacturing e. Leather and leather product manufacturing f. Glass, clay and stone product manufacturing g. Fabricated metal product manufacturing including tool and die shops h. Industrial machinery and equipment manufacturing i. Electronic equipment manufacturing j. Vehicles and transportation equipment manufacturing k. Instruments and related product manufacturing l. Manufacturing of miscellaneous products, including jewelry,	—	P	P	—

silverware, musical instruments, toys, sporting goods, office and art supplies and similar items				
Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, as listed above, over 80,000 square feet	—	SLU	P	Section 13.14(a)
Painting and sheet metal and welding shops; metal and plastic molding and extrusion shops	—	P	P	—
Primary metal manufacturing including iron and steel mills and ferroalloy manufacturing, aluminum production, nonferrous metal production and foundries	—	SLU	SLU	Section 13.14(b)
Production, refining, storage of petroleum and other flammable or combustible materials	—	—	SLU	—
Publishing and printing establishments	P	P	P	—
Research, development, and testing facilities for technological, scientific and business establishments including the development of prototypes	P	P	P	—
Research, experimental, or testing laboratories	P	P	P	—
<b>Accessory uses</b>				
Accessory buildings and uses customarily incidental to any of the principal permitted uses	P	P	P	Section 15.01
Accessory buildings and uses customarily incidental to any of the principal special land uses	SLU	SLU	SLU	Section 15.01
Accessory above ground fuel storage tanks for on-site vehicles and equipment	SLU	P	P	Section 13.15(a)
Accessory minor maintenance of trucks and equipment used by the business where it is located	—	SLU	P	—

Accessory outdoor storage of raw materials, supplies, equipment, and finished or semifinished products, except for outdoor uses listed above				
Occupying an area not exceeding five percent of the floor area of the principal building not including truck loading areas	SLU	P	P	—
Occupying an area between five percent and 25 percent of the floor area of the principal building not including truck loading areas	—	SLU	P	—
Occupying an area exceeding 25 percent of the floor area of the principal building not including truck loading areas	—	SLU	SLU	—
Accessory parking of semi truck tractors or trailers				
For a period not exceeding 24 hours	P	P	P	—
For a period exceeding 24 hours	—	SLU	P	—

(Ord. No. 09-434, § 8.02, 1-20-2009; Ord. No. 13-473, § 1, 2-19-2013)

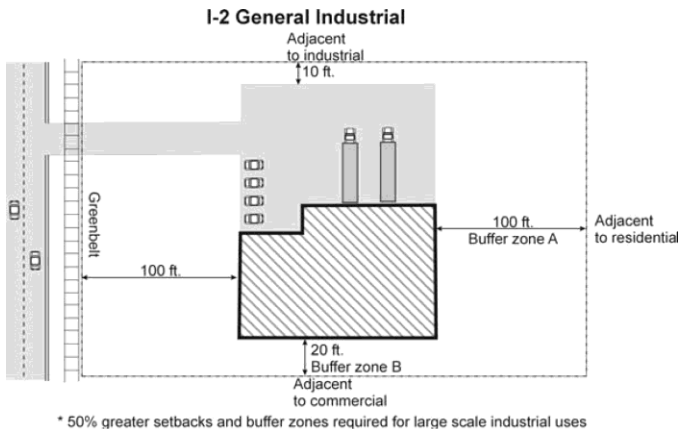
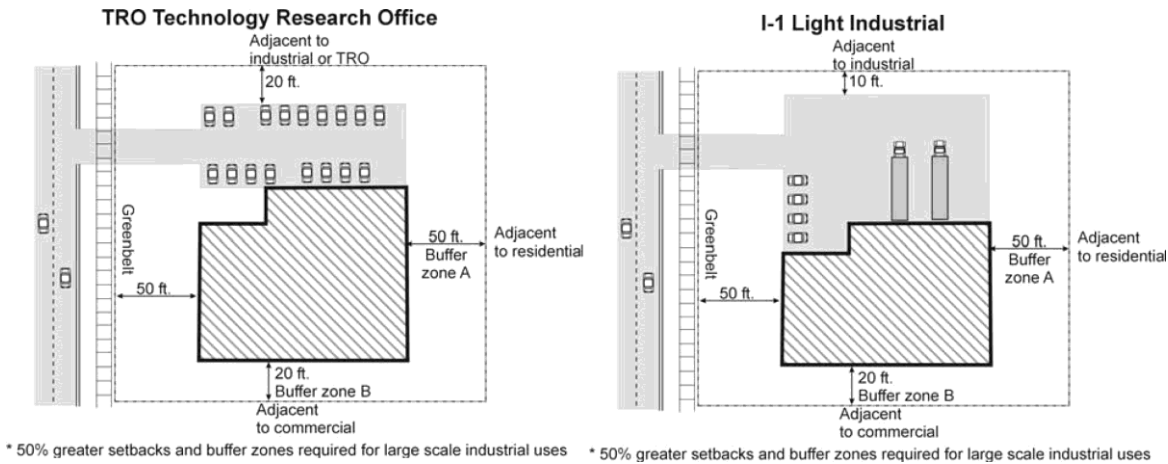
Sec. 8.03. - Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

**TABLE 8.03. INDUSTRIAL DISTRICTS  
AREA, HEIGHT AND PLACEMENT REQUIREMENTS**

Zoning District	Maximum Height of Buildings		Minimum Yard Setbacks (ft.) (b, c, d, e)						Maximum Percent of Lot Area Covered (i) (percent)	
	Stories	Feet (a)	Front Yard (f, g)	Side Yard	Rear Yard (h)	Setback from Adjacent Use			All Buildings	All Impermeable Surface
						From Adjacent Industrial	From Adjacent Commercial	From Adjacent Residential		
TRO	10(j)	115(j)	50	20	20	20	20	50	35	80

I-1	—	40	50	10	10	10	20	50	35	80
I-2	—	50	100	10	10	10	20	100	35	80



- (a) **Building height.** Exceptions to building height shall be allowed as provided for in section 14.08, height limit.
- (b) **Yards maintained as landscaped open space.** All buildings, parking, loading driveways, circulation aisles, and storage areas shall meet the setback requirement. All required yard setbacks that are adjacent to a nonindustrial use shall maintain the minimum yard area as an uninterrupted landscape area.
- (c) **Outdoor storage.** Outdoor storage shall be screened in accordance with section 16.02, landscaping. Storage areas shall meet the applicable building setback requirements from each lot line.
- (d) **Projections into yards.** Structures in section 14.11, projections into required yards, shall be permitted to project into required yard setbacks.
- (e) **Natural features setback.** All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.



- (f) *Front yard setback.* The front yard setback shall apply to all yards that adjoin a street including public streets, private streets and interstate highways. Corner lots and double frontage lots shall be considered to have two front yards. All buildings, parking, loading and storage areas shall meet the front yards setback requirement. Detention/retention ponds shall be prohibited in the required front yard setback, unless the city engineer determines there is no reasonable alternative due to existing topography and natural drainage problems. This restriction shall not apply to rain gardens, bio-retention swales, irrigation trench planters and other similar stormwater management alternatives to retention or detention ponds.
- (g) *Front yard from local industrial street.* The front yard setback may be reduced to 40 feet in the I-1 district and 50 feet in the I-2 district where the frontage is on a local industrial street. A local industrial street shall mean a street that is within an industrial park or a street that is zoned, or master planned for industrial use along its entire length on both sides.
- (h) *Loading areas.* All loading and unloading shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet. Loading and unloading areas located in a side yard shall be fully screened from view from a public street. No overhead doors shall be permitted in the front elevation of the building. All nonindustrial districts and uses must be screened from truck loading and unloading activities. The portion of a site used for parking or storage of truck tractors or trailers shall be obscured by a four-foot high landscaped berm and the required fence or wall. The berm shall be landscaped in accordance with section 16.02, landscaping.
- (i) *Lot coverage.* Maximum lot coverage shall be regulated by two measures:
  - (1) The maximum percent of the lot area that can be covered by buildings.
  - (2) The maximum percent of the lot area that can be covered by buildings plus other impermeable surfaces, such as pavement or storage yards.
- (j) *TRO building height and setbacks.* For buildings or portions of buildings that are taller than 65 feet, the minimum required building setbacks from all lot lines shall be increased by one foot for every one foot of building height above 65 feet. For a building or complex of multiple buildings that have variable building heights, the additional setback requirements shall only apply to those buildings or portions of a building taller than 65 feet; allowing for lower portions of buildings at the minimum setback and taller portions of buildings to be stepped-back based upon the increased height.

(Ord. No. 09-434, § 8.03, 1-20-2009)

## ARTICLE 09. - PARKING DISTRICTS

### Sec. 9.01. - Intent.

The P-1 Vehicular Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. Said off-street parking shall at a minimum, be adjacent to the principal use being serviced by this district. This district will generally be provided by rezoning application to serve an adjacent use district which has developed without adequate off-street parking facilities.

(Ord. No. 09-434, § 9.01, 1-20-2009)

### Sec. 9.02. - Schedule of uses.

Land shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to the following regulations:

- (a) Parking areas shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
- (b) Parking areas shall be contiguous to a nonresidential district, or on the end of a block where such areas front on a street that is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and the nonresidential district.
- (c) Parking areas shall be used solely for parking of private passenger vehicles, for periods of less than 24 hours and shall not be used as an off-street loading areas.
- (d) No commercial repair work or service of any kind, or sale, storage, or display thereof, shall be conducted in the parking areas.
- (e) No signs of any kind, other than signs designating entrances, exits, and conditions of use permitted by article 18, signs, shall be maintained on the parking area.
- (f) No building shall be erected upon the premises other than those for shelter of parking attendants, which shall not exceed 15 feet in height.
- (g) Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans.
- (h) The planning commission shall review the proposed parking area and verify that it will not negatively intrude into an established residentially zoned district.

(Ord. No. 09-434, § 9.02, 1-20-2009)

Sec. 9.03. - Area, height and placement requirements.

- (a) *Side and rear yards.* Where the P-1 district is contiguous to the side or rear lot lines of residentially zoned lots, the required wall shall be located along the common lot line.
- (b) *Front yards.* Where the P-1 district is contiguous to residential district that has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback, or a minimum of 25 feet, or whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between the setback and street right-of-way line shall be planted with shrubs, trees, or lawn, which shall be maintained in a healthy, growing condition, neat, and orderly in appearance and kept free from refuse, and debris.
- (c) *Parking lot design.* P-1 districts shall be developed and maintained in accordance with the requirements of article 17, off-street parking and loading requirements. The site shall be landscaped in accordance with section 16.02, landscaping for commercial uses.

(Ord. No. 09-434, § 9.03, 1-20-2009)

ARTICLE 10. - FLOODPLAIN OVERLAY DISTRICTS<sup>3</sup>

Footnotes:

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**State Law reference**— Soil conservation districts law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; subdivision within or abutting floodplain, plat requirements, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

Sec. 10.01. - Intent.

The Floodplain Overlay Districts are intended to protect the floodplain area so that the reservoir capacity shall not be reduced, thereby creating a danger to areas previously not so endangered in time of high water, or to impede, retard, accelerate, or change the direction of the flow of water or carrying capacity of the river valley or to otherwise increase the possibility of flood.

(Ord. No. 09-434, § 10.01, 1-20-2009)

Sec. 10.02. - Scope.

- (a) The requirements of this article shall apply to all lands in the city that are located within the floodplain overlay district, as shown on the City of Taylor Zoning Map.
- (b) The provisions and restrictions of this article shall be considered to apply in addition to, and where applicable, in lieu of the provisions of the underlying zoning district shown on the zoning map, in order to fulfill the purpose of this article.
- (c) This article shall take precedence over any competing local laws, ordinances, or codes.
- (d) Variance approvals shall not be given within the floodplain overlay district.

(Ord. No. 09-434, § 10.02, 1-20-2009)

Sec. 10.03. - Boundaries.

- (a) The area defined by the 100-year flood boundary in the FEMA (Federal Emergency Management Agency) flood insurance rate map for the City of Taylor dated October 17, 1986.
- (b) Where there is a question as to the exact boundaries and limits of a floodplain area boundary, the development services department shall determine the limits from the topographical data available.

(Ord. No. 09-434, § 10.03, 1-20-2009)

Sec. 10.04. - Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of table 10.02 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted use (P)*. Land and/or buildings in this district may be used for the purposes listed by right.
- (b) *Additional requirements*. Indicates requirements or conditions applicable to the use.

**TABLE 10.04. SCHEDULE OF USES**

Use	FP	Additional Requirements
<b>Animal and agricultural uses</b>		
Gardening, general farming, horticulture, forestry, or any similar agricultural activity	P	—
<b>Entertainment and recreation uses</b>		
Public and private open recreation areas such as parks, playgrounds, play fields and golf courses	P	—
<b>Transportation and warehousing uses</b>		
Railroads, roads, bridges, dams, weirs, public utilities, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare	P	—
Surface parking areas regulated by article 17, off-street parking, loading, access and circulation requirements	P	—
<b>Other uses</b>		
Uses permitted by the zoning districts otherwise established for the parcel subject to the regulations of the district	P	section 10.04(a)

- (c) Uses permitted by the zoning districts otherwise established for the parcel subject to the regulations of the district.
  - (1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated one foot above the base flood level.
  - (2) All new construction and substantial improvements of nonresidential structures shall have either:
    - a. The lowest floor elevated one foot above the base flood level.
    - b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing 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.

- (3) In the area below the upper limit of the floodplain area boundary, dumping, or backfilling with any material in any manner is prohibited, unless through compensating excavation and shaping of the floodplain area its flow and impoundment capacity will be maintained or improved as approved by the city engineer.
- (4) Any filling on banks adjacent to a floodplain area boundary shall have approved erosion control to prevent soil from being washed into the floodplain and shall be approved consistent with the city's soil erosion standards.

(Ord. No. 09-434, § 10.04, 1-20-2009)

Sec. 10.05. - Applicant to provide technical data.

- (a) Where topographic data, engineering studies or other studies are required by any city agency to determine the effects of flooding on a proposed site, and/or the effect of a structure on the flow of water, the applicant shall submit such data or studies. All such required data or studies shall be prepared by a registered professional engineer.
- (b) All submittals for constructing within and/or otherwise occupying a floodplain within the floodplain overlay district shall be accompanied by an approved permit issued by the governing agency of the State of Michigan.

(Ord. No. 09-434, § 10.05, 1-20-2009)

#### ARTICLE 13. - USE REQUIREMENTS

Specific regulations apply to the following uses. These regulations apply in addition to all of the regulations of the zoning district in which the site is located in addition to the provisions of article 14, general provisions, article 15, accessory buildings and uses; article 16, general site development requirements; article 17, off-street parking, loading, access and circulations requirements; and article 18 signs.

Sec. 13.01. - Residential uses.

- (a) *Home occupations.*
  - (1) Articles or services shall not be sold or offered for sale on the premises, except as such as is produced on the premises by such occupation.
  - (2) Home occupations shall only be conducted in an enclosed principal building.
  - (3) Internal or external alterations or construction features, utility service, equipment, machinery, outdoor storage, or signs not customary in residential areas shall not be permitted.
  - (4) Only members of the immediate family residing on the premises, shall be employed in the home occupation.
  - (5) The home occupation shall be clearly an accessory and secondary to the use of the dwelling for dwelling purposes.
  - (6) The residential character of the dwelling shall not be changed.
  - (7) There shall be no commercial vehicles weighing over 4,500 pounds on the property.
  - (8) No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. No equipment or process shall be used which creates visual or

audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(b) *Single-family detached dwellings.*

- (1) Every dwelling unit hereafter erected with the exception of mobile homes within manufactured home parks shall have a minimum square footage of floor space as required in the area, height, and placement requirements for the district the dwelling is located. For the purpose of this ordinance, a basement or cellar shall not count as a story and a breezeway or garage shall not be included in the computation of ground floor area.
- (2) Every dwelling shall comply with all pertinent building and fire codes. In the case of manufactured homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards as amended, shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (3) Single-family dwellings shall have a minimum width across the front elevation of 24 feet and minimum dimensions along any side or rear elevation of no less than 16 feet and comply in all respects with the state construction code. If there are any extensions or additions to the front of the dwelling, the minimum width of any such secondary front elevation shall be 12 feet and shall also comply in all respects with the state construction code.
- (4) Single-family dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with all applicable state construction codes and other state and federal regulations.
- (5) Single-family dwellings shall not have exposed wheels, towing mechanism, undercarriage, or chassis.
- (6) The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the county health department.
- (7) The dwelling shall contain storage area whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than, the principal structure. The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15 percent of the minimum square footage requirement of this ordinance for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by this provision.
- (8) Dwelling units shall have a roof with a minimum 4:12 pitch and minimum eight-inch eave, and with a gutter drainage system that will collect and concentrate the discharge of stormwater or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for southern Michigan. The roof pitch requirement may be waived by the building services department for specific architectural styles that do not typically have pitched roofs, such as modernistic or international style buildings.
- (9) There shall be not less than one exterior door on the front of the dwelling with permanently attached steps connected to the exterior door area where required by a difference in elevation.
- (10) All dwellings shall be compatible in design and appearance with the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 1,000 feet of the subject dwelling. Where the surrounding area is less than 20 percent developed, the determination shall be made by the character, design, and appearance of residential dwellings located outside of manufactured home parks throughout the city. The development services department shall make the determination of compatibility upon review of the plans submitted for a particular dwelling based upon the following standards:
  - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.

- b. Buildings shall have a good scale and be in harmonious conformance with permanent neighboring development.
  - c. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way.
  - e. Materials shall be of durable quality.
  - f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
  - g. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
  - h. The roof overhang and pitch shall be comparable to the overhang and pitch of homes typically found in the surrounding area, provided the pitch of the roof shall not be less than one foot of rise for each four feet of horizontal run.
  - i. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.
- (11) The compatibility of design and appearance shall first be determined by the development services department, subject to appeal by an aggrieved applicant to the zoning board of appeals (ZBA) within a period of 30 days from the receipt of notice of the development services department's decision.
- (12) The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the city pertaining to such parks.
- (c) *Multiple-family development, including apartments, townhouses, two-family dwellings and attached residential developments.*
- (1) Two points of access for a multiple or townhouse site containing more than 20 dwelling units is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of 25 feet in width. No cul-de-sac street shall be more than 300 feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead end streets. Entrances to private streets shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
  - (2) All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access street or an approved paved area. Private streets dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking."
  - (3) Entrances to a dwelling unit or building shall not be more than 100 feet from a parking lot, measured along the sidewalk leading to the parking lot.
  - (4) Internal site sidewalks shall be provided and located five feet from and parallel to access drives, and also located to provide convenient access to community buildings and parking areas from dwelling units. Sidewalks shall be constructed of concrete five feet wide.
  - (5) Ornamental street and yard lights shall be provided as approved by the city. Lighting shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps. Such lights shall be utilized at least during the period of one hour after sundown to one hour before sunrise.

- (6) To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
  - a. Water mains and fire hydrants shall be installed prior to construction above the foundation.
  - b. Prior to construction of multiple residential buildings and other large structures, a hard and sufficient roadbed shall be provided to accommodate access of emergency service vehicles and firefighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.
  - 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 contractor shall provide scheduled daily clean-up of scrap lumber, paper products, corrugated cardboard and other debris caused by construction. If debris is stored in a pile, it shall be located at a distance well away from any structure.
- (7) Carports shall be designed with screening which prohibits headlights from shining onto adjacent properties.
- (8) Lighting from tennis courts/swimming pools and other outdoor activity areas be down shielded and shall meet the exterior lighting requirements of section 16.05, lighting.

(Ord. No. 09-434, § 13.01, 1-20-2009)

Sec. 13.02. - Agriculture and animal uses.

(a) *Commercial kennels.*

- (1) Buildings where animals are kept, animal runs, and/or exercise areas shall be setback a minimum of 100 feet of any adjacent residential district or use, and shall not be located in any required front, rear or side yard setback area.
- (2) All kennels shall be operated in conformance with all county, state and city regulations, and maintain valid kennel licenses.

(b) *Farms and accessory roadside stands.*

- (1) Minimum parcel area shall be ten acres outside a platted subdivision.
- (2) Accessory buildings shall be setback a minimum of 150 feet from any existing right-of-way and 50 feet from any side lot line.
- (3) Livestock shall not be kept.
- (4) All accessory roadside stands shall meet the following requirements:
  - a. The gross floor area of the temporary building shall be not less than 50 square feet but not more than 250 square feet.
  - b. Suitable containers for rubbish shall be placed on the premises for public use.
  - c. The temporary building shall be located not less than 25 feet from the public street right-of-way. Height shall be no more than one story.
  - d. Off-street parking as required by section 17.01, off-street parking, loading, access and circulation requirements, shall be provided in the required front yard setback area, and shall be constructed in accordance with section 17.02, off-street parking facility design, except hard surfacing shall not be required.

(c) *Pet day care.*



- (1) A housing area and dog run of at least 120 square feet per animal shall be provided and shall include an adequate area for shade from the sun. The pens and dog runs shall not be located in the front yard.
  - (2) An on-site drive shall be provided for drop-offs. This drive shall be arranged to allow one-way flows for drop-off lanes with no stacking in the right-of-way.
- (d) *Veterinary clinic.*
- (1) Buildings where animals are kept, animal runs, and/or exercise areas shall be setback minimum of 100 feet of any adjacent residential district or use, and shall not be located in any required front, rear or side yard setback area.
  - (2) All activities shall be within an enclosed building.
  - (3) The boarding of animals shall be prohibited, except for shortterm recovery, unless the clinic has received approval for use as a commercial kennel in accordance with the regulations of section 13.02(a), commercial kennels.

(Ord. No. 09-434, § 13.02, 1-20-2009)

Sec. 13.03. - Public and institutional uses.

- (a) *Cemeteries.*
- (1) Cemeteries shall have a minimum lot size of ten acres.
  - (2) All buildings and structures shall be setback a minimum of 200 feet from all lot lines.
  - (3) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (4) Cemeteries shall maintain a fence around the perimeter of the property in accordance with section 15.03, fences and walls.
- (b) *Colleges, universities, and other institutions of higher learning, offering courses in general, technical or religious education.*
- (1) Colleges shall have a minimum lot size of three acres.
  - (2) Where a campus with multiple buildings exists, all buildings shall be setback a minimum of 40 feet from all lot lines.
  - (3) The site shall have access to a major street as defined in subsection 28.11(q), streets.
- (c) *Institutional uses, places of public assembly and places of worship.* Institutional uses, places of public assembly and places of worship, as well as other facilities normally incidental thereto with a seating capacity of less than 1,500 people or parking for less than 500 vehicles or more:
- (1) Minimum lot width shall be 150 feet.
  - (2) Off-street parking shall be prohibited within the front setback area and within 20 feet of the rear or side lot line.
  - (3) Landscape greenbelts and buffer zones shall be provided for institutional uses in accordance with section 16.02, landscaping.
  - (4) The site shall have access to a paved arterial or collector street as defined in the master plan.
  - (5) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.
  - (6) There shall be no outside loudspeaker or amplified sound outside of a totally enclosed building. This restriction does not apply to church bells, call to prayer or other similar purpose.

- (7) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.
- (d) *Large-scale institutional uses, places of public assembly and places of worship.* Large-scale institutional uses, places of public assembly and places of worship with a seating capacity of 1,500 people or more or parking for 500 vehicles or more shall be subject to the following:
- (1) The site shall have at least 150 feet of frontage on a major thoroughfare as designated on the master plan with an existing or planned right-of-way of not less than 120 feet. All access to the site shall be from major thoroughfares.
  - (2) All buildings shall have a setback a minimum of 50 feet from any lot line in an abutting one-family residential district, unless such abutting lot is occupied by an existing institutional use other than a dwelling unit.
  - (3) All structures and parking and loading areas shall be set back a minimum of 20 feet from a side or rear lot line when the lot line abuts a one-family residential district. The minimum setback area shall be landscaped as a greenbelt and shall include a five-foot high wall or berm.
  - (4) Adequate site space to allow for expansion shall be provided without causing an impact on the residential neighborhood.
  - (5) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.
  - (6) There shall be no outside loudspeaker or amplified sound outside of a totally enclosed building. This restriction does not apply to church bells, call to prayer or other similar purpose.
  - (7) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.

(Ord. No. 09-434, § 13.03, 1-20-2009)

Sec. 13.04. - Retail uses.

- (a) *Lumber and building material sales and storage yards.*
- (1) All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be setback a minimum of 150 feet from any street right-of-way line.
  - (2) A street shall be provided, graded, paved, and maintained from the street to the rear of the property to permit free access of emergency service vehicles and firefighting equipment at any time.
  - (3) All outdoor storage shall be screened on all sides, by a solid eight-foot permanent wall or fence and all stored materials shall not be piled to a height of more than eight feet.
- (b) *Nurseries and similar outdoor retail sale.* Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies and equipment and similar uses.
- (1) A five-foot tall ornamental fence or wall shall be constructed along the rear and sides of the lot, capable of keeping paper and other debris from blowing off the premises.
  - (2) Storage or materials display areas shall meet all the yard setback requirements applicable to buildings in the district.
  - (3) Storage areas shall be hard-surfaced, except the development services department may allow a gravel surface where dust control measures are utilized.
  - (4) Outdoor speakers used for PA systems or music shall be prohibited.

- (c) *Precious metal and gem dealer.* A precious metal and gem dealer shall also be subject to all of the requirements of the precious metal and gem dealers ordinance contained in chapter 38 of the Municipal Code and applicable state law.
- (d) *Retail businesses.*
  - (1) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on-premises where produced.
  - (2) All businesses shall be conducted within a completely enclosed building, unless otherwise approved for outdoor sales or display.
- (e) *Retail business offering a drive-through service.*
  - (1) The drive-through must be attached to the structure.
  - (2) The drive-through, including any associated lighting shall be screened from any adjacent residential district or use.
  - (3) Clear identification and delineation between the drive-through and the parking lot shall be provided.
  - (4) Each drive-through shall provide an escape lane to allow other vehicles to pass those waiting to be served. The planning commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons.
  - (5) The drive-through shall be located on the side or rear elevation of the building to minimize visibility from the public or private street.

(Ord. No. 09-434, § 13.04, 1-20-2009; Ord. No. 11-459, § 1, 7-5-2011)

Sec. 13.05. - Motor vehicle uses.

- (a) *Automobile filling stations.*
  - (1) Minimum lot area shall be 20,000 square feet for automobile service and filling stations. For each additional accessory use, such as but not limited to, a fast-food restaurant, carwash, or convenience store, an additional 5,000 square feet of lot area shall be provided.
  - (2) Minimum lot width shall be not less than 150 feet for automobile service and filling stations.
  - (3) The site shall have access to a major street as defined in subsection 28.11(q), streets.
  - (4) A gasoline pump area canopy may be permitted in the required front yard provided that such canopy does not encroach upon the public right-of-way. The maximum height between the drive surface and the underside of the canopy shall be 14 feet.
  - (5) All gasoline pumps shall be located a minimum of 20 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
  - (6) The design and materials of the canopy shall be compatible with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the planning commission and considered part of the maximum wall sign permitted. Canopy lighting shall be recessed such that the light source cannot be seen from off-site.
  - (7) The storage sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.

- (8) All equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
  - (9) Vehicle service centers/fueling stations that offer vehicle maintenance and repair shall also be subject to the requirements of subsection 13.04(b) below. Vehicle service centers/fueling stations that include restaurants or other uses shall also be subject to the requirements of those other uses.
- (b) *Automobile impound facilities and vehicle towing companies.*
- (1) The minimum size of the site shall be six acres.
  - (2) All vehicles stored in the impound lot shall be in working condition or vehicles that were damaged in a crash and towed to facility for temporary storage.
  - (3) All vehicle storage areas shall be paved.
  - (4) Storage areas shall be designed to provide adequate vehicle circulation and fire access.
  - (5) The site shall meet the requirements of section 14.10, performance standards, and provide the landscape greenbelts and buffer zones required for industrial outdoor storage by section 16.02, landscaping.
  - (6) Storage of vehicles awaiting repair shall be limited to no more than five such vehicles for each repair bay. In no case shall vehicles be stored for a period in excess of 15 days. All vehicles shall be stored on a paved surface. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless required under police or court order.
- (c) *Automobile pawn facilities.*
- (1) Shall meet all the requirements of open-air business and/or vehicular storage lot as described in this article, as well as state pawn regulations.
  - (2) Shall meet all state and local police requirements.
- (d) *Motor vehicle maintenance and minor repair.* Motor vehicle maintenance and minor repair (including vehicle care services centers, minor vehicle repair, including oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing).
- (1) Ingress and egress drives shall not be more than 30 feet in width.
  - (2) The site shall have access to a major street as defined in subsection 28.11(q), streets.
  - (3) The storage, sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
  - (4) There shall be no above ground outdoor storage/dispensing tanks on-site.
  - (5) All repair shall be conducted within a completely enclosed building. All equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
  - (6) Outside storage areas for trash, used tires, auto parts and similar items shall be prohibited.
  - (7) Storage of vehicles awaiting repair shall be limited to no more than five such vehicles for each repair bay. In no case shall vehicles be stored for a period in excess of 15 days. All vehicles shall be stored on a paved surface. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless required under police or court order.
- (e) *Motor vehicle major engine/body repair and truck repair.*
- (1) Such use shall have a minimum lot size of two acres.
  - (2) Such use shall always be located on a lot having frontage along a commercial street of not less than 150 feet.

- (3) Major automobile or truck repair shall be setback a minimum of 200 feet from any residential district.
  - (4) All repairs shall be conducted within a completely enclosed building.
  - (5) All necessary steps shall be taken to insure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding areas than would result from other permitted uses.
  - (6) Outdoor storage of rubbish, junked equipment or parts is prohibited.
  - (7) Vehicles awaiting repair shall be stored on a paved surface. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless required under police or court order.
  - (8) A major automobile or truck repair garage use shall not include the parking or storage of dismantled, nonlicensed or nonrepairable vehicles of any kind, unless ordered by a law enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile and truck repair garage.
- (f) *Motor vehicle wash and detailing establishments.*
- (1) Minimum lot size shall be 10,000 square feet.
  - (2) Vacuuming activities may be carried out only in the rear yard and be setback a minimum of 50 feet from any adjacent residential district or use. In no instance shall the A weighted sound level from the vacuuming activity exceed 65 dB(A) when measured at the lot line.
  - (3) All washing activities must be carried on within a building.
  - (4) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
  - (5) Provision shall be made for drying of the automobiles undercarriage during sub-freezing weather prior to entering the public thoroughfare. There shall be a drip-zone of at least 50 feet.
- (g) New and used automobile, boat, equipment, mobile home, recreation vehicle, and truck and trailer rental and sales, including outdoor display areas.
- (1) Damaged vehicles shall not be stored outside.
  - (2) Off-street parking as required by section 36-03 shall not be used for the storage or display of new or used vehicles.
  - (3) All loading and unloading of new or used vehicles or equipment shall be strictly on-site and a loading and unloading area shall be provided in compliance with section 17.03 Off-Street Loading Requirements of this appendix. All loading and unloading areas shall be provided in the side or rear yards.
  - (4) Used automobile, boat, mobile home, recreation vehicle and truck and trailer rental and sales shall be permitted only in conjunction with a new vehicle sales and service dealership.
  - (5) Accessory uses such as, but not limited to, motor vehicle maintenance and minor repair, motor vehicle major engine/body repair and truck repair or motor vehicle wash and detailing establishments shall all comply with all applicable regulations related to those uses.
- (h) *Truck and heavy equipment rental.*
- (1) The site shall have access to a paved arterial or collector street as defined in the master plan or an industrial park collector street.
  - (2) Parking or storage of rental equipment shall not be permitted in the front yard at any time.

- (3) Outdoor storage may be permitted in the side or rear yard, provided it is screened on all sides by a solid eight-foot permanent wall and all stored materials shall not be piled to a height of more than eight feet. All vehicles shall be stored on a paved surface.
  - (4) Any repair or service of the equipment shall be within an enclosed building.
- (i) *Truck stops.*
- (1) The site shall have access to a paved arterial or collector street as defined in the master plan or through an industrial park collector street.
  - (2) Minimum lot area of ten acres.
  - (3) Maintenance and repair facilities shall be conducted totally within an enclosed building.
  - (4) There shall be no storage of inoperative trailers, vehicles, or waste and recycling materials. Trailers shall not be used for storage.
  - (5) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with city standards subject to the approval of the city engineer/DPW director. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
  - (6) All gasoline pumps shall be located not less than 20 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
  - (7) A gasoline pump area canopy shall be permitted in the front yard provided that such canopy does not encroach upon the public right-of-way.
  - (8) Accessory uses such as but not limited to restaurants, hotels, motor vehicle maintenance and minor repair, motor vehicle major engine/body repair and truck repair or motor vehicle wash and detail establishments shall comply with all applicable regulations related to those uses.

(Ord. No. 09-434, § 13.05, 1-20-2009; Ord. No. 11-461, § 1, 7-5-2011)

Sec. 13.06. - Lodging and food service uses.

- (a) *Drive-in, drive-through or carryout restaurant.*
- (1) The site shall have access to a major street as defined in subsection 28.11(q), streets.
  - (2) The drive-through window shall be on the rear side of the building or on the side wall. The side of the building with the drive-through lane shall be setback a minimum of 20 feet from any lot line.
  - (3) Clear identification and delineation between the drive-through and the parking lot shall be provided. The location of the drive-through and stacking lane shall not impede the flow of on-site traffic.
  - (4) Each drive-through shall provide an escape lane to allow other vehicles to pass those waiting to be served.
  - (5) Any drive-through integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- (b) *Restaurants and taverns with accessory outdoor seating.*
- (1) The seating area shall be delineated with ornamental fences or walls that are a minimum of three feet tall.
  - (2) Pedestrian circulation and access to the building entrance shall not be impaired. Access to the outdoor seating shall be provided only through doors leading into the building.

- (3) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.
  - (4) Additional signage shall not be permitted.
  - (5) There shall be no outdoor preparation of food.
- (c) *Taverns, pubs, microbrewery, cocktail lounge, nightclub, bar or other establishment with a license to serve alcoholic beverages.*
- (1) An establishment with a license to serve alcoholic beverages shall not be located within 500 feet of a residential zoning district, any nursery, primary, or secondary school or another establishment license to serve alcoholic beverages.
  - (2) The planning commission may waive the locational restrictions set forth above for provided all of the following findings are made:
    - a. That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties.
    - b. That the use will be adequately buffered or separated from nearby schools and residential areas.
    - c. That access to the proposed use will be to major thoroughfares and not cause increased traffic, or parking on local residential streets.
  - (3) The public hearing notice on a special land use application for an establishment with a license to serve alcoholic beverages shall be mailed to all residents and property owners within 300 feet of the site.

(Ord. No. 09-434, § 13.06, 1-20-2009; Ord. No. 10-446, § 1, 3-16-2010)

Sec. 13.07. - Other service uses.

- (a) *Tool and equipment rental, nonindustrial and excluding vehicles.*
- (1) All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be setback a minimum of 150 feet from any street right-of-way line.
  - (2) A street shall be provided, graded, paved, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
  - (3) All outdoor storage shall be screened from all streets by a solid eight-foot permanent wall or fence and all stored materials shall not be piled to a height of more than eight feet.

(Ord. No. 09-434, § 13.07, 1-20-2009)

Sec. 13.08. - Finance, insurance, real estate, professional, scientific and technical service uses.

- (a) *Banks, credit unions, savings and loan associations with drive-through windows.*
- (1) The drive-through, including any associated lighting shall be screened from any adjacent residential district or use.
  - (2) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
  - (3) Each drive-through shall provide an escape lane to allow other vehicles to pass those waiting to be served. The planning commission may waive the requirement for an escape lane where it can

be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons.

- (4) The drive-through shall be located on the side or rear elevation of the building to minimize visibility from the public or private street.

(Ord. No. 09-434, § 13.08, 1-20-2009)

Sec. 13.09. - Health and human care uses.

(a) *Adult foster care large group home with 13 to 20 residents.*

- (1) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (2) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and should be motion activated.
- (3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- (4) A landscaped buffer shall be provided along all lot lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.

(b) *Adult foster care small group home with seven to 12 residents.*

- (1) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (2) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and should be motion activated.

(c) *Child care centers and day care centers.*

- (1) Shall provide a lot area of not less than 700 square feet for each enrolled child.
- (2) The site shall have access to a major street as defined in section 28.11(q), streets.
- (3) A minimum of 150 square feet of usable outdoor play area (minimum total area of 5,000 square feet per facility) shall be provided for each enrolled child.
- (4) The outdoor play area shall be suitable fenced and screened by a heavily planted green belt from any adjacent residential district or use.
- (5) A child loading/unloading area shall be designated.
- (6) On-site vehicular circulation shall be limited to one-way traffic flows, where possible.

(d) *Convalescent homes and nursing homes.*

- (1) All buildings shall be set back a minimum of 75 feet from all lot lines.
- (2) The site shall have access to a major street as defined in section 28.11(q), streets.
- (3) The facility shall be designed to provide a minimum of 1,500 square feet of open space for every bed used or intended to be used. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.

(e) *Funeral homes or mortuary establishments.*

- (1) Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession. Such assembly area will be in addition to required off-street parking.
- (2) A caretakers residence may be provided within the principal building.
- (3) The site shall have access to a paved arterial or collector street as defined in the master plan.



- (f) *Group child care homes with seven to 12 children less than 24 hours per day.*
  - (1) A group child care home shall not be located closer than 1,500 feet to any other the following facilities as measured along the street:
    - a. Another licensed group child care home.
    - b. An adult foster care large group home licensed by the State of Michigan.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven or more people which is licensed by the State of Michigan.
    - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - (2) There shall be a minimum of 700 square feet of outdoor play area. All outdoor play areas shall be enclosed by a nonclimbable fence that is at least 60 inches high.
  - (3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood.
  - (4) Hours of operation shall not exceed 16 hours in a 24-hour period, and activity shall be limited between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of maintaining a nondisruptive period during nighttime hours.
  - (5) A copy of the state license shall be submitted to the city.
- (g) *Health care facilities such as hospitals, 24-hour urgent care centers and rehabilitation centers.*
  - (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) All buildings shall be setback a minimum of 100 feet from any lot line.
  - (3) The maximum building height of a hospital shall be permitted up to five stories or 50 feet.
- (h) *Senior assisted living.*
  - (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) The site shall have 1,500 square feet of open space for every one bed. The open space shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses.
- (i) *Senior independent living.*
  - (1) The site shall be at least five acres in area and may provide for the following:
    - a. Cottage type one story dwellings and/or apartment type dwelling units.
    - b. Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
  - (2) Minimum dwelling unit size shall be 350 square feet per unit (not including kitchen and sanitary facilities).
  - (3) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25 percent of the total site area not including any dedicated public right-of-way.

(Ord. No. 09-434, § 13.09, 1-20-2009)

Sec. 13.10. - Art, entertainment and recreation uses.

- (a) *Drive-in outdoor theaters.*
  - (1) The site shall be at least 20 acres in area.

- (2) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (3) The lot site shall be at least 500 feet from any residential district. There shall be at least one exit and one entrance to the lot which shall be directly onto the arterial street. Access to any residential street shall not be provided.
  - (4) The premises shall be enclosed with a solid screening wall eight feet in height consisting of a permanent material of metal, brick or masonry.
  - (5) All points of entrance or exit shall be located no closer than 250 feet to any street intersection.
  - (6) Space shall be provided, on-premises, for 50 waiting vehicles to stand at the entrance to the facility.
  - (7) The theater screen shall not be placed closer than 100 feet from any public street right-of-way and shall be so constructed as to not be visible to a major street or any residential district.
- (b) *Golf courses and country clubs.*
- (1) All buildings shall be setback a minimum of 75 feet from all lot lines and 200 feet when adjacent to any residential district.
  - (2) A shelter building with toilet facilities shall be provided which meets all requirements of the Wayne County Health Department and the state construction code.
  - (3) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate.
- (c) *Outdoor recreation uses, such as golf driving range, or court sports facilities, miniature golf, tennis and similar recreation uses, excluding gun ranges.*
- (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) All buildings shall be setback a minimum of 75 feet from all lot lines and 200 feet from any adjacent residential district; provided this requirement may be modified where topography conditions provide a screen from view.
  - (3) No active recreation facilities or activities shall take place within 30 feet of the perimeter of the recreation area. All recreation activities shall be adequately screened from abutting property by means of a greenbelt constructed according to the standards of section 16.02, landscaping.
  - (4) Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreation character of the use. Accessory uses that are of a commercial nature, shall be housed in a single building. Minor accessory uses that are related to the operation of the recreation use, such as a maintenance garage, may be located in separate building. Accessory uses shall not include the sale, servicing or repair of any vehicles or equipment used on the site except that owned by the proprietor.
  - (5) For uses that include a swimming pool, a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
  - (6) All primary activities associated with such operations and conducted out of doors shall be limited to hours of operation which shall not exceed 9:00 a.m. to 11:00 p.m., unless approval for an extension of that period is obtained from the city council.
  - (7) Whenever batting cages, driving ranges, go-cart tracks and other potentially dangerous facilities are included on a particular site, fencing, buffering, crash barriers, back stops, and other protective measures shall be provided as necessary to ensure the continued protection of the public health, safety, and welfare.
  - (8) There shall be no open storage of material on the premises. All on-site storage shall take place within a completely enclosed building.
  - (9) All repair work must be carried out within an enclosed building.

- (d) *Private club, fraternal organizations and lodge halls.*
  - (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) Only commercial uses ancillary to the club function shall be permitted.
  - (3) Land not utilized for buildings, parking, etc., shall be landscaped.
  - (4) All parking shall be located in the side or rear yard.
- (e) *Private recreational facilities, public recreational facilities and nonprofit swimming pool clubs.*
  - (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) 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. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
  - (3) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian.
  - (4) For uses that include a swimming pool, a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
- (f) *Racetracks, including mini auto, carting, motorcycles, dirt bikes and snow mobile.*
  - (1) Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only in I-2 districts when located adjacent to a major street and shall be located on a lot adjacent to industrial districts on all sides, and shall be subject further to the following conditions and such other controls as deemed necessary by the city council to promote health, safety and general welfare:
    - a. All parking shall be provided as off-street parking within the boundaries of the development.
    - b. The site shall have access to a paved arterial or collector street as defined in the master plan.
    - c. All sides of the development not abutting a major street shall be provided with a 20-foot greenbelt planting and fence or wall so as to obscure from view all activities within the development.
- (g) *Recreational equipment storage.*
  - (1) Recreation equipment storage shall have a minimum lot size of ten acres.
  - (2) The use of the premises shall be directly limited only to storage of recreational vehicles, boats and trailers and shall not be used for any auction, sales, transfer business or storage of any other materials.
  - (3) The premises shall not be used for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item.
  - (4) Limited sale of products and supplies incidental to the principal use, such as ropes, locks, tape, etc., shall be permitted within an enclosed building.
  - (5) The storage of combustible or flammable liquids or explosive materials shall be prohibited.

- (6) Vehicles shall not have a fixed connection to electricity, water, gas or sanitary facilities, except for maintenance and cleanup.
- (7) Persons, individuals, groups or families shall not be allowed to occupy any vehicle during nonbusiness hours.
- (8) Storage areas shall be hard surfaced with an asphalt or concrete surface and graded and drained so as to properly dispose of all surface water accumulated within the area subject to the approval of the city engineer/DPW director.
- (9) All recreational vehicles, boats, trailers contained herein shall be locked or secured at all times when not being claimed or moved by the owner so as to prevent access thereto and to prevent accidental release that would permit movement onto abutting property.
- (10) Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

(Ord. No. 09-434, § 13.10, 1-20-2009)

Sec. 13.11. - Transportation and warehousing uses.

(a) *Mini-warehouse/self-storage facilities.*

- (1) The site shall have access to a major street as defined in section 28.11(q), streets.
- (2) Storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code or toxic materials, shall not be permitted within the self-storage buildings or upon the premises.
- (3) The use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing of any vehicles, storage of recreational equipment, or for any recreational activity or, hobby.
- (4) Storage outside of the self-storage buildings shall not be permitted. RV or vehicle storage shall not be permitted except within the buildings.
- (5) The facility may include moving van/truck rental, which shall be required to also meet the applicable requirements for that use.
- (6) Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks, and chains shall be permitted on the site devoted to this use.
- (7) The entire site shall be screened from view in accordance with the requirements of section 16.02, landscaping. Doors shall be oriented facing away from a street right-of-way or an adjacent residential district or use and screened from view of the street.
- (8) A security manager shall be permitted to reside on the premises.

(b) *Petroleum or other flammable liquid storage, including fuel storage tank farms.*

- (1) The minimum lot size shall be 15 acres.
- (2) The site shall have access to a paved arterial or collector street as defined in the master plan or an industrial park collector street.
- (3) An adequate separation zone shall be established between this use and industrial uses permitted by right subject to the city's fire code.
- (4) The site shall be setback a minimum of 100 feet from any residential district.
- (5) The site shall be fully landscaped, screened, bermed with a six-foot berm, and fenced. Such screening along the perimeter of the site shall be required as determined by the planning commission.

- (6) Prior to the establishment of a facility, an environmental impact statement (EIS) shall be prepared and submitted to the planning commission for review. At a minimum the EIS shall assess the following:
  - a. Water, noise, and air pollution associated with the proposed use.
  - b. Effect of the proposed use on public utilities.
  - c. Historic and archeological significance of the site and adjacent properties.
  - d. Displacement of people and other land uses by the proposed use.
  - e. Alteration of the character of the area by the proposed use.
  - f. Effect of the proposed use on the city's tax base and adjacent property values.
  - g. Compatibility of the proposed use with the existing topography, and topographic alterations required.
  - h. Impact of the proposed use on surface and groundwater.
  - i. Operating characteristics and standards of the proposed use.
  - j. Proposed screening and other visual controls.
  - k. Impact of the proposed use on traffic.
  - l. Impact of the proposed use on the flora and fauna.
  - m. Negative shortterm and longterm impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.
- (c) *Small package and overnight delivery distribution facilities.*
  - (1) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (2) Delivery vehicles shall not be parked in the required front yard setback.
  - (3) All activities other than off-street parking, loading and unloading, and outdoor storage shall be conducted in an enclosed building.
  - (4) Off-street parking, loading and unloading areas, and outdoor storage shall be screened from adjacent public streets and any adjacent residential districts.
  - (5) The primary usage of the facility shall be by small trucks or vans.
- (d) *Truck terminals.*
  - (1) The site shall have a minimum area of ten acres.
  - (2) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (3) The site shall meet the standards of section 14.10, performance standards.
  - (4) Dispatching and business offices shall be subject to the requirements of the district.
  - (5) Maintenance and repair facilities shall be conducted totally within an enclosed building.
  - (6) There shall be no areas designed or designated on the property for storage of inoperative trailers, vehicles or waste and recycling materials other than normal maintenance. Trailers shall not be used for storage.
  - (7) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with city standards subject to the approval of the city engineer/DPW director. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

- (8) The site shall be designed so that all vehicles are able to enter and leave the site without having to back out onto the street.
  - (9) Concrete curbing, six inches in height, shall be properly placed and maintained along or parallel to all lot lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
  - (10) Landscaped berms shall be required along all lot lines that are visible from the public right-of-way as required by section 16.02, landscaping.
  - (11) The planning commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than is normal for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges. All access to the site shall be from class A streets.
  - (12) The minimum setbacks, greenbelts and landscape buffer zones for the site shall be increased by 50 percent above the basic front, side and rear yards setbacks and the amount of plant material required by section 16.02, landscaping.
  - (13) There shall be provided, except at entrances and exits, a six-foot decorative wall the full width of the developed area of the terminal site set back 50 feet from the lot line. Where the principal building is constructed at the 50 foot setback line and where the front of the building is constructed of a decorative brick compatible with the wall, then the decorative wall shall not be required along that portion of the front yard enclosed by the building. As an alternative to a wall, the planning commission may permit a black vinyl-coated fence behind a five-foot tall landscape berm.
- (e) *Warehousing and wholesale establishments.*
- (1) All activities other than off-street parking and loading and unloading areas and outdoor storage areas shall be conducted within an enclosed building.
  - (2) Off-street parking, loading and unloading areas and outdoor storage areas shall be screened from adjacent public street and any adjacent residential district in accordance with the requirements of section 16.02, landscaping.
- (f) *Warehouse and distribution facilities over 80,000 square feet.*
- (1) The site shall be designed so that all vehicles are able to enter and leave the site without having to back-out onto the street. Driveways shall be curbed for their full length in the front yard to a height of ten inches.
  - (2) A traffic impact study in accordance with section 19.10, traffic impact studies, shall be required.
  - (3) The minimum setbacks, greenbelts and landscape buffer zones for the site shall be increased by 50 percent above the basic front, side and rear yards setbacks and the amount of plant material required by section 16.02, landscaping.

(Ord. No. 09-434, § 13.11, 1-20-2009)

Sec. 13.12. - Utilities and waste disposal uses.

- (a) *Composting facilities (yard waste).*
- (1) Composting facilities shall have a minimum lot size of ten acres.
  - (2) The site shall have access to a major street as defined in section 28.11(q), streets.
  - (3) When a composting facility abuts a residential district, a 100-foot landscaped buffer shall be provided utilizing landscape materials required for buffer zone A in accordance with section 16.02, landscaping.

- (4) Buffer zone B in accordance with section 16.02, landscaping, shall be provided on all sides of the site not adjacent to a residential district or use.
  - (5) Stacking area for a minimum of five vehicles must be provided on site. Any area used for parking or unloading packaged compostable materials must be screened with an eight-foot enclosure to prevent plastic or paper bagging materials from leaving the unloading area.
  - (6) Active composting operations and storage of compostable and composted materials shall not take place closer than 150 feet from any boundary of the facility site. The setback from active composting and storage of compostable and composted materials shall be increased to 500 feet from the boundary of any land zoned or used for residential purposes.
  - (7) Individual windrows within the composting facility may not exceed six feet in height and ten feet in width as measured from the base. No portion of the composting mound shall be clearly visible from adjacent road rights-of-way.
  - (8) Any composting facility operation shall be conducted in accordance with current standards established by the United States Environmental Protection Agency, the United States Department of Agriculture, the Michigan Department of Natural Resources and Environment and other applicable government regulatory agencies. A composting facility designed for anaerobic composting shall not be permitted. Storing, discharging or depositing sewage, human wastes, wash water, garbage or other wastes shall be done in a manner which does not transmit disease. Depositing, storing or disposing of garbage, manure or any other wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties.
  - (9) Storing or disposing of composting or compostable materials of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of Wayne County.
  - (10) The site shall meet the standards of section 14.10, performance standards.
  - (11) A chainlink fence shall enclose the entire site.
  - (12) Composting facilities shall not be located in a 100-year floodplain or regulated wetland.
- (b) *Conversion or composting of sewage or sludge into a usable or saleable products.*
- (1) The use shall meet the current standards and recommendations of the U.S. Environmental Protection Agency, the U.S. Department of Agriculture and the Michigan Department of Natural Resources and Environment.
  - (2) The developer shall have prepared for presentation to the planning commission an environmental impact statement (EIS). The environmental impact statement shall assess:
    - a. Water, noise and air pollution problems associated with the proposed use.
    - b. Effect on public utilities.
    - c. Historic and archeological uses.
    - d. Displacement of people or other land uses.
    - e. Significant alteration of the character of the area.
    - f. Effect on city tax base.
    - g. Topographic data.
    - h. Groundwater study.
    - i. Surface water study.
    - j. Operating standards.

- k. Visual controls (buffering, etc.).
  - l. Traffic consideration.
  - m. Effect on fauna and flora.
  - n. Negative shortterm and longterm factors including duration, frequency and steps taken to mitigate these factors.
- (3) The use shall have an 800-foot minimum clear zone between the use and the nearest residential district.
  - (4) The use shall not have a negative economic impact on adjacent land uses.
  - (5) It is the proprietor's responsibility to fund the following monitoring and testing program to be carried out on a weekly basis by city agents. The following items shall be monitored and evaluated:
    - a. Site maintenance.
    - b. Standards of section 14.10, performance standards.
  - (6) All processing, treatment, unloading, and final product storage shall be within a completely enclosed building. The plan shall indicate that all motor vehicles, which have contained or been in contact with sludge, shall be washed clean prior to leaving the site. The method of washing shall be specified on site.
  - (7) Vehicles used to transport sludge to the site shall provide for the completely enclosed, sealed containment of the sludge such as provided by concrete transit mix trucks or similar vehicles having a completely enclosed, sealed container, the intent being to prevent any leakage of the sludge material. Open box dump trucks with tarpaulin/canvas covering are prohibited. Vehicles shall comply with federal and state regulations for the transport of these materials.
- (c) *Essential services (with or without outdoor storage of materials and vehicles).*
- (1) All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located.
  - (2) Essential services including public utility/transformer substations shall conform to the setback requirements of the district where they are located. If the height of the structure exceeds the district height requirements, the required setback shall be equal to the height of the structure.
  - (3) Public utility facilities/transformer substations shall be fully landscaped and screened and located on a secured site.
  - (4) Outdoor storage of materials or vehicles shall be fully screened.
- (d) *Hazardous waste storage handling and disposal facilities and deep well or underground injection wells.*
- (1) Such use shall have a minimum lot size of 20 acres.
  - (2) An environmental impact statement (EIS) shall be prepared for review by the planning commission or their delegate and shall have the information required in subsection (13) below.
  - (3) To ensure that the reasonable use of neighboring properties is not adversely affected and to reduce the potential for adverse health, odor or other environmental impacts, the lot lines encompassing the proposed use shall only abut industrial districts and, in addition, the following separation distances shall be observed:
    - a. 2,640 feet from the lot lines of any residential district, major medical facility, nursing home, senior housing project, or any facility which is designed for use by the physically infirm, or where large numbers of people congregate, such as senior recreation centers, parks or playgrounds, public meeting halls, churches, schools and libraries.
    - b. 1,000 feet from the lot lines of any existing residential structure.



- (4) The city shall determine that the proposed use shall not adversely affect nonconforming residential uses and that adequate separation is provided from existing industrial uses that may be particularly sensitive, such as food, beverage or drug processing plants.
- (5) The separation distances specified above may be reduced by not more than 50 percent upon a finding by the planning commission that the reduced isolation distances are sufficient to prevent any occurrence of health or obnoxious odor problems or pollution of land, watercourses or drainage systems.
- (6) The use will not have a negative economic impact on adjacent land uses.
- (7) It is the proprietor's responsibility to fund the following monitoring and test program to be carried out on a weekly basis by city agents:
  - a. Site maintenance.
  - b. Standards in accordance with section 14.10, performance standards.
- (8) The physical limits of the storage plume or cavity shall not exceed the physical dimensions of the property proposed for this use. The physical limits of the storage plume may not extend beyond the zoning district in which the site is located.
- (9) For deep well or underground injection wells all property owners located within the physical limits of the storage plume must present written acknowledgment of their acceptance of storage of waste material beneath their property and provide written permission allowing said storage and must file a written notice with the county register of deeds stating:
  - a. That the right to storage of hazardous or nonhazardous substances or disposal of has been granted.
  - b. A general description as to those substances actually stored or disposed of below these surfaces.
  - c. That the permission granted runs with the land in perpetuity.
- (10) The transportation of all hazardous waste products shall only occur on class A industrial streets. Transportation routes shall be submitted to the planning commission for approval.
- (11) The applicant shall comply with all federal, State of Michigan and Wayne County requirements for the siting, development and monitoring of the proposed facility.
- (12) Outdoor storage of hazardous waste is not permitted unless pursuant to a permit issued by State of Michigan Department Natural Resources and Environment. Such use shall be located on a site of not less than 20 acres. All truck access to and from the site shall be upon a major or secondary thoroughfare which has been constructed to class A street standards.
- (13) In order to fully assess all implications and effects of the project, a community impact statement shall be prepared by the petitioner and submitted for review at the public hearing and later approval by the city. This report must describe at least the following factors:
  - a. Significant environmental effects;
  - b. Unavoidable environmental effects;
  - c. Measures taken to mitigate against the above;
  - d. Project alternatives;
  - e. Significant irreversible environmental changes;
  - f. Impacts on future growth;
  - g. Financial ability to respond to emergency situations;
  - h. Based on this study or others, the city shall assure itself that the environmental impacts have been identified; adverse impacts have been eliminated or there are no feasible alternatives;

adequate conditions and safeguards will be implemented; and that the site and facility will not adversely affect the quality of the city's human and/or physical environment.

- (14) The site shall be screened from view from the street frontage by a greenbelt C and from any residential use by a buffer zone A in accordance with section 16.02, landscaping.
- (15) All treatment, transfer, unloading, and storage shall be within a completely enclosed building and in approved storage tanks. The plant shall be constructed so as to enclose all equipment which generate significant levels of noise. All aggregate and bulk materials shall be stored in the building or in concrete bunkers or silos. The bunkers or silos shall be equipped to control fugitive dust and particulates. The plan shall indicate that all motor vehicles, which have contained or been in contact with hazardous waste, recycled materials or sludge, shall be washed clean prior to leaving the site. The method and area for washing shall be specified on the site plan. The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to groundwater, surface water or storm sewers. This shall include a washout, washdown, and secondary containment system to recover and recycle impurities and other byproducts processed from trucks, machinery products, supplies or waste. All surface areas involved in the loading, unloading, transfer or storage shall be constructed in such a manner as to prevent the runoff of any hazardous material to unpaved areas on nondesignated drainage facilities. Such potential waste shall be collected with a secondary containment system and processed or disposed of according to state or federal regulations.
- (16) All driveways, surface streets and storage areas on the premises shall be paved with concrete or deep strength asphalt. Deceleration lanes shall be provided in accordance with the minimum of the City of Taylor's major industrial driveway engineering standards. Acceleration or passing lanes may be required, based upon city engineering determination. The planning commission shall take into consideration vehicular turning movements in relation to traffic flow, proximity of curb cuts and intersections.
- (17) All areas of the site which are not paved for parking, driveways, loading or operation shall be landscaped and maintained in accordance with section 16.02, landscaping of this ordinance. This shall include a plan for the permanent maintenance of all required earthen berms, plantings, lawns and landscaping.
- (18) The facility and all of its operations shall strictly comply with all of the performance standards set forth in section 14.10, performance standards, as well as all applicable federal, state, county and local statutes, regulations, rules, orders and ordinances. Systems shall be employed to contain and process all discharged materials from the facility in an environmentally sound manner.
- (19) Plans and/or reports shall be filed with the city fire department, indicating the types of materials and where they are located on the site.
- (20) All approvals of the city shall be conditioned and subject to the applicant securing all required approvals and permits, as defined by local, county, state and federal statutes and regulations.
- (21) The city council shall establish fees to pay its costs of administration and inspections of the site and facility to ensure that the development is being operated in compliance with the conditions of the special approval. Further, applicant shall be required to provide to the city adequate proof of financial assurance in an amount, in the city's discretion, that is adequate to assure the applicant's ability to respond to emergency situations caused by either a release or the threat of release of either hazardous or nonhazardous substances, as well as, the costs required to be reimbursed to the city pursuant to this section and to secure the facility in the event that applicant no longer operates the proposed facility. The city may, from time to time, require additional financial assurances as the size of the facility or amount of substances disposed of increases. Financial assurance means either adequate capital reserves specifically earmarked for the purposes of this section or a letter of credit, insurance, surety bond, corporate guarantee, trust, escrow, corporate guaranty or any combination thereof.
- (22) Petitioner shall provide copies of all hazardous waste manifest on a monthly basis.

- (e) *Incineration of garbage or refuse.*
- (1) Such uses shall have a minimum lot size of 20 acres.
  - (2) An environmental impact statement (EIS) shall be prepared for review by the planning commission or their delegate and shall have the information required in section 13.12(d)(13) above.
  - (3) Such uses shall meet all federal and state standards for the type of facility proposed.
  - (4) Conducted within an enclosed incinerator plant approved by the city council upon a recommendation from the planning commission.
- (f) *Junkyards, salvage yards and outdoor recycling of nonhazardous materials.*
- (1) Such uses shall have a minimum lot size of ten acres.
  - (2) The setback from the front lot line to the area upon which junk materials are stored shall be not less than 50 feet and shall be landscaped in accordance with section 16.02, landscaping. No materials shall be stored in the required front yard.
  - (3) Junkyards shall be screened from the street and from any adjoining property by a masonry screening wall eight feet in height. The wall shall be kept uniformly painted, neat in appearance, and shall not contain any signage.
  - (4) All activities and material shall be kept within the enclosed area formed by the obscuring wall. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
  - (5) All structures, off street parking and fencing and used material storage yards shall be set back not less than 50 feet from any street or highway right-of-way. The wall shall be setback from the lot line a sufficient distance to provide the greenbelts and buffer zones required by section 16.02, landscaping on the outside of the wall.
  - (6) All streets, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junkyard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public streets, the nuisance caused by windborne dust.
  - (7) A paved access shall be provided from the street to the rear of the property to permit free access of fire trucks at any time.
  - (8) Junkyards shall meet all applicable state guidelines and regulations.
  - (9) There shall be no burning on the site.
  - (10) The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to groundwater, surface water or storm sewers. This shall include a washout, washdown and secondary containment system to recover and recycle impurities and other byproducts processed from trucks, machinery products, supplies or waste.
- (g) *Public water plants, public works garages, public works storage yards, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations.*
- (1) All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located, and are not naturally larger than other buildings in such areas.
  - (2) Essential services including electric transformer substations shall conform to the setback requirements of the district where they are located. If the height of the structure exceeds the district height requirements, the required setback shall be equal to the height of the structure.
  - (3) Such uses shall be located on a secured site and shall be fully landscaped, bermed and screened per the requirement of section 16.02, landscaping.

- (4) All service yards shall be fully screened with a solid fence or evergreen screening.
- (h) *Recycling and refuse transfer operations within an enclosed building.*
- (1) Such uses shall be located on a site of not less than five acres.
  - (2) The entire site shall be fully landscaped, screened, bermed with a six-foot berm, and fenced. Such screening along the perimeter of the site shall be required as determined by the planning commission.
  - (3) All activities shall be conducted within an enclosed building.
  - (4) Shall be located on a secured site.
  - (5) Shall be subject to the standards of section 14.10, performance standards.
  - (6) Shall (except for frontage on a public street) abut only land located within an I-2 district.
  - (7) All areas adjacent to the transfer point, such as the tipping floor, the turning area, and the area supporting the trailer while it is being packed, shall be paved with concrete.
  - (8) Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way waiting entrance to the site. The standing and parking facilities shall be paved with concrete. Vehicles shall not remain on the standing or parking facility for longer than a single 24-hour period.
  - (9) The structure in which any transfer operation is housed shall be setback a minimum of 50 feet from all lot lines.
  - (10) Sewage, solid or liquid and other liquids or dangerous substances in quantities considered to be detrimental to the operation of the transfer facility shall be excluded. An exception may be considered when the type of material, the equipment, and method of handling have been submitted for approval. This provision in no way precludes the right of the transfer facility operator to exclude any material as a part of their operational standards.
- (i) *Sewage treatment plants.*
- (1) An environmental impact statement shall be prepared for review by the planning commission and shall have the information required in section 13.12(d)(13) above.
  - (2) The use must have an 800-foot minimum clear zone between the use and the nearest residential district.
  - (3) The use will not have a negative economic impact on adjacent land uses.
  - (4) It is the proprietor's responsibility to fund the following monitoring and testing program to be carried out on a weekly basis by city agents. The following items are to be monitored and evaluated:
    - a. Site maintenance.
    - b. Standards in section 14.10, performance standards.
- (j) *Wind energy conversion systems (WECS).*
- (1) *Accessory WECS.* A WECS to service the energy needs of the property where the structure is located shall be allowed as an accessory structure in all districts, subject to the following requirements:
    - a. Only one WECS shall be permitted per lot containing a principal use.
    - b. The height of the overall WECS with the blade in the vertical position shall not exceed 80 feet above ground level.
    - c. All towers shall be set back a distance at least equal to the height of the overall WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.

- d. All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
  - e. The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80 percent of design limits of the rotor.
  - f. Noise emissions from the operation of a WECS shall not exceed 45 decibels on the DBA scale as measured at the nearest lot line or road.
  - g. To prevent unauthorized climbing, the WECS must provide an anticlimb device.
- (2) *Commercial WECS.* WECS larger than those allowed in subsection (j)(1) above, WECS used primarily to generate energy for commercial sale and wind farms, where permitted, shall be subject to the following requirements:
- a. All applications shall be accompanied by the following information, in addition to the site plan as required in article 19, site plan review:
    - 1. Location and height of all-purposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing and other aboveground structures associated with the WECS.
    - 2. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown.
    - 3. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
    - 4. The site plan submittal shall contain a written description of the maintenance program to be used to maintain the WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
    - 5. A copy of the manufacturer's installation instructions and blueprints.
    - 6. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
    - 7. A copy of the FAA form 7460-1, notice of proposed construction or alteration, that has been submitted to the FAA, which must be approved prior to issuance of a building permit.
  - b. The permitted maximum total height of a WECS shall be 200 feet (with the blade in the vertical position), subject to additional height restrictions that may be imposed by the FAA. The WECS shall not be located or erected to a height that would pose a hazard to aircraft operations.
  - c. A WECS shall be constructed with a tubular tower. Lattice towers are prohibited.
  - d. The setback for placement of a WECS shall be at least equal to the height of the WECS from all lot lines and any public street right-of-way.
  - e. Blade arcs created by a WECS shall have a minimum of 75 feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least 20 feet.
  - f. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80 percent of design limits of the rotor.
  - g. Each WECS must provide an anti-climb device.
  - h. Each WECS shall have one sign, not to exceed two square feet in area, posted at the base of the tower. The sign shall contain high voltage warning, emergency numbers, emergency shutdown procedures. If fenced, signs shall be placed on the fence.

- i. If any lighting is proposed, a lighting plan for the WECS shall be submitted with the site plan. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include, but is not limited to, the number and location of lights, light color and whether any lights will be flashing.
  - j. A WECS shall be painted a nonobtrusive (light environmental color such as beige or gray) color that is nonreflective. No striping of color or advertisement shall be visible on the blades or tower.
  - k. All distribution lines from the WECS to the electrical grid connection shall be located and maintained underground.
  - l. WECS shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
  - m. Noise emissions from the operation of a WECS shall not exceed 45 decibels on the dBA scale as measured at the nearest lot line or street.
  - n. WECS must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS, which the city can review.
  - o. Any WECS not used for six successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.
  - p. The city shall require a guarantee in accordance with the provisions of section 25.08, performance guarantee, which will be furnished by the applicant to the city in order to ensure full compliance with this subsection and any conditions of approval. At a minimum, the performance guarantee shall be in an amount determined by the city to be sufficient to have the WECS fully removed and the land returned to its original state should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special land use approval. The performance guarantee shall be kept in full force and effect during the entire time while a WECS exists.
- (k) *Wireless communication facilities and services.*
- (1) *Purpose and intent.* The regulations of this section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the City of Taylor. It is the city's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city and to also ensure compliance with FAA height restrictions in the vicinity of the Detroit/Wayne County Metro Airport. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the city that all users should co-locate on attached wireless communication facilities and wireless communication support structures. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the city's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
  - (2) *Use requirements.* Wireless communication facilities may be located within the city in accordance with table 13.12.

TABLE 13.12. WIRELESS COMMUNICATION FACILITIES REGULATIONS

Type/location of wireless communication facility	Location Permitted	Approval Procedure
<b>Wireless communication facility attached to existing structures</b>		
Collocation upon an existing wireless communication support structure	All districts	Administrative approval
Replacing an existing wireless communication support structure with a new one to support additional collocation	All districts	Administrative approval if not taller than existing tower
Attached to an existing utility structure	All districts	Administrative approval, with letter of acceptance from the utility company
Attached to an existing building	All non-single-family residential districts	Administrative approval
<b>New wireless communication support structure</b>		
Replacing an existing tower with a taller tower to permit additional collocation	B-1, B-2, B-3, O-1, O-2, TRO, I-1 and I-2 districts or a government owned site in any district	Site plan approval in accordance with article 19, site plan review
Monopole	B-1, B-2, B-3, O-1, O-2, TRO, I-1 and I-2 districts or a government owned site in any district	Special land use approval in accordance with article 21, special land use review
Lattice tower where it can be shown that a monopole is not feasible	I-1 and I-2 districts	Special land use approval in accordance with article 21, special land use review

- (3) *Application requirements.* An application for a wireless communication facility, including new towers and collocation shall be required to include a site plan that meets the requirements of

article 19, site plan review. An application for a new wireless communication support structure (i.e., a new tower) shall include the following, in addition to other submittal requirements for site plan, as required in article 19, site plan review:

- a. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e., the fall zone), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
  - b. A description of performance guarantee to be posted at the time of receiving approval for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the city for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the city's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner and the city chooses to undertake removal of the facility. The city may choose to use outside contractors for such purposes.
  - c. The security shall, at the election of the city, be in the form of cash or irrevocable letter of credit to remove the facility in a timely manner as required under this section of the ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the city in securing removal.
  - d. A map that illustrates existing and known proposed wireless communication facilities within the City of Taylor and adjacent communities, which are relevant in terms of potential collocation or to demonstrate the need for the proposed facility. If the information in question is on file with the city, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
  - e. For all new facilities, in recognition of the city's policy to promote collocation, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation.
  - f. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
  - g. A notice of proposed construction or alteration, Federal Aviation Authority (FAA) form 7460-1.
- (4) *Design standards applicable to all facilities.* In addition to the criteria of site plan review listed in article 19 and special land use review listed in article 21, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:
- a. A permit for the construction and use of a new wireless communication support structure shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.
  - b. All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement in a format approved by the city attorney.
  - c. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. The city may approve a six to eight-



foot tall brick wall around the site for screening purposes in any location where landscaping may not survive.

- d. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the city may waive this requirement for a building that is not visible from a public right-of-way or any adjacent nonindustrial lot.
  - e. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities. Fencing shall be black vinyl coated or decorative wrought iron.
  - f. Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing sites are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
  - g. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  - h. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate. All wireless facilities shall be within the maximum height set by the FAA; provided, in no instance shall a wireless communication facility exceed 200 feet.
  - i. All wireless communication facilities shall be setback a distance of at least 1½ the height of the structure from any public road right-of-way and any residential district or use.
  - j. Accessory buildings shall be a maximum of 14 feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
  - k. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided by an easement. This access drive shall be paved and have a minimum width of 26 feet.
  - l. Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
  - m. The support system shall be constructed in accordance with the state construction code and other applicable codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
  - n. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans. An FAA form 7460-1, notice of proposed construction or alteration shall be approved by the FAA.
  - o. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- (5) *Removal.* As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- b. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the building services department.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(6) *Collocation.*

- a. *Statement of policy.* It is the policy of the City of Taylor to minimize the overall number of newly established locations for wireless communication support structures within the city and to encourage the use of existing structures for attached wireless communication facilities. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with city policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.
- b. *Feasibility of collocation.* Collocation shall be deemed feasible for the purpose of this section where all of the following are met:
  - 1. The wireless communication provider or property owner where collocation is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.
  - 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - 3. The collocation being considered is technically reasonable, e.g. the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

(7) *Nonconforming facilities and penalties for not permitting collocation.* If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow collocation in accordance with the intent of this section, and this action results in construction of a new tower, the city may refuse to approve a new wireless communication support structure from that party for a period of up to five years. Such a party may seek and obtain a variance from the zoning board of appeals (ZBA) if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably burden some providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(8) *Variances.* The ZBA may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

- a. For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this section cannot reasonably meet the coverage or capacity needs of the applicant.
- b. For no collocation the applicant has demonstrated that a feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.
- c. For setback, the applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- d. For all, the applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the city, and special design of the facility and site.
- e. For all, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area.

(Ord. No. 09-434, § 13.12, 1-20-2009)

Sec. 13.13. - Construction uses.

(a) *Asphalt, concrete mortar, plaster or mixing plant.*

- (1) Such use shall have a minimum lot size of five acres.
- (2) The site shall have access to a major street as defined in section 28.11(q), streets.
- (3) Such site shall abut only land located within an I-2 district. No portion of the site shall be located closer than 1,320 feet from any residential district.
- (4) A screening wall, fence or landscaping eight feet in height shall be required along the perimeter of the site.
- (5) All vehicles shall be power-washed prior to leaving the site.

(b) *Brick, tile, cement block, pipe or other like or similar products manufacturing and storage.*

- (1) Such use shall have a minimum lot size of ten acres.
- (2) All manufacturing work shall be carried out within an enclosed building.
- (3) Outdoor storage of material shall be set back at least 50 feet from any public right-of-way.
- (4) All outdoor storage shall be screened on all sides, by a solid eight-foot permanent wall and all stored materials shall not be piled to a height of more than eight feet.
- (5) The site shall meet the standards of section 14.10, performance standards.

(c) *Contractor equipment storage.*

- (1) The storage yard shall be located in the side or rear yard only.
- (2) All outdoor storage shall be screened on all sides, by a solid eight-foot permanent wall and all stored materials shall not be piled to a height of more than eight feet.

(Ord. No. 09-434, § 13.13, 1-20-2009)

Sec. 13.14. - Manufacturing uses.

(a) *Large manufacturing facilities over 80,000 square feet.*

- (1) The site shall be designed so that all vehicles are able to enter and leave the site without having to back out onto the street. Driveways shall be curbed for their full length in the front yard.
  - (2) A traffic impact study in accordance with section 19.10, traffic impact studies, shall be required.
  - (3) The minimum setbacks, greenbelts and landscape buffer zones for the site shall be increased by 50 percent above the basic front, side and rear yards setbacks and the amount of plant material required by section 16.02, landscaping.
- (b) *Primary metal manufacturing including iron and steel mills and ferroalloy manufacturing, aluminum production, nonferrous metal production and foundries.*
- (1) The building shall be setback a minimum of 800 feet from any residential district and 300 feet from any other nonindustrial district.

(Ord. No. 09-434, § 13.14, 1-20-2009)

Sec. 13.15. - Accessory uses.

- (a) *Accessory aboveground fuel storage tanks.* Aboveground fuel storage tanks shall be permitted as an accessory structure to a principal permitted use for fueling of fleet vehicles and equipment used on site.
- (1) Storage tanks shall be located in the rear yard or a side yard where screened from view from the street by a decorative wall or landscaping. The height of the tank shall not exceed the principal building on the site.
  - (2) The location of the tank shall not interfere with the circulation on the site.
  - (3) Required leak detection and secondary containment systems shall be provided as required by state regulations.
  - (4) The location and contents of the tank shall be reviewed and approved by the fire department for access and emergency response.

(Ord. No. 09-434, § 13.15, 1-20-2009)

ARTICLE 14. - GENERAL PROVISIONS

Sec. 14.01. - Access.

- (a) All lots shall have frontage on a dedicated public or private street. The frontage shall be of sufficient width so that the lot meets the minimum lot width requirement at the front yard setback for in the district in which the lot is located. Flag lots that do not provide adequate frontage shall be prohibited. A building permit shall not be issued by the city for construction of a new principal building unless all of the following requirements are met:
- (1) The proposed building shall be on a lot that is provided access by an improved public or private street. The street and all utilities shall be constructed to city standards along the entire frontage of the lot. Lots that are located on right-of-way that is unimproved or not fully improved to city street standards shall be required to extend the street and all necessary utilities to the lot and along the entire frontage of the lot.
  - (2) A copy of an approved driveway permit from the city for a city street or Wayne County for a county street shall be provided for access to an improved public street.
- (b) Multiple-family, commercial, office, or industrial developments need not front each structure within the development upon publicly dedicated streets, provided that adequate interior pedestrian and vehicular

circulation and ingress/egress is provided, subject to compliance with the provisions of article 19, site plan review.

- (c) In no case shall a commercial, office, or industrial use have direct access to or from a residential street or through a residential district.

(Ord. No. 09-434, § 14.01, 1-20-2009)

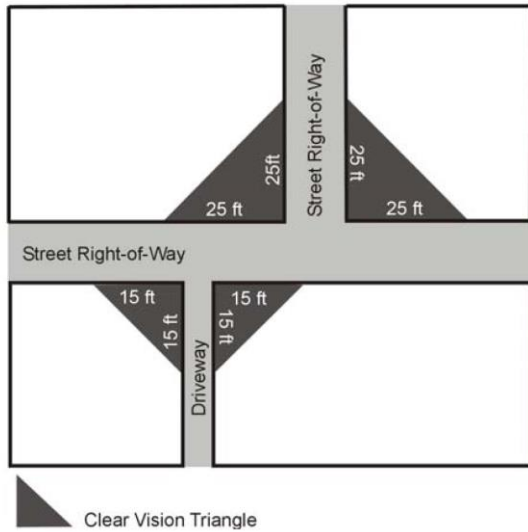
Sec. 14.02. - Building regulations.

- (a) *Conformity required.* Buildings or structures shall not hereafter be erected, constructed, used, reconstructed, altered or maintained, and any lot or land shall not hereafter be used or maintained and new uses shall not be made of any building, structure or land, except in conformity with the provisions of this ordinance.
- (b) *Unlawful building.* Any building that is used, erected, occupied or altered contrary to the provisions of this ordinance shall be deemed an unlawful structure and a 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 such nuisance shall become a lien upon the land.
- (c) *Setback.* Any space used for a required setback, open space, or lot area for a building may not be counted or calculated to meet the same requirements for any other building.
- (d) *Frontage.* No building shall be erected on a lot, unless said lot fronts its full width, as required by section 14.01, access, upon an improved street that has been dedicated to the public. Multiple-family, commercial, office, or industrial developments need not front each structure within the development upon publicly dedicated streets, provided that adequate interior pedestrian and vehicular circulation and ingress/egress is provided, subject to compliance with the provisions of article 19, site plan review.
- (e) *Temporary building.* Temporary buildings shall not be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within 30 days of issuance of a certificate of occupancy or upon completion of the project. Failure to remove the temporary building shall constitute an automatic revocation of the certificate of occupancy.
- (f) *One lot, one building.* In one-family residential districts, only one principal building shall be placed on a lot of record in accordance with section 14.13, uses per lot.
- (g) *Site plan.* In the case of commercial, office or industrial development, prior to a building permit being issued, a site plan should be submitted and approved by the development services department meeting the requirements of article 19, site plan review, and site/civil engineering plans should be approved.
- (h) *Single-family dwelling.* In the case of single-family or infill homes a plot plan is required in accordance with section 25.04, plot plan/survey.
- (i) *Grading.* Grading shall comply with the requirements of section 14.07, grading.

(Ord. No. 09-434, § 14.02, 1-20-2009)

Sec. 14.03. - Corner clearance (clear vision triangle).

- (a) Fences, walls, structures, or plantings shall not be erected, established, or maintained on any lot that will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot.



- (b) Fences, walls, structures, or plantings located in the clear vision triangle, as depicted below, shall not be permitted to exceed a height of 24 inches above the lowest point of the intersecting streets. The unobstructed triangular area is described as follows:
- (1) The area formed at the corner intersection of two street right-of-way or easement lines, the two sides of the triangular area being 25 feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two sides.
  - (2) The area formed at the corner intersection of a street right-of-way, easement, or alley and a driveway, the two sides of the triangular area being 15 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

(Ord. No. 09-434, § 14.03, 1-20-2009)

Sec. 14.04. - Determination of similar uses.

Every type of potential use cannot be addressed in this ordinance. Applications for a use not specifically addressed in any zoning district shall be submitted to the development services department for a determination based on the following process.

- (a) A finding the proposed use is not listed as a permitted or special land use in any zoning district.
- (b) Unless otherwise provided in this ordinance or by law, the development services department shall select the use listed in this ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare in the city.
- (c) Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to the similar use.
- (d) Where the development services department determines a proposed use is not similar to a use addressed in this zoning ordinance, the applicant may petition for an interpretation from the zoning board of appeals, as described in article 26, zoning board of appeals.
- (e) The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the

development services department to be similar shall thereafter be included in the enumeration of the uses.

(Ord. No. 09-434, § 14.04, 1-20-2009)

Sec. 14.05. - Dwellings in nonresidential districts.

- (a) It is the intent of this ordinance to discourage development of residential structures where not otherwise permitted by this ordinance.
- (b) As an accessory use for certain nonresidential uses it may be necessary or desirable to permit living or sleeping quarters for watchmen, caretakers or certain employees subject to the following conditions.
  - (1) A detached dwelling unit for one family may be permitted by the development services department upon showing that the unit is necessary for security reasons or that a resident manager is necessary to carry on the business of the use.
  - (2) Dwellings permitted by this section shall be used only by the security persons or resident managers directly affiliated with the principal business and their families.
  - (3) Dwelling units, sleeping or living quarters shall be contained wholly within the principal building and be incidental and subordinate to the principal use. Garages, basements or cellars shall not be used for living area.
  - (4) All dwelling units, living or sleeping quarters shall meet or exceed the minimum housing standards adopted by the City of Taylor and the State of Michigan.
  - (5) All new or enlarged dwelling units, living or sleeping quarters shall be required to receive a certificate of occupancy separate from the principal use.
- (c) Any violation of this section shall result in termination of the residential use until the violation is fully corrected.

(Ord. No. 09-434, § 14.05, 1-20-2009)

Sec. 14.06. - Essential services.

- (a) Essential services shall be permitted as authorized under any franchise in effect within the city, subject to regulation as provided in any law of the State of Michigan or in any ordinance of the city.
- (b) It is the intent of this section to ensure conformity of all structures and uses to the requirements of this ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, legislation or other city ordinance. In the absence of such conflict, the zoning ordinance shall prevail.
- (c) Wireless communication facilities shall be subject to the requirements of section 13.12(k), wireless communication facilities and services.

(Ord. No. 09-434, § 14.06, 1-20-2009)

Sec. 14.07. - Grading.

- (a) *Drainage.* Elevations for any site with a building shall have a grade sloping away from the walls of the building to permit the flow of surface water. However, sunken or terraced areas may be permitted if they are constructed to prevent the runoff of surface water from flowing onto adjacent properties.
- (b) *Finished floor elevation.* Prior to basement walls/foundations being placed the permit holder, contractor and/or owner shall verify that the top of wall elevation is appropriate for the proposed

finished floor elevation. The permit holder, contractor and/or owner will accomplish this by field verifying the top of the wall/foundation forms prior to concrete being placed. Verification shall be provided by a land surveyor licensed in the State of Michigan.

- (c) *Elevations at lot lines.* Proposed elevations at all lot lines shall match existing elevations of adjacent existing property. Final grades shall be approved by the development services department and city engineer/DPW director.
- (d) *Grade differential.* Grade elevation shall not exceed seven percent across any portion of the site, except for driveways.
- (e) *Grade verification.* Prior to a certificate of occupancy being issued, verification shall be provided by a land surveyor licensed in the State of Michigan that the site grade is consistent with the approved plan.
- (f) *Finished grade.*
  - (1) Shall be no higher than two feet at the highest point of elevation of adjacent properties and be equal to the existing grade at the lot lines.
  - (2) Property shall be graded to provide positive drainage away from proposed structure and shall not drain on adjacent properties.
  - (3) Four inches of topsoil shall be provided over all graded areas.
- (g) *Finished floor elevation.* Finished floor elevation shall be no higher than two feet to adjacent properties or top of curb (or top of bank of ditch line).
- (h) *Engineering standards.* Grading shall comply with the city's engineering standards.
- (i) *Certificate of occupancy.* A certificate of occupancy will not be issued until final grades are approved by the development services department or city engineer.

(Ord. No. 09-434, § 14.04, 1-20-2009)

Sec. 14.08. - Height limit.

- (a) Except as noted in subsection (b) below, buildings erected, converted, enlarged or structurally altered shall not exceed the height limit established for the district in which the building is located.
- (b) Penthouse, mechanical equipment or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits of this ordinance.
- (c) None of the structures described in subsection (b) above may be erected to exceed the building height by more than 20 percent of the building height or ten feet, whichever is greater. If located on a roof, these structures shall not cover an area greater than ten percent of the roof area of the building.
- (d) None of the structures described in subsection (b) above shall be used for any residential, commercial, or industrial purpose other than a use incidental to the principal use of the building.
- (e) Wind energy conversion system, such as wind turbines, shall be allowed to exceed the height limits of the district in which they are located, subject to the regulations and limits set forth in section 13.12(j), wind energy conversion systems (WECS).
- (f) The construction of commercial radio and television transmitting, relay, or other types of antenna towers, where permitted, shall be governed by the regulations set forth in section 13.12(k), wireless communication facilities and services.

(Ord. No. 09-434, § 14.08, 1-20-2009)



Sec. 14.09. - Keeping of animals.

- (a) Domestic animals, dogs, cats, birds and nonbreeding rabbits are limited to a total of three animals age four months or older per household.
- (b) Unless otherwise provided in this ordinance, no building or land in any district shall keep, raise, procreate or otherwise allow on the premises any wild or exotic animal, fowl, farm animal or livestock.
- (c) Excluded from this regulation are facilities owned and operated by the city and fully accredited academic institutions. All are subject to the health and sanitation provisions of the City of Taylor and shall not become a nuisance.

(Ord. No. 09-434, § 14.09, 1-20-2009)

Sec. 14.10. - Performance standards.

- (a) *Application.* Any use established or changed after the effective date of this ordinance, shall comply with all of the performance standards herein. If any existing use or building or other structure is extended, enlarged, or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.
- (b) *Determination of compliance.*
  - (1) Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the development services department shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this section and may initiate an official investigation.
  - (2) Following the initiation of an official investigation, the development services department can require the owner or operator of the use in question to submit such data and evidence as deemed essential to permit an objective determination. Failure to submit data required by the development services department shall constitute grounds for denying a permit for that use of land. The evidence may include, but is not limited to, the following items:
    - a. Plans of the existing or proposed construction and development.
    - b. A description of the existing or proposed machinery, process and products.
    - c. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this section.
    - d. Measurements of the amount or rate of emission of said objectionable elements.
  - (3) Where determinations can reasonably be made by the development services department or other city department, using equipment and personnel normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued. Where determination of a violation is made, the development services department shall take or cause to be taken lawful action as provided by this ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this ordinance.
  - (4) Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the city and when a violation exists, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate.
  - (5) If, after the conclusion of the time granted for compliance with the performance standards, the development services department finds the violation is still in existence, any permits previously

issued shall be void and the operator shall be required to cease operation until the violation is remedied.

(c) *Performance standards.* Any use established shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the following measures for safeguarding human safety and welfare.

(1) *Noise.*

- a. All noise originating within the limits of the City of Taylor shall comply with all applicable local ordinances.
- b. Operations or activities shall not be carried out in a manner which causes or creates measurable noise levels exceeding the maximum sound pressure levels depicted in table 14.10.a as measured on or beyond the lot line of the operation or activity.

**TABLE 14.10.A. MAXIMUM PERMITTED SOUND PRESSURE LEVELS  
IN DECIBELS**

(Pre-1960 Octave Bands American Standards Association, Z24)

Octave Band (cycles per second)*	Commercial and Industrial Districts	
	Day (7:00 a.m. to 8:00 p.m.)	Night (8:00 p.m. to 7:00 a.m.)
0 to 74	76 db	70 db
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

\*Sound level meter set on the C or flat scale, slow response.

- c. A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and the night. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute

(ANSI) specifications on acoustics. The sound level meter and octave band analyzer shall be calibrated before and after the measurements. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in tables 14.10.a or b by no more than five decibels. For purposes of this ordinance, impact noises shall be considered to be those noises whose peak values are more than seven decibels higher than the values indicated on the sound level meter.

- d. For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new preferred frequencies as established by the American Standards Association. To accommodate the possible use of either type of instrumentation, table 14.10.b lists the preferred frequencies. Care shall be exercised to assure the proper correlation between instruments and tables used in measuring performance.

**TABLE 14.10.B. MAXIMUM PERMITTED SOUND PRESSURE LEVELS  
IN DECIBELS**  
(Post-1960 Preferred Frequencies)

Octave Band (cycles per second)*	Commercial and Industrial Districts	
	Day (7:00 a.m. to 8:00 p.m.)	Night (8:00 p.m. to 7:00 a.m.)
31.5	77 db	72 db
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28

\*Sound level meter set on the C or flat scale, slow response.

- e. Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed the maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels. In such cases, a study shall be made to determine the character of the background noise to include sources, levels and duration.
  - f. Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the complaint and possible corrective action. If the complaints are not resolved within 60 days, the development services department may then proceed to take steps to enforce the terms of the zoning ordinance in accordance with the remedies provided herein.
- (2) *Drifted and airborne matter generally.* The drifting or airborne transmission beyond the lot line of dust, particles or debris shall be unlawful and shall be summarily caused to be abated.
  - (3) *Dust, soot, dirt, fly ash and products of wind erosion.* A person, firm or corporation shall not operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

For the purpose of determining the adequacy of such device, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the American Society of Mechanical Engineers (ASME) test code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The chief building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

- (4) *Vibration.* Vibrations which are discernible to humans shall not be perceptible at any point beyond the lot line of the lot upon which the source of such vibration is located.
- (5) *Odor.* The emission of odors which are generally agreed to be obnoxious to any considerable number of persons, at their place of residence, shall be prohibited.
- (6) *Glare and heat.* Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such a manner that the glare, heat, or radiation emitted will not be discernible from any point exterior to the site or lot upon which the operation is conducted.
- (7) *Fire and safety hazards.*
  - a. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the city and with all state rules and regulations, and all applicable local ordinances.
  - b. All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all lot lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.
  - c. Bulk storage tanks of flammable liquids below ground shall be located not closer to the lot line than the greater depth to the bottom of the buried tank.

- (8) *Gases.* The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO<sub>2</sub> gas, as measured at the lot line at ground elevation, shall not exceed an average of 0.3 ppm, H<sub>2</sub>S likewise shall not exceed 1.0 ppm, Fluorine shall not exceed 0.1 ppm, Nitrous fumes shall not exceed 5.0 ppm, and carbon monoxide shall not exceed 15 ppm; all as measured as the average intensity during any two hour sampling period.
- (9) *Electromagnetic radiation.* Applicable rules and regulations of the Federal Communications Commission (FCC) in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance.
- (10) *Smoke.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that density permitted by the U.S. Environmental Protection Agency (EPA). For the purpose of grading the density of smoke, EPA method 9 shall be the standard method of measurement.

(Ord. No. 09-434, § 14.10, 1-20-2009)

Sec. 14.11. - Projections into required yards.

- (a) Certain features may project into the required yard setbacks in accordance with table 14.11.

**TABLE 14.11. PERMITTED PROJECTIONS INTO REQUIRED YARDS**

Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
ADA ramps and structures	Permitted in any yard provided the location meets ADA and city requirements			
Arbors and trellises	3 feet from any lot line			
Architectural features	3 feet	3 feet	2 in. per 1 feet of setback	
Awnings and canopies	3 feet	3 feet	3 feet	5 feet
Bay windows	3 feet from any lot line			
Chimneys	3 feet from any lot line			
Decks, open or enclosed	See section 15.04, porches and decks			
Eaves, overhanging	3 feet	5 feet	3 feet	3 feet
Fences and walls	See section 15.03, fences and walls			
Flagpoles	3 feet from any lot line			

Gardens and landscaping	Permitted in any yard excluding easements			
Gutters	3 feet	5 feet	3 feet	3 feet
Laundry drying equipment	Not permitted	5 feet	3 feet	Not permitted
Light standard, ornamental	Permitted in any yard			
Mechanical equipment, such as HVAC	Not permitted	5 feet	See subsection (b) below	Not permitted
Paved terraces	3 feet from any lot line			
Unroofed porches, stoops, stairways and steps	10 feet	10 feet	3 feet	3 feet
Signs	See article 18, signs			
Window air conditioning units	Not permitted	3 feet	3 feet	Not permitted

- (b) Equipment used for central air conditioning, heating and water filtration purposes and installed outside of single-family or two-family dwellings and their attached structures shall be located in the rear yard no more than three feet in from the extreme sides of the main structure and in no cases less than 15 feet from adjoining single-family and two-family dwellings. The development services department may allow units to be located within the side yard in those instances where such location does not adversely impact an abutting dwelling, conditioned upon screening of the equipment with appropriate landscaping to reasonably conceal the equipment from view.
- (c) Any walk, terrace, patio, drive or other pavement or surface less than six inches above grade shall not be considered to be a structure, and are permitted in any required yard. No more than 30 percent of the front yard area of any residentially zoned lot shall be paved.

(Ord. No. 09-434, § 14.11, 1-20-2009)

Sec. 14.12. - Temporary buildings, structures, uses, and special events.

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

- (a) *Temporary construction, buildings, structures and uses.*
- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision

offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.

- (2) No temporary building or structure shall be used for dwelling purposes.
  - (3) The placement of temporary buildings and structures shall be in conformance with the sketch plan requirements of article 19, site plan review. A building permit for such building or structure shall be issued by the development services department prior to installation.
  - (4) Temporary buildings and structures shall be removed from the lot within 30 days after an occupancy permit is issued by the development services department for the permanent structure on such lot, or within 30 days after the expiration of a building permit issued for construction on such lot.
- (b) *Temporary uses, seasonal, and special events.* Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the development services department, when meeting the standards listed below:
- (1) Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
  - (2) Temporary uses, seasonal, and special events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
  - (3) In no case shall the setbacks for any buildings, structures or parking be less than 100 feet of residential districts or uses and ten feet from nonresidential districts or uses, except in the midtown districts.
  - (4) The temporary use, seasonal, and special event shall not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
  - (5) If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.
  - (6) A minimum of one parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
  - (7) A sketch plan (to scale) shall be provided illustrating:
    - a. Lot lines.
    - b. Adjacent uses and zoning districts.
    - c. Existing and proposed buildings and structures.
    - d. Location of any areas for storage such as inventory not being displayed.
    - e. Fire hydrants.
    - f. Layout of parking.
    - g. Boundaries of proposed sales areas.
    - h. Location and size of any proposed sign (off-premises signs shall also be mapped).
  - (8) All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five days of the end of the event. Following the five-day period, the city shall apply the escrow fee towards clearing such items from the property.
  - (9) The length of a temporary use or special event shall not exceed seven days, except seasonal sales of items such as Christmas trees, flower and garden supplies, and pumpkins

which are permitted for up to 15 days. The sale of sport or other special event merchandise do not constitute seasonal sale items.

- (10) Two temporary use permits for a temporary use, seasonal or special event by a single business or property are permitted each year.
  - (11) Special standards for carnivals, circuses and similar events shall be as follows:
    - a. A sketch plan in accordance with subsection (b)(7) above shall be submitted to the city clerk and reviewed by the administrative review committee (ARC). The ARC will make a recommendation to the city council for approval.
    - b. All carnivals are subject to the requirements of chapter 4, article IV, Carnivals, Amusement Rides, Related Concessions, of the City of Taylor Code of Ordinances.
    - c. Such uses shall be approved by the city council. The city council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The city council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
    - d. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the city's insurance carrier. A copy of the certificate of insurance shall be submitted with the application.
    - e. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on city streets.
    - f. The responsible/contact person and contact information must be on the application.
    - g. No ride, protruding portion of ride, booth or concession may be within five feet of any sidewalk or traffic right-of-way.
    - h. The city may require security fencing around the carnival, subject to review and approval of the City of Taylor.
    - i. The maximum duration of a carnival, circus or similar event shall not exceed five days per year.
    - j. No carnival shall be operated except between the hours of 10:00 a.m. and 10:00 p.m.
    - k. No more than one carnival may operate in the City of Taylor at one time.
  - (12) Farmers markets which are to occur on a regular schedule shall be permitted only in nonresidential districts. The city council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the city council are maintained.
- (c) *Review procedures.* Except as otherwise noted above for carnivals, circuses, and similar events, the development services department shall review and approve requests for a temporary use or seasonal event. Where appropriate, the development services department shall consult with the police chief and fire department official. If the request is denied, the development services department shall state the reasons for denial in writing and provide a copy to the applicant.
  - (d) *Portable moving and storage containers.* A single portable moving and storage container may be placed on an occupied lot for the purpose of loading or unloading personal belongings to be transported to another location, subject to the following restrictions:
    - (1) The portable moving and storage container shall be placed on an occupied lot for up to seven days.



- (2) The container shall be located on a paved surface on the lot and shall not be located in the public right-of-way or a private road easement.
- (3) This section shall not apply to freight containers or truck trailers located on a lot in an industrial district where the storage has been approved by the city under the industrial district regulations of article 8, industrial districts.

(Ord. No. 09-434, § 14.12, 1-20-2009; Ord. No. 15-490, § 1, 6-16-2015)

Sec. 14.13. - Uses per lot.

- (a) Except as otherwise specifically provided in this ordinance, lots may not contain more than one principal building or principal use.
- (b) Groups of multiple-family buildings, retail business buildings, multi-tenant offices, leased industrial space or other groups of buildings contained within a single integrated complex may be deemed by the development services department to be a principal use collectively. To be considered as an integrated complex the site shall share parking, signs, access, or other similar features, which together form a unified function and appearance.
- (c) Wireless communication facilities may be located on a lot that contains another use, except single-family and two-family dwellings, subject to the requirements of section 13.12(k), wireless communication facilities and services.
- (d) In single-family residential districts, only one principal building shall be placed on a lot of record. For the purposes of this ordinance, a two-family dwelling shall be considered as a principal building and principal use occupying one lot. Where a lot contains a single-family or two-family dwelling, no other use may be established on the lot, except accessory uses that are permitted in the district, such as home occupations, residential childcare up to a maximum of six children by right or 12 children by special land use, kennels by special land use, and agricultural uses.
- (e) This section shall not prohibit a mixed use building where the mixture of uses is specifically allowed by the zoning district, such as residential or office above a retail use in the midtown districts.
- (f) An accessory building shall only be located on a lot that is occupied by a principal building.

(Ord. No. 09-434, § 14.13, 1-20-2009)

Sec. 14.14. - Voting place.

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

(Ord. No. 09-434, § 14.14, 1-20-2009)

ARTICLE 15. - ACCESSORY BUILDINGS AND USES

Sec. 15.01. - Accessory buildings, structures, and uses.

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

- (a) *Generally.*
  - (1) Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district.

- (2) Accessory buildings, structures, or uses shall not be utilized unless the principal structure to which it is accessory is occupied or utilized.
  - (3) Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
  - (4) Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this ordinance.
  - (5) Accessory buildings shall not be used for a home occupation.
  - (6) A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The maximum area shall not exceed 720 square feet on parcels one-half acre or less, 900 square feet on parcels one-half acre to one acre, and 1,500 feet on parcels over one acre.
  - (7) A minimum separation distance of ten feet shall be maintained between any two accessory buildings or structures. This minimum ten-foot distance may be reduced to not less than three feet in instances where firewall construction exists in each structure, on the same parcel of property.
  - (8) The design and building materials of accessory buildings shall generally be consistent with the character of the principal building on the property (e.g. material, color), as determined by the planning commission or development services department.
  - (9) All accessory structures over 200 square feet shall have a footing.
- (b) *Detached accessory buildings.*
- (1) Detached accessory buildings and structures shall only be located in the rear yard and shall be at least three feet from any lot line. In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within one foot of a dedicated easement or right-of-way.
  - (2) Detached accessory buildings shall be setback a minimum of ten feet from the principal building.
  - (3) The maximum height of detached accessory buildings shall be 14 feet on parcels less than one-half acre, 16 feet on parcels one-half acre to one acre, and 25 feet on parcels over one acre.
- (c) *Attached accessory buildings.* Accessory buildings that are structurally attached to a principal building by connection of walls, a foundation, and a roof shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling and shall not exceed 60 percent of the livable floor area of the dwelling.
- (d) *Existing stable buildings.* A preexisting legal nonconforming private stable for the housing and care of horses and their associated accessory buildings are permitted. Suitable fencing must be erected and maintained to contain the animals and the stables shall be kept clean and manure and stable refuse shall be treated and handled in such a manner so as to control odor and flies and shall be suitably screened from view. Accessory buildings shall be located a minimum of 50 feet from any lot line and 60 feet from any residential dwelling on adjacent properties. All accessory buildings pertaining to the horses shall be in conjunction with the principal residential use.

(Ord. No. 09-434, § 15.01, 1-20-2009)

Sec. 15.02. - Entranceways.

Entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions, multiple family housing projects, business centers, and industrial and office parks may be permitted and may be located in a required yard, except as provided in section 14.03, corner clearance, provided that such entranceway structures shall comply to all codes of the City of Taylor and shall be approved by the development service department and a permit issued.

(Ord. No. 09-434, § 15.02, 1-20-2009)

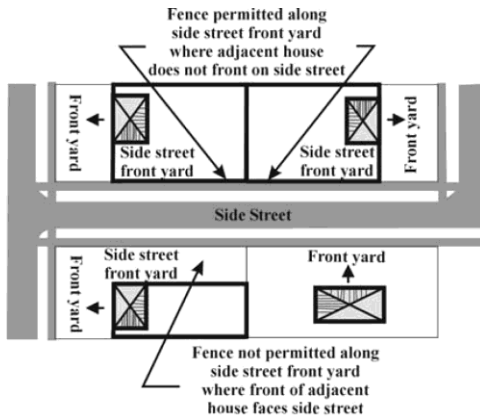
Sec. 15.03. - Fences and walls.

(a) *All districts.*

- (1) Fences and walls shall not be erected within any public right-of-way.
- (2) Fences and walls may be located along a lot line.
- (3) Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- (4) Electronic fences buried beneath the ground are permitted in all districts.
- (5) Barbed wire, razor wire, spikes, nails or any other sharp point or instrument of any kind on the top or sides of any fence, or fences that carry an electric current or charge that could cause injury, are prohibited unless otherwise provided in this section.
- (6) All structural members of the fence or wall shall be installed to face toward the inside of the area to be enclosed, unless otherwise agreed to in writing by all affected property owners and approved by the development services department.
- (7) Fences within the City of Taylor shall comply with all applicable local ordinances.

(b) *Residential districts.*

- (1) Fences shall be permitted in the side and rear yard unless otherwise provided in this section and shall not exceed six feet.



- (2) On corner lots, a fence is permitted within a front yard of a side street only if the dwelling on the adjacent lot does not front towards the same side street. The fence shall not extend beyond the front building line into the front yard of the street that the front of the dwelling faces.
- (3) Decorative fences or walls up to 3½ feet in height may be located within the front yard but may not enclose more than 50 percent of the front yard.
- (4) On all lots, fences or walls over 3½ feet tall are not allowed within ten feet of the intersection of a driveway and street right-of-way. This also applies to driveways located on adjoining lots. On

corner lots, fences and walls located within a front yard shall maintain the corner clearance requirement of section 14.03, corner clearance.

- (5) Fences shall be constructed of durable quality material such as wrought iron, decorative aluminum, cedar, pressure treated wood, chainlink, vinyl, brick or stone.

(c) *Nonresidential districts.*

- (1) Decorative fences are permitted in the front yard setback subject to the provisions set forth for residential districts in subsection (b) above.
- (2) The height of fences in the side or rear yard shall not exceed six feet; except taller fences shall be permitted for public recreation facilities, wireless communication facilities, commercial uses that have received special land use approval for outdoor storage and industrial uses.
- (3) Substantially solid or opaque fences located in the front yard shall not exceed a three feet, and four feet for wrought iron fences. The zoning board of appeals may permit a taller privacy fence or an obscuring wall in the front yard on nonresidential lots where necessary for screening from adjacent uses.
- (4) Fences shall be permitted within all yards in industrial districts; provided, however, that a fence located in the front yard shall be set back a distance equal to the required front yard setback. The greenbelt required by section 16.02(c), greenbelts, shall be planted in the front yard outside of the fence.
- (5) The planning commission may approve the use of black, vinyl-coated chainlink fence, or ornamental wrought iron fencing in the front yard of an industrial use when needed for security purposes, where there is no outdoor storage, or truck loading areas that require screening.
- (6) Chainlink fences shall not be erected in any front yard, except in industrial districts or for essential public service buildings and storage yards. Chainlink fences visible from the public street right-of-way or an adjacent residential district shall be black vinyl-coated.
- (7) During site plan review the planning commission may approve barbed wire on fences for sites in the I-1 and I-2 districts. If permitted, the bottom strands of barbed wire shall be at least six feet from the ground.

(d) *Screening walls.* Required screening walls in accordance with table 16.02.b and the specific requirements of article 13, use requirements, shall comply with the following standards:

(1) *Location.*

- a. Walls shall be placed on the lot line except in instances where this ordinance requires conformance with front yard setback lines.
- b. In cases where underground utilities or access interfere with placement of the wall on the lot line, the wall may be placed on the utility easement line located nearest the lot line.
- c. Where an alley separates a nonresidential and residential use, the planning commission may allow the screening wall for the nonresidential to be located on the opposite side of the alley abutting the residential district, when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such request.

(2) *Materials.*

- a. Wall shall be constructed six feet in height of stone, brick, colored textured brick, or other decorative masonry material. Other durable material may be approved by the planning commission for industrial uses.
- b. In those cases where a wall cannot be constructed because of proximity to utility easements or unstable soil conditions, a drop in place cement wall, cedar wood fence, or vinyl fence shall be provided.

- c. Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the planning commission.
  - d. Required walls shall be similarly finished on all sides.
  - e. Where a required wall would be located within a 100-year floodplain as defined by FEMA, the development services department may administratively approve a fence or landscaped design alternative to the wall.
- (3) *Maintenance.* All walls shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. The city may require that suitable maintenance guarantee be provided for the continued maintenance of walls or fencing required under this section.
- (4) *Waivers and modifications.* The planning commission may waive or modify the wall requirements under the following conditions:
- a. The requirement for a screen wall may be waived where the developed portion of the nonresidential site, including all buildings, pavement, storage and structures will be setback more than 200 feet from the residential district.
  - b. Where conditions are such that a more effective and harmonious development with adjacent land uses would result, the planning commission may allow or require an earth berm and evergreen plantings to serve as the complete and continuous screen wall, provided adequate security is provided for the maintenance of the berm and evergreen planting.

(Ord. No. 09-434, § 15.03, 1-20-2009; Ord. No. 10-443, § 1, 3-16-2010)

Sec. 15.04. - Porches and decks.

- (a) *Materials.* Porch materials shall be harmonious and similar in design and construction as the principal structure.
- (b) *Front yard.*
  - (1) *Uncovered porch.* An open, unenclosed and uncovered porch or terrace may project into a required front yard setback for a distance not exceeding ten feet, provided a minimum front yard setback of 20 feet is maintained.
  - (2) *Covered porch.* Porches or terraces sheltered partially or wholly by a canopy, awning, metal, lattice, pergola or any other material shall be considered covered. Covered porches and decks may project into a required front yard setback for a distance not exceeding eight feet.
  - (3) *Enclosed porch.* Porches that are covered and enclosed by walls or windows are subject to the front yard setback applicable to the principal structure, as regulated in the applicable zoning district.
  - (4) *Exception.* In the case of an existing residential dwelling, an unenclosed porch may be added to the front of a house within the required front setback area provided all of the following criteria have been found to be present by the development services department.
    - a. The home was built prior to the adoption of this ordinance.
    - b. The proposed overhang would not have a depreciating effect on the neighborhood and would be in conformance with other similar appurtenances in the area.
    - c. The design and construction of the overhang will not depreciate the value of the structure to which it is being attached.
- (c) *Side yard.* A deck or porch must not be closer to a side lot line than the minimum required side yard setbacks that apply to the principal structure on the property, as set out in the applicable zoning district.

- (d) *Rear yard.* Decks and porches are permitted to extend into the minimum required rear yard setback providing the following standards are met:
- (1) Decks and porches shall be setback at least 20 feet from the rear lot line.
  - (2) Decks and porches shall occupy no more than 15 percent of the area of the required rear yard, as determined by applying the standards set out in the applicable zoning district, shall be covered by a first story deck, a ground-level deck, or a deck located above a walk-out basement.
  - (3) If covered structures are installed on a deck or porch they shall be subject to the standards applicable to the principal structure and in the applicable zoning district.

(Ord. No. 09-434, § 15.04, 1-20-2009; Ord. No. 10-444, § 1, 3-16-2010)

Sec. 15.05. - Solar panels.

Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with the state construction code and other applicable codes and ordinances.

(Ord. No. 09-434, § 15.05, 1-20-2009)

Sec. 15.06. - Swimming pools and hot tubs.

(a) *Location.*

- (1) Swimming pools, spas, hot tubs and similar devices shall not be located in any front or side yard or in any easement.
- (2) A minimum distance of six feet shall be maintained between any swimming pool and any accessory structure.
- (3) Swimming pools, spas, hot tubs and similar facilities shall be setback at least ten feet rear lot line and meet the side yard setback of the applicable zoning district.

- (b) *Security fencing.* Swimming pools, spas, hot tubs and similar devices that contain 24 inches or more of water in depth at any point shall meet the requirements of the state construction code.

(Ord. No. 09-434, § 15.06, 1-20-2009)

Sec. 15.07. - Antennas.

Television and radio antennas including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district subject to the following conditions. Conventional television antennae and satellite dishes less than 3.3 feet (one meter) in diameter for a residential use and 6.6 feet (two meters) in diameter for a nonresidential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line. Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of section 13.12(k), wireless communication facilities and services.

(a) *Generally.*

- (1) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.

- (2) No more than three antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building or use.
  - (3) The color of the antennae shall be of tones similar to the surroundings.
- (b) *Roof mounted.*
- (1) The receiving portion of a roof-mounted reception antenna shall not exceed a dimension of seven square feet of wind resistance surface in any residential district.
  - (2) The receiving portion of a roof-mounted reception antenna shall not exceed a dimension of 50 square feet of wind resistance surface in any nonresidential district.
  - (3) The total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the applicable zoning district in which it is located and shall not exceed a height of more than three feet above the highest point of the roof on which it is mounted in any residential district.
  - (4) Roof-mounted reception antenna shall be placed on a section of the roof in the rear yard.
  - (5) Recreation antenna shall be designed to withstand a wind force of 85 miles per hour without the use of supporting guy wires.
- (c) *Ground mounted.*
- (1) The receiving portion of a ground-mounted antenna shall not exceed a dimension of 50 square feet of wind resistance surface.
  - (2) The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.
  - (3) The reception antenna, including its concrete base slab or other substructure, shall be setback a minimum of ten feet from any lot line or easement in any residential district and a minimum of five feet from any lot line or easement in any nonresidential district.
  - (4) Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.
  - (5) Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.
  - (6) Any reception antenna shall be in conformance with section 14.08, height limit.
  - (7) Wiring between a reception antenna and receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.
  - (8) Reception antenna shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.

(Ord. No. 09-434, § 15.07, 1-20-2009)

Sec. 15.08. - Storage of recreational vehicles or utility trailers.

Any owner of camping and recreational equipment may park or store such equipment in residential districts subject to the following conditions:

- (a) On lots of one acre or less, one recreational vehicle or one trailer may be stored outside. On lots of two to three acres, two recreational vehicles may be stored outside. On lots of three acres or more, three recreational vehicles be stored outside. Limitations on the number of recreational vehicles shall not apply to vehicles that are stored within an enclosed building.
- (b) A recreational vehicle, travel trailer or a utility trailer may be parked or stored in a garage, accessory building, or in the rear yard consistent with the requirements for accessory buildings. No recreational

vehicle, travel trailer or utility trailer may be parked or stored in the front or side yards, except as provided for in subsection (d) below.

- (c) On lots of one acre or less, any recreational vehicle parked or stored outside shall be a maximum of 200 square feet in size, except as provided for in subsection (d) below.
- (d) Recreational vehicles of any size may be parked on any part of the lot for not more than 48 hours for the purpose of loading and unloading as long as the view of driveways, or vehicular and pedestrian traffic of adjoining properties is not obstructed.
- (e) Recreational vehicles parked or stored shall be licensed and registered to the owner or occupant of the property and must be kept in good repair.
- (f) Recreational vehicles parked or stored shall not be connected to sanitary facilities, water or electric, and shall not be occupied.
- (g) Recreational vehicles must be stored on a hard or pervious concrete, asphalt, permeable/grass pavers, or gravel surface.

(Ord. No. 09-434, § 15.08, 1-20-2009; Ord. No. 11-460, § 1, 7-5-2011)

Sec. 15.09. - Sale and maintenance of vehicles.

(a) *Sale of vehicles.*

- (1) A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time.
- (2) Vacant residential lots or parcels shall not be utilized for the sale of vehicles.
- (3) In no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard. In those cases where a driveway of a residence is not more than 12 feet in width, the vehicle for sale may be parked within an area adjacent to the driveway not to exceed 15 feet in width as measured from the side edge of the driveway.
- (4) Vehicles must be parked and displayed on hard or pervious concrete, asphalt, permeable/grass pavers, or gravel surface.

(b) *Maintenance of vehicles.* The parking, carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- (1) All vehicles parked or being worked on outside shall be:
  - a. Located on a concrete or asphalt driveway surface.
  - b. Licensed.
  - c. Operable.
- (2) Procedures exceeding 48 hours in duration or which require the vehicle to be inoperable in excess of 48 hours shall be conducted within an enclosed building.
- (3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

(Ord. No. 09-434, § 15.09, 1-20-2009)

Sec. 15.10. - Commercial vehicles.

- (a) In nonresidential districts the parking of trucks and other commercial vehicles shall be limited to no more than 24 hours. Parking or storage of trucks and other commercial vehicles for longer than 24



hours shall only be permitted where the vehicles are accessory to a permitted use and the location for parking and storage of vehicles is approved as part of the site plan by the planning commission.

- (b) Commercial vehicles under 4,500 pounds that are pickup trucks or vans are the only commercial vehicles that may be parked in a residential district, and shall be only parked on designated paved parking areas.

(Ord. No. 09-434, § 15.10, 1-20-2009)

Sec. 15.11. - Drop boxes and vending machines.

- (a) Outdoor clothes drop boxes shall be permitted on lots in the I-1 and I-2 districts, only in the side or rear yard. The drop boxes shall not be permitted in the front yard, or any landscape greenbelt and shall not be permitted in a location that would block parking spaces, or loading areas and shall not obstruct vehicular circulation, fire lanes, or sidewalks.
- (b) Outdoor vending machines shall be prohibited. This provision shall not apply to newspaper stands.

(Ord. No. 09-434, § 15.11, 1-20-2009)

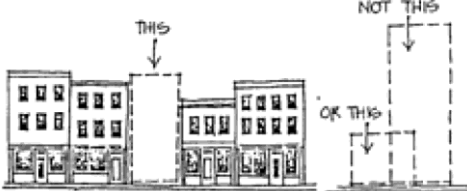

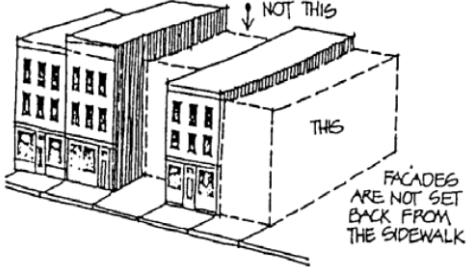
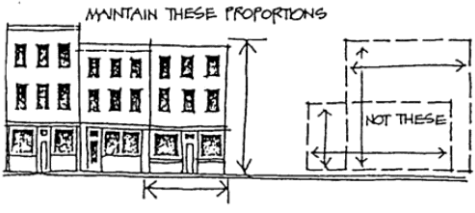
#### ARTICLE 16. - GENERAL SITE DEVELOPMENT REQUIREMENTS

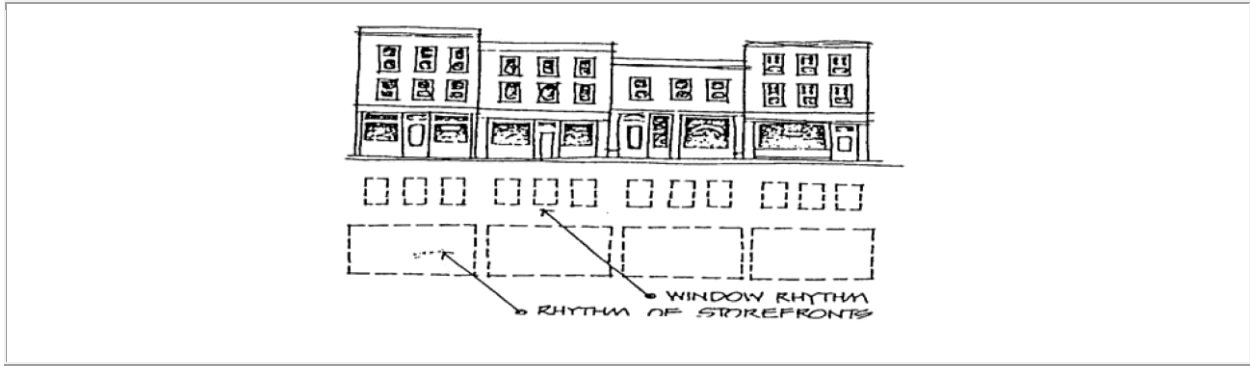
Sec. 16.01. - Building appearance.

- (a) *Intent.* The intent of this section is to provide exterior building wall material standards to enhance the visual environment of the city, thereby improving property values, stimulating investment, encouraging quality development projects, and enhancing the quality of life for city residents. Furthermore, the intent is to encourage developers and their representatives to explore the design implications of their project within the context of the site and surrounding area. It is not the intent of this section to regulate the workmanship, durability, endurance, maintenance performance, load capacity, or fire resistant characteristics of the wall.
- (b) *Applicability.*
  - (1) This section shall apply to all new construction, except single-family detached and two-family residential structures and their associated accessory buildings.
  - (2) Architecture shall be reviewed by the planning commission as a part of site plan review under the requirements of this section. For applications that are administratively approved, architecture shall be reviewed by the development services department.
  - (3) Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
    - a. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the planning commission may modify the material requirements of the section where it will be consistent with the architecture of the entire building.
    - b. Where an addition is proposed to an existing building, the planning commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.
- (c) *Building design.*
  - (1) *Architectural details.*

- a. Buildings shall possess architectural variety, but enhance the overall cohesive community character or character of the neighborhood.
- b. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked rooflines, or towers.
- c. Building walls and roofs over 100 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents and trees.
- d. Building setback and rooflines shall generally match the established pattern of buildings on site and adjacent properties to maintain the existing street wall patterns and design as depicted in table 16.01.a. The rhythm established through the existing architectural elements shall also be maintained. The elements shall include, but be not limited to, frequency and spacing of windows, doorways, and storefronts.

TABLE 16.01.A. BUILDING CONTEXT

<i>Height</i>	<i>Width</i>
	
<i>Setback</i>	<i>Proportion</i>
	
<i>Rhythm</i>	



(2) *Color.*

- a. Exterior building facade and roof colors shall be established by the applicant as an integral part of the building design, and shall exhibit evidence of coordination and selection with respect to the overall visual effect of the building.
- b. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors.
- c. The color of each facade material shall be harmonious with the colors of all other facade materials used on the same building, as well as the color of facade materials on adjacent buildings.

(3) *Roofs.*

- a. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
- b. Multistory buildings or buildings taller than 25 feet may have flat or pitched roofs. Flat roof buildings shall provide a parapet wall around the roof with a decorative cornice.
- c. Flat roofs are discouraged on single-story buildings less than 25 feet tall. A pitched roof of four in 12 or greater is preferred in order to add visual interest. Mansard roofs may be used to conceal a flat roof. Single-story buildings with flat roofs shall be designed to provide the scale of a two-story building with a minimum height of 20 feet and a parapet wall around the roof with a decorative cornice.
- d. Metal roofs may be allowed if compatible with the overall architectural design of the building.

(4) *Sustainable design.* Building design that promotes sustainable development, including leadership in energy and environmental design (LEED), shall be encouraged.

(5) *Overhead doors.* Overhead doors shall not face a public street or residential district. The planning commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required.

(6) *Mechanical features.* Mechanical and service features on the building or roof such as gutters, ductwork, service doors, etc. that cannot be screened in accordance with section 16.07, mechanical equipment, shall be of a color that blends in with the color of the building.

(d) *Building materials.*

(1) *All districts.*

- a. The predominant building materials shall be in accordance with the following tables. Building materials such as smooth-faced concrete block, undecorated tilt-up concrete Dryvit panels, or pre-fabricated steel panels may only be used as accents.

- b. Building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.
  - c. Building materials that promote sustainable development, including leadership in energy and environmental design (LEED), shall be encouraged.
  - d. The planning commission may waive the materials required by this section if it finds that a proposed building design and the materials or combinations of materials are in keeping with the intent of this section and the recommendations of the master plan.
  - e. The materials review board shall review these materials standards on an annual basis. Any revisions, changes or modifications of these materials standards shall be submitted, in the form of a resolution, to the planning commission for adoption.
- (2) *Single- and two-family residential.* All single and two-family residential buildings shall meet the requirements of section 13.01(b) or (c) as applicable.
- (3) *Multiple-family residential.* All multiple-family residential buildings located in any district shall meet the requirements of table 16.01.b.

**TABLE 16.01.B. MULTIPLE-FAMILY RESIDENTIAL BUILDING MATERIAL REQUIREMENTS**

Wall	Permitted Materials
Front facade and other walls facing or visible from a street	a. 75% minimum brick, face brick or stone
	b. Up to 25% may be wood, vinyl, or fiber cement (hardy board) siding, stucco or other similar quality material approved by the planning commission
Side and rear facades that do not face a street	Brick, face brick, stone, wood, vinyl, or fiber cement (hardy board) siding, stucco or other similar quality material approved by the planning commission
Basements and foundations	Concrete block, including split face, and scored block, precast concrete, concrete formed in place

- (4) *Business and institutional.* All nonresidential buildings located in residential districts and all buildings located in the business zoning districts shall meet the requirements of table 16.01.c. Sites in the midtown districts shall meet the architectural requirements of article 7, Midtown districts.

**TABLE 16.01.C. BUSINESS AND INSTITUTIONAL BUILDING MATERIAL REQUIREMENTS**

Wall	Permitted Materials
Front facade and other walls facing or visible from a street, parking lot or adjacent residential district	a. 75% minimum brick, face brick or stone
	b. Up to 25% may be split face block, scored block, metal, EIFS, wood, vinyl or fiber cement (hardy board) siding, stucco or other similar quality material approved by the planning commission
Side and rear facades that do not face a street, parking lot or adjacent residential district	Any masonry material or other similar quality material approved by the planning commission

(5) *Industrial.* Buildings located in industrial districts shall meet the requirements of table 16.01.d.

**TABLE 16.01.D. INDUSTRIAL BUILDING MATERIAL REQUIREMENTS**

Wall	Permitted Materials
Front facade and other walls facing or visible from a street or adjacent residential district	a. 50% minimum brick, face brick, stone, cast stone or C-brick <sup>(1)(2)</sup>
	b. Up to 50% may be any other suitable fire resistant material that meets the building and fire codes
Side and rear facades that do not face a street or adjacent residential district	Any suitable fire resistant material that meets the building and fire codes and is a color that is compatible with the front facade

(1) For buildings over 80,000 square feet that are set back more than 100 feet from the front lot line and the amount of required landscape materials within the frontage greenbelt is increased by 50 percent, split face block or tilt-up panels may be substituted for the 50 percent brick required on the building's front facade.

(2) These requirements shall not apply to the facade of a building of any size where it is set back more than 300 feet from the front lot line and the amount of required landscape materials within the frontage greenbelt is increased by 50 percent.

Sec. 16.02. - Landscaping.

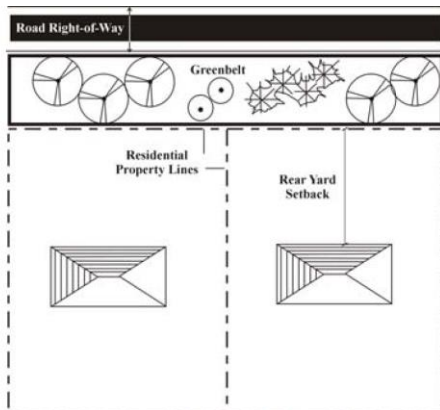
(a) *Intent.* Landscaping requirements are set forth to:

- (1) Protect and preserve the appearance, character and value of surrounding neighborhoods, thereby promoting the public health safety and general welfare.
- (2) Increase water retention and absorption to reducing stormwater runoff, flooding and soil erosion.
- (3) Maximize retention of existing trees, shrubs, wetlands, drains, streams, floodplains, natural drainage systems, ponds, and other natural and environmentally sensitive areas which are deemed a valuable resource within the city.
- (4) Assure sufficient buffering and screening of incompatible uses or offensive or unattractive views.
- (5) The regulations contained in this section are considered the minimum necessary to achieve the intent. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.

(b) *Applicability.*

- (1) The provisions of this section shall apply to any area proposed for development, redevelopment, or expansion that is subject to site plan approval under article 19, site plan review.
- (2) Each requirement of this section must be met independently on a site. Landscaping for one of the requirements may not be double counted towards meeting other requirements of this ordinance.

(c) *Greenbelts.* All yards adjacent to streets and rights-of-way shall be landscaped along the entire frontage (except access points) in accordance with table 16.02.a.



**TABLE 16.02.A. FRONTAGE GREENBELT REQUIREMENTS**

Application	Greenbelt Depth	Berm	Minimum Plantings (per 100 linear feet <sup>(1)</sup> )			
			Deciduous Trees	Evergreen Trees	Ornamental Trees	Shrubs
Residential subdivision, condominium or multifamily	25 ft. <sup>(2)</sup>	3 ft.	2	3	1	20

development where units back towards a major street						
Commercial, office and institutional uses <sup>(3)(4)</sup>	15 ft.	3 ft. <sup>(5)</sup>	2	1	1	20
Industrial	40 ft. 30 ft. in I-1	3 ft.	3	3	1	30
Industrial screening for outdoor storage and truck loading areas	50 ft.	4 ft.	3	6	1	40

(1) Calculations shall be based upon total frontage, including yards, buildings, driveways and parking lots. For lots less than 100 feet in width, the minimum plantings shall be provided.

(2) Greenbelts around the perimeter of single-family residential developments shall be in addition to the rear yard setback requirement of the district.

(3) In the midtown district, greenbelts shall only be required in front of parking lots, not in front of buildings with rear yard parking. Sites in the midtown district with parking to the side of the building shall only be required to provide greenbelts in front of the parking, not along the building frontage.

(4) In the B-1, B-2 and B-3 districts, the planning commission may reduce the greenbelt depth requirement to ten feet where more than one-half of the parking spaces will be located in the side or rear yard and only one row of parking is located in the front yard or where the commercial building is less than 10,000 square feet.

(5) The berm shall not be required along a commercial frontage where a three-foot tall brick wall or a combination of a three-foot tall wrought iron fence with a continuous evergreen hedge row is provided along the entire frontage (except driveway and sidewalk access points), the hedge row plantings may be credited towards the shrub plantings listed above.

(d) *Buffer zones.* Buffer zones shall be required where a proposed use shares a common lot line with an adjacent use in accordance with table 16.02.b.

**TABLE 16.02.B. REQUIRED BUFFER ZONES**

Proposed Use	Adjacent to Single-Family District or Use	Adjacent to Multiple-Family or Manufactured Home Park District or Use	Adjacent to Business District or Use	Adjacent to Industrial District or Use
Single-family and two-family residential	None	None	C	C

Multiple-family residential	B	None	C	C
Manufactured home park	B	B	C	C
Business	B	B	C <sup>(1)</sup>	None
Industrial	A	A	B <sup>(2)</sup>	None
Institutional	B	B	C	None

Buffer Zone Type	Minimum Width	Wall/Berm <sup>(3)</sup>	Minimum Plant Materials
A	50 feet	6-foot wall or 4-foot berm	1 canopy tree, 2 evergreen trees and 4 shrubs per 20 linear feet along the lot line, rounded upward
B	20 feet	6-foot wall or 4-foot berm	1 canopy tree, 1 evergreen tree and 4 shrubs per 30 linear feet along the lot line, rounded upward
C	10 feet	None	1 canopy or evergreen tree or 4 shrubs per 20 linear feet along the lot line, rounded upward

<sup>(1)</sup> Buffer zone landscaping shall not be required between business uses where shared access, shared parking or service drive connections are provided or where there is a zero lot line setback between uses.

<sup>(2)</sup> Buffer zone A shall be required where an industrial use has outdoor storage or truck loading area adjacent to a commercial use or district.

<sup>(3)</sup> Walls shall be constructed in accordance with section 15.03, fences and walls and berms in accordance with section 16.02(j), berms.

(e) *Parking lot landscaping.* All parking lots of 20 or more spaces shall be landscaped according to the following requirements:

(1) All parking lots of 20 or more spaces shall provide one canopy tree and 100 square feet of landscape area for every ten parking spaces.



- (2) A minimum of one-third of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot within 18 feet.
  - (3) Where parking lots are located in the rear yard, the amount of parking lot landscaping shall be reduced by 50 percent.
  - (4) Where parking lots are located within the required front yard, a berm, hedge row, three-foot tall brick wall, or a three-foot tall wrought iron fence with a continuous evergreen hedge row shall be provided between the parking spaces and the street. The hedge row shall be planted with evergreen or deciduous shrubs, 2½ feet on-center. The landscape greenbelt required by section 16.02(c), greenbelt, shall also be provided, except the hedge row plantings may be credited towards the shrub plantings of table 16.02(a).
  - (5) Where a parking lot or loading area for a nonresidential use abuts a residential district or use a minimum six-foot tall wall shall be provided between the parking lot and residential lot. Walls shall be constructed of brick or other masonry material compatible with the front facade of the principal building as determined by the planning commission or development services department. The planning commission may approve a privacy fence where it is more compatible with adjacent residential uses.
  - (6) Landscaping shall be installed so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
  - (7) All landscaped areas shall be protected by a six-inch standard or rolled concrete curb, except where landscape islands are being utilized as part of a stormwater detention or conveyance system. Landscape islands shall be a minimum of ten feet in width.
  - (8) Parking structures shall provide one canopy or ornamental tree and four shrubs for every 30 linear feet of parking structure facade length that is visible from a public right-of-way.
- (f) *Detention/retention pond landscaping.* Detention/retention ponds shall be landscaped to provide a natural setting in open space areas as follows:
- (1) Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.
  - (2) Where possible, ponds or basins shall be free form following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one foot vertical for every six feet of horizontal distance.
  - (3) One deciduous shade or evergreen tree and ten shrubs, or groupings of ornamental grasses shall be planted in a random pattern or in groupings for every 50 lineal feet of pond perimeter, measured along the top of the bank elevation. Required landscaping is not limited to the top of the pond bank, as long as the plant species is adapted to saturated soil conditions. Plantings within rain gardens, bio-retention swales, irrigation trench planters may be credited towards meeting these requirements.
  - (4) Where the side slopes or depth of the pond require security fencing, fencing shall be decorative in nature or if chainlink, black or dark green vinyl coated. Shrub plantings shall be provided around the outside of the fence for screening spaced no more than five feet on-center.
  - (5) An aerator shall be provided in any pond where there will be standing water.
- (g) *Residential landscaping.*
- (1) Deciduous trees shall be planted along each residential lot or residential unit within the proposed right-of-way between the street and the sidewalk before a certificate of occupancy is granted in accordance with table 16.02.g.

**TABLE 16.02.G. MINIMUM REQUIRED RESIDENTIAL STREET TREES**

Linear Feet of Street Frontage/Lot	Minimum Number Trees
65 or less	1
65 to 120	2
120 or more and corner lots	3

- (2) Existing trees within the right-of-way may be utilized as street trees.
- (3) In any new subdivision or condominium, where residential dwellings are designed so that rear yards front a public street, a landscaped privacy screen shall be provided along the street consisting of trees, shrubs, and berming in accordance with section 16.02(c), greenbelts. For any new subdivision or condominium, the greenbelts around the perimeter of single-family residential developments shall be in addition to the rear yard setback requirement of the district. The greenbelt may be a common area or an easement across the individual lots with the rear yard setbacks measured from the greenbelt easement.
- (4) The planning commission or development services department may also require landscaping within cul-de-sacs, street medians and at site entrances.
- (5) For any new subdivision or condominium, all of the required landscaping shall be installed by the developer prior to issuance of building permits to construct homes on individual lots, unless the developer has posted a performance guarantee in accordance with subsection (p)(5) below.
- (h) *Interior site landscaping.* Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas.
- (i) *Accessory structure landscaping.* Accessory structures and utility structures such as waste receptacle enclosures, air conditioning units, transformers, utility substations and clustered mailboxes that are in a visible location on the site shall be landscaped with evergreens of sufficient height to screen the structure or equipment.
- (j) *Berms.*
  - (1) Where required, berms shall have a slope no greater than 1:3, i.e., one foot of vertical rise for each three feet of horizontal distance on the exterior side facing the street or adjacent land use with at least a two-foot flat area on top (measured from the ground adjacent to the berm).
  - (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- (k) *Plant material spacing and size.* Minimum plant spacing and sizes at time of installation shall be in accordance with table 16.02.k:

**TABLE 16.02.K. MINIMUM PLANT SIZE AND SPACING**

Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
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Deciduous canopy trees	2½-inch caliper	25 feet on-center
Ornamental trees	2-inch caliper, 6-foot height (clump form)	15 feet on-center
Evergreen trees	6-foot height	15 feet on-center
Narrow evergreen trees	4-foot height	12 feet on-center
Deciduous shrubs	2½-foot height	4 feet to 6 feet on-center
Upright evergreen shrubs	2½-foot height	3 feet to 4 feet on-center
Spreading evergreen shrubs	2-foot spread	6 feet on-center

- (1) With the exception of shrubs, plant material shall not be placed closer than four feet from the fence line or lot line.
  - (2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- (l) *Design creativity.* Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual and functional effect and, equally important, the desire of the city to coordinate landscaping on adjoining properties.
- (m) *Lawn grass.*
- (1) Landscaped areas shall be covered by grass or other living ground cover. Grass areas shall be planted in species normally grown as permanent lawns in the City of Taylor.
  - (2) Grass may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas 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 coverage is achieved.
- (n) *Living plant material.* All areas not occupied by building, pavement or storage shall be landscaped with living plant material. Stone or wood chips may be permitted by the planning commission when the maintenance of the living material would be impractical or undesirable due to size, configuration or character of the area or if part of drainage erosion control.
- (o) *Plant material species.*
- (1) The overall landscape plan shall not contain more than 33 percent of any one plant species.
  - (2) The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
  - (3) All plants shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen and shall have passed inspections required under state regulations.
  - (4) Plant materials recommended as part of landscape plans are included in table 16.02.o.1.

**TABLE 16.02.O.1. RECOMMENDED PLANT MATERIALS**

<b>Trees</b>	
Evergreen trees	Fir, spruce, pine, hemlock, Douglas fir
Narrow evergreen trees	Red cedar, arborvitae, juniper
Large deciduous trees	Oak, hard maple, beech, linden, ginkgo (male only), honeylocust (seedless and thornless varieties), birch
Ornamental trees	Flowering dogwood, hawthorn, redbud, magnolia, hornbeam, russian olive, flowering crabapple (disease-resistant varieties)
<b>Large shrubs</b>	
Deciduous	Honeysuckle, lilac, border privet, sumac, buckthorn, pyracantha, flowering quince, barberry, forsythia, cotoneaster (Peking, spreading), Sargent crabapple, dogwood (red osier, grey)
Evergreen	Irish yew, Hicks yew, mugo pine, pfitzer juniper, Savin juniper
<b>Small shrubs</b>	
Deciduous	Compact burning bush, regal privet, fragrant sumac, Japanese quince, cotoneaster (cranberry, rockspray), potentilla
Evergreen	Spreading yews (Dense, Brown's, Ward, etc.), low spreading junipers (Andora, Hughes, Tamarack, etc.), dwarf mugo pine, big leaf wintercreeper

- (5) Plant materials that are not permitted, as they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests, are included in table 16.02.o.2.

**TABLE 16.02.O.2. PROHIBITED PLANT MATERIALS**

<b>Trees not permitted</b>
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	Ash
	Box elder
	Catalpa
	Elms (except disease-resistant American liberty elm)
	Honey or black locust
	Horse chestnut (nutbearing)
	Mulberry
	Poplar
	Soft maple (red and silver)
	Tree of Heaven
	Willow

- (p) *Installation and maintenance provisions.* All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris.
- (1) Inground automatic irrigation shall be provided for all landscaped areas.
  - (2) All trees required on the site plan must be maintained and shall not be removed unless approved as a site plan amendment or a tree removal permit is obtained. Any dead or diseased plants shall be removed and replaced.
  - (3) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
  - (4) If any building or paving construction is completed during a planting season no certificate of occupancy shall be issued until the landscaping complies with the requirements contained in this section. If building or paving construction is completed in an off-planting season, the certificate of occupancy shall be issued only after the owner provides a performance guarantee, in an amount deemed sufficient by the development services department to ensure installation of required landscaping during the next planting season.
  - (5) The city may request performance guarantees in accordance with section 25.08, performance guarantees. The city may require a performance guarantee for landscaping for two growing season to ensure plant material survives.

- (q) *Tree removal.* The removal of trees shall comply with section 16.03, tree preservation and replacement.
- (r) *Removal, depositing or dumping of earth.*
  - (1) The removal, depositing or dumping of topsoil, subsoil, sand, gravel and other materials shall comply with all applicable local ordinances.
  - (2) All excavation or earth removal shall comply with all applicable local ordinances.
  - (3) Grading of sites shall be in accordance with section 14.07, grading.
- (s) *Replacement of removed trees.* A tree survey prepared by a licensed professional shall be submitted with any site plan; however, this requirement may be waived by the development services department upon a finding it is unnecessary information to conduct a complete site plan review. This includes areas not to be disturbed, provided they are identified as such on the site plan and appropriate protection is put in place on site. The survey shall identify the location, species and size of existing trees on the proposed site. Existing trees that are planned to be removed shall be replaced in accordance with table 16.02.s and the following regulations:

**TABLE 16.02.S. REPLACEMENT OF REMOVED TREES**

Type of Tree	Caliper of Tree to be Removed	Replacement Trees Required
Ornamental	5 to ;lte;10 in.	2
	10 in. or greater	4
Deciduous/evergreen	10 to ;lte;19 in.	2
	20 in. or greater	4

- (1) Trees that are dead or diseased, with no visible growth, as determined by the development services department, are exempt from replacement requirements.
- (2) Replacement trees shall be located on the site in question to provide the optimum enhancement, preservation, and protection of the areas. In instances where tree replacement on site is not feasible as determined by the development services department, payment shall be made to the city's tree fund, per section 16.03(e), tree replacement fund.
- (t) *Incentives to preserve existing trees.* The standards listed below are intended to encourage the preservation of quality and mature trees by providing incentive bonuses toward required landscape components.
  - (1) When significant deciduous and evergreen trees are preserved on the developed portion of the site, the applicant will receive an incentive bonus in accordance with table 16.02.t.1.

**TABLE 16.02.T.1. TREE PRESERVATION INCENTIVE BONUSES <sup>(1)</sup>**

Caliper of the Deciduous or Evergreen Trees Preserved	Deciduous or Evergreen Incentive Bonus
10 to 20 inches	2 less required/tree preserved
20 to 30 inches	5 less required/tree preserved
30 in. or greater	10 less required/tree preserved

(1) The incentive bonus only applies to deciduous and evergreen trees, and not to evergreens used for screening purposes, ornamental trees, or shrubs.

- (2) Trees intended to be preserved shall be indicated on the site plan.
- (3) During construction, tree protection fencing shall be placed ten feet beyond the drip line of existing trees labeled "to be preserved." The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. Vehicles or other construction equipment shall not be parked or stored within the drip line of any plant material intended to be saved.
- (4) All plant material proposed to be preserved must be inspected by a registered landscape architect, forester or arborist to determine the health and desirability of such materials, from which final approval of preserved plants shall be obtained. In addition, in the event plant materials are to be preserved, prior approval must be obtained from the city before any delimiting, root pruning, or other work is done.
- (5) In the event that healthy trees labeled to be preserved on the approved site plan are destroyed or damaged within three years after completion of the construction, as determined by the city, the owner, developer, or contractor shall replace the trees with trees of comparable type and size or multiple trees that compensate for the preexisting trunk diameter in accordance with table 16.02.t.2.

**TABLE 16.02.T.2. REPLACEMENT OF DAMAGED TREES**

Destroyed or Damaged Tree (caliper) (inches)	Replacement Trees Required (caliper) (inches)	Quantity
3	3	1
4	4	1
5	5	1
	2.5	2

6	6	1
	3	2
7	7	1
	3.5	2
8	8	1
	2.5 and 3	2/1
9	9	1
	3	3
More than 9	Varies 3.5-inch minimum. Sum of replacement tree calipers should equal destroyed or damaged tree caliper size.	

(u) *Modifications.* The planning commission may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening or that dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the planning commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

- (1) Existing natural vegetation.
- (2) Topography.
- (3) Existing and proposed building placement.
- (4) Building heights.
- (5) Adjacent land uses.
- (6) Distance between land uses.
- (7) Dimensional conditions unique to the parcel.
- (8) Traffic sight distances.

(Ord. No. 09-434, § 16.02, 1-20-2009)

Sec. 16.03. - Tree preservation and replacement.



- (a) *Intent.* It is the intent of this section to promote an increased quality of life through the protection of trees, to provide for their replacement, where necessary, and to provide for the improvement of the quality of the replaced trees over time.
- (b) *Tree removal permit.*
  - (1) *Required.*
    - a. The removal or relocation of any tree with a diameter at breast height (DBH) of six inches or greater on any property without first obtaining a tree removal permit shall be prohibited.
    - b. The removal, damage or destruction of any landmark tree without first obtaining a tree removal permit is prohibited.
    - c. The removal, damage or destruction of any tree located within a forest without first obtaining a tree removal permit is prohibited.
    - d. Clear cutting or grubbing within the drip line of a forest without first obtaining a tree removal permit is prohibited.
  - (2) *Exemptions.*
    - a. All agricultural/farming operations, commercial nursery/tree farm operations and occupied lots of less than two acres in size, including utility companies and public tree trimming agencies shall be exempt from all permit requirements of this section.
    - b. Diseased and dying ash trees shall be exempt from all permit requirements of this section.
  - (3) *Display.* Tree removal permits shall be continuously displayed for the entire period which the trees are being removed.
  - (4) *Application.* Permits shall be obtained by submitting a tree removal permit application in a form provided by the development services department, which will include the following information:
    - a. The owner and/or occupant of the land on which the tree is located.
    - b. The legal description of the property on which the tree is located.
    - c. A description of each tree to be removed, including diseased or damaged trees, and the location thereof.
    - d. A general description of the affected area after the proposed tree removal.
  - (5) *Review procedures.* The development services department shall review the applications for tree removal permits and may impose such conditions on the manner and extent of the proposed activity as are necessary to ensure that the activity or use will be conducted in such a manner as will cause the least possible damage, encroachment or interference with natural resources and natural processes within the affected area.
  - (6) *Review standards.* The following standards shall be used to review the applications for tree removal permits:
    - a. The protection and conservation of healthy, landmark and high quality trees from pollution, impairment or destruction is of paramount concern.
    - b. The tree shall be evaluated for effect on the quality of the area of location, including tree species, habitat quality, health and vigor of tree, tree size and density. Consideration must be given to scenic assets, wind blocks and noise buffers.
    - c. The trees and surrounding area shall be evaluated for the quality of the involved area by considering the following:
      - 1. Soil quality as related to potential tree disruption.
      - 2. Habitat quality.
      - 3. Tree species (including diversity of tree species).

4. Tree size and density.
  5. Health and vigor of tree stand.
  6. Understory species and quality.
  7. Other factors such as value of the trees as an environmental asset (i.e., cooling effect, etc.).
- d. The removal or relocation of trees within the affected areas shall be limited to instances:
1. Where necessary for the location of a structure or site improvement and when no reasonable or prudent alternative location for such structure or improvement can be had without causing undue hardship.
  2. Where the tree is dead, diseased, injured and in danger of falling too close to proposed or existing structures, or interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.
  3. Where removal or relocation of the tree is consistent with good forestry practices or if it will enhance the health of remaining trees.
- e. The burden of demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the applicant.

(7) *Landmark trees.*

**TABLE 16.03. LANDMARK TREES**

Common Name	Species	DBH (inches)
Arborvitae	<i>Thuja occidentalis</i>	18
American basswood	<i>Tilia Americana</i>	18
American beech	<i>Fagus grandifolia</i>	18
American chestnut (nonnutbearing)	<i>Castanea</i>	8
Birch	<i>Betula spp.</i>	18
Black alder	<i>Alnus glutinosa</i>	12
Black tupelo	<i>Nyssa sylvatica</i>	12
Black walnut	<i>Juglans nigra</i>	20
White walnut	<i>Juglans cinerea</i>	20

Buckeye (horse chestnut) (nonnutbearing)	<i>Aesculus spp.</i>	18
Cedar, red	<i>Juniperus spp.</i>	12
Crabapple (cultivar)	<i>Malus spp.</i>	12
Douglas fir	<i>Pseudotsuga menziesii</i>	18
Eastern hemlock	<i>Tsuga Canadensis</i>	12
Flowering dogwood	<i>Cornus florida</i>	8
Ginkgo	<i>Ginkgo biloba</i>	18
Hickory	<i>Carya spp.</i>	18
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	18
Larch/tamarack	<i>Larix laricina (Eastern)</i>	12
Locust	<i>Gleditsia triacanthos</i>	24
London planetree	<i>Platanus spp.</i>	18
Maple	<i>Acer spp. (except negundo)</i>	18
Oak	<i>Quercus spp.</i>	20
Pine	<i>Pinus spp.</i>	18
Sassafras	<i>Sassafras albidum</i>	15
Spruce	<i>Pica spp.</i>	18
Tuliptree	<i>Liriodendron tulipifera</i>	18
Wild cherry	<i>Prunus spp.</i>	18

(c) *Protective barriers.* It shall be unlawful to develop, clear, fill or commence any activity for which a use permit is required in or around a landmark/historic tree or forest without first erecting a continuous protective barrier around the perimeter drip line, per section 16.02(t)(3).

(d) *Relocation or replacement.*

(1) *Landmark tree replacement.* Whenever a tree removal permit is issued for the removal of any landmark tree with a DBH of six inches or greater, such trees shall be relocated or replaced by the permit grantee. Every landmark/historic tree that is removed shall be replaced by three trees with a minimum DBH of four inches. Such trees will be of the species from table 16.02.o.1.

(2) *Replacement of other trees.* Whenever a tree removal permit is issued for the removal of trees, other than landmark/historic trees, with a DBH of six inches or greater, such trees shall be relocated or replaced by the permit grantee if more than 20 percent of the total drip line area is removed. Tree replacement shall be done in accordance with the following:

- a. If the replacement trees are of at least two inches in DBH, but less than three inches in DBH, the permit grantee shall be given credit for replacing one tree.
- b. If the replacement trees are of at least three inches in DBH, but less than four inches in DBH, the permit grantee shall be given credit for replacing 1½ trees.
- c. If the replacement trees are of at least four inches in DBH, the permit grantee shall be given credit for replacing two trees.

(3) *Exemptions.* All agricultural/farming operations, commercial nursery/tree farm operations and occupied lots of less than two acres shall not be required to replace or relocate removed trees.

(4) *Replacement tree standards.* All replacement trees shall:

- a. Meet both the American Association of Nurserymen Standards (AANS) and the requirements of the state department of agriculture.
- b. Be nursery grown.
- c. Be guaranteed for two years, including labor to remove and dispose of dead material. The city may request performance guarantees in accordance with section 25.08, performance guarantees.
- d. Be replaced immediately after removal of the dead tree, in accordance with AANS.
- e. Be of the same species as the removed trees. When replacement trees of the same species are not available from Michigan nurseries or a removed tree type is considered to be undesirable, the applicant may substitute any species listed in table 16.02.o.1, provided that shade trees are substituted with shade trees.
- f. Ornamental trees need not necessarily be replaced with ornamental trees, but this shall be encouraged where feasible.
- g. Be located on the same parcel of land on which the activity is to be conducted. Where tree relocation or replacement is not possible on the same property on which the activity is to be conducted, the permit grantee shall pay monies into the city tree fund for tree replacement within the city, at the time a permit is applied for.

(e) *Tree replacement fund.*

(1) The city tree replacement fund is intended to provide for the off-site replacement of trees, to compensate for the loss of trees due to development, construction and inadequate safeguards during construction.

(2) This fund is to be used for the planting of trees in areas to be determined by the city, for public areas.

(3) Tree replacement shall be valued per inch for each inch over six inches times the number of trees lost. The per inch fee shall be set by city council by resolution.

- (f) *Violation.* If a violation of this section is noted, the development services department will notify the owner of record and the occupant of the property of the violation. Such notice shall specify the violation and the time within which corrective action must be completed. This notice may be served personally or by mail. If the property is not in compliance with this section at the end of the period specified in the notice of violation, an appearance ticket may be issued.

(Ord. No. 09-434, § 16.03, 1-20-2009)

Sec. 16.04. - Sidewalks.

- (a) *Intent.* The purpose of this section is to enhance the health, safety and welfare of the public by the development of a comprehensive nonmotorized system to allow for improved access and recreation opportunities.
- (b) *Sidewalks.* Sidewalks shall be required along both sides of all streets of all subdivision plats, condominiums, and multiple-family developments.

sidewalks shall also be required for all uses along all major street frontages

as defined in section 28.11(q), streets.

- (c) *Other locations.* Sidewalks may be required in other locations as part of site plan review where the planning commission determines that they are needed for pedestrian traffic or safety.
- (d) *Open space paths.* The planning commission may require walking trails within open space areas of residential developments. Trails shall be five-foot wide asphalt or wooden boardwalks in areas with sensitive environmental features.
- (e) *Location.* Sidewalks shall be installed by the developer within one-foot of the dedicated street right-of-way, private street access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement. Sidewalks shall be located to align with existing or future sidewalks on adjacent lots.
- (f) *Construction standards.* All sidewalks shall be concrete, at least five feet wide and constructed to the specifications of the city engineer.
- (g) *Crosswalks.* An inclined approach shall be required where sidewalks intersect curbs for barrier free access to the sidewalk. Crosswalk pavement markings and signs may be required at intersections.
- (h) *Installation of residential sidewalks.* Required sidewalks may be installed for a residential lot in a new residential subdivision or condominium after construction of the dwelling unit if the developer has posted a performance guarantee to cover the cost of all sidewalk installation. A certificate of occupancy for the dwelling shall not be issued until the required sidewalk is installed.
- (i) *Performance guarantees.* The city may request performance guarantees in accordance with section 25.08, performance guarantees.

(Ord. No. 09-434, § 16.04, 1-20-2009; Ord. No. 10-445, § 1, 3-16-2010)

Sec. 16.05. - Lighting.

- (a) *Intent.* The purpose of this section is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce while minimizing the effects of excessive or uncontrolled light to:
- (1) Maintain consistent and uniform light levels for traffic and pedestrian safety along streets, sidewalks and in parking lots.
  - (2) Ensure uniform lighting for security and law enforcement.

- (3) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.
  - (4) Minimize light pollution and light trespass from light sources onto adjacent properties.
  - (5) Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.
  - (6) Curtail and reverse the degradation of the nighttime environment and the night sky.
  - (7) Preserve the dark night sky for astronomy.
  - (8) Conserve energy and resources to the greatest extent possible.
- (b) *Lighting intensity.*
- (1) Light levels on a site that is subject to site plan approval under this ordinance shall meet the requirements in table 16.05 for the developed portion of the site containing buildings, drives and parking lots.

**TABLE 16.05. REQUIRED SITE ILLUMINATION**

Location on Site	Minimum Footcandles <sup>(1)</sup>	Maximum Footcandles
Parking lots, loading areas, sidewalks and building entrances	3 <sup>(2)</sup>	10 <sup>(3)</sup>
Under canopies such as gas stations, drive-through banks porte-cochere	3	20
Along front lot line adjacent to the street frontage	0.5	3 <sup>(4)</sup>
Along a lot line adjoining a nonresidential use or district	0.5	1 <sup>(5)</sup>
Along a lot line adjoining a residential use or district	0	0.5

<sup>(1)</sup> Lighting levels may be reduced to 0.5 footcandle with a uniformity ratio of not more than 10:1 ratio after 12:00 midnight, or after established hours of operation.

<sup>(2)</sup> The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

<sup>(3)</sup> For automobile dealerships and other types of outdoor sales areas the maximum illumination may be increased to 15 footcandles, provided the limits at the lot line are not exceeded.

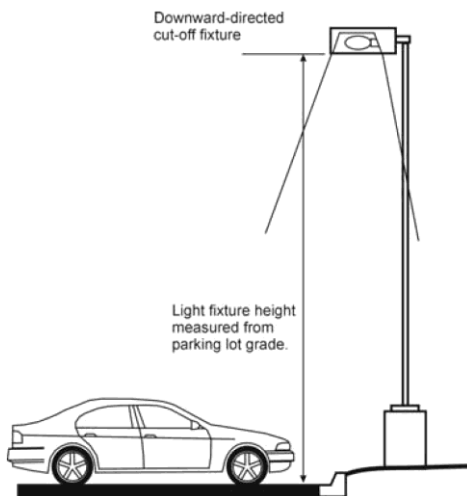
<sup>(4)</sup> Shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.

<sup>(5)</sup> The light level along a nonresidential lot line may be increased to five footcandles where there is shared access/vehicular connections or the adjacent use is a similar use.

- (2) The uniformity ratio between the average and minimum illumination within the developed portion of the site shall not exceed 4:1 ratio.

(c) *Light fixtures.*

- (1) All lamps shall be metal halide, unless otherwise approved by the city.
- (2) Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section.
- (3) Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site.
- (4) Bollard lights are permitted to light driveways and pedestrian areas.
- (5) Floodlight type fixtures shall be used only for building accent, landscaping and sign lighting.



- (d) *Fixture height.* Light fixtures shall have a maximum height of 20 feet where adjacent to any residential district. Light fixtures shall have a maximum height of 25 feet where adjacent to nonresidential districts. Heights is measured from the parking lot grade.
- (e) *Ornamental lighting.* The requirement for downward directed lighting may be waived for ornamental lighting which is part of an overall architectural theme and street lighting.
- (f) *Constant light.* All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- (g) *Sign lighting.* Internally illuminated signs shall be permitted and light fixtures directed at a sign may be permitted where the fixtures are shielded so not to cause visible glare to persons on adjacent streets or adjacent property illumination of signs shall comply with the requirements of article 18, signs.
- (h) *Photometric plan.* Any site plan application for new or revised lighting shall include a photometric plan overlaid on the site plan illustrating the planned layout and footcandles of site lighting. The following are required for review:
  - (1) Lighting plan showing light pole and fixture locations and type designations.
  - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels.
  - (3) Lighting manufacturers equipment specifications and data sheets on the photometric plan.
  - (4) Any other presentations required to convey the intent of the design.

(Ord. No. 09-434, § 16.05, 1-20-2009)

Sec. 16.06. - Waste receptacles.

Waste receptacles, including dumpsters and compactors, shall be designed, constructed and maintained according to the standards of this section. A change in waste receptacle location or size shall require modification to the enclosure, as warranted by this section.

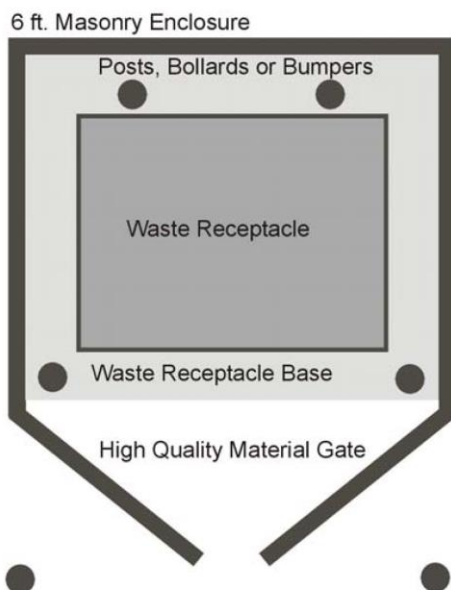
(a) *Applicability.*

- (1) The regulations of this section shall apply to all uses that have their refuse removal needs serviced by collective refuse containers in multiple-family residential and nonresidential districts.
- (2) The planning commission may waive the requirement for a waste receptacle enclosure for businesses, such as banks, that store all waste material indoors or other uses that provide alternate means of handling waste disposal.
- (3) Grease traps shall be required for all restaurant uses.

(b) *Location.*

- (1) Waste receptacles shall be located in the rear yard, not closer than three feet from the rear lot line, or nonrequired side yard, unless otherwise approved by the planning commission or development services department for administrative reviews.
- (2) For nonresidential uses adjoining a residential district, the waste receptacle shall be as far as practical, and in no case be less than 20 feet from any adjacent residential district.
- (3) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- (4) Waste receptacles shall not be located below any overhead power lines.
- (5) The waste receptacle shall be oriented to not directly face a street or driveway, unless approved by the planning commission or development services department for administrative reviews.

(c) *Materials and screening.*





- (1) Waste receptacles shall be enclosed on three sides with a masonry enclosure with a maximum height of six feet or at least one foot higher than the dumpster.
  - (2) The enclosure shall be constructed of brick or split face block that matches the building color. Other decorative masonry material may be approved if it matches the material used on the principal building and landscape screening is provided. Poured concrete with false brick design or plain concrete slag blocks are not permitted.
  - (3) The enclosure shall include a gate, made of high quality material, as determined by the planning commission or development services department for administrative reviews, on the fourth side. If the waste receptacle is a dumpster it shall have an enclosing lid or cover.
- (d) *Generally.*
- (1) The waste receptacle base shall be at least eight feet by five feet in area, constructed of six inches of reinforced concrete pavement.
  - (2) The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
  - (3) Where grease disposal receptacles are used, curbing shall be provided around the enclosure base to contain any spillage.
  - (4) Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.
  - (5) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

(Ord. No. 09-434, § 16.06, 1-20-2009)

Sec. 16.07. - Mechanical equipment.

Any mechanical equipment or utilities and similar equipment associated with a commercial, industrial or other nonresidential use, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, exhaust pipes or stacks, satellite dishes and other telecommunications receiving devices and other similar equipment, shall comply with the following standards:

(a) *Roof-mounted equipment.*

- (1) All roof-mounted equipment shall be screened by parapet walls or a pitched roof integrated into the architectural design of the building of sufficient height to screen rooftop equipment and provide sound attenuation. The location, height, and screening methods shall be shown on the site plan.
- (2) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface.
- (3) All roof-mounted mechanical units must be set back a minimum of 20 feet from the front of the building and any side of the building facing an adjacent residential district.
- (4) Fire escapes shall not be permitted on a buildings front facade. In buildings requiring a second means of egress pursuant to the state construction code, internal stairs or other routes of egress shall be used.

(b) *Ground-mounted equipment.*

- (1) Mechanical equipment and utilities located on or around any nonresidential building shall be screened by decorative walls that are compatible with the material used on the building or landscaping. The height of the wall shall be sufficient to fully screen the mechanical equipment.

- (2) Screening materials for ground-mounted mechanical equipment and utilities shall include a solid wall, fence, plantings, berms and/or other decorative features compatible with the materials used on the main building.
  - (3) In a nonresidential district, ground-mounted mechanical equipment shall not be located within 20 feet of any residential district.
  - (4) Mechanical equipment may not be located within the required yard setback, except as provided in section 14.11, projections into required yards.
- (c) *Security gates.*
- (1) Solid metal security gates or solid roll-down metal windows shall be prohibited.
  - (2) Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or, if installed on the outside, if the coiled box is recessed and concealed behind the building wall.
  - (3) Security grills shall be recessed and concealed during normal business hours.
  - (4) Models that provide a sense of transparency, in light colors are encouraged.
  - (5) Other types of security devices fastened to the exterior wall are prohibited.

(Ord. No. 09-434, § 16.07, 1-20-2009)

Sec. 16.08. - Stormwater drainage.

- (a) Stormwater drainage shall be accommodated through underground storm sewers meeting the city's engineering standards. All streets shall be required to have underground storm sewers.
- (b) Any lot that currently has open stormwater drainage, including open ditch drainage along the street frontage, shall be enclosed in belowground sewers. This requirement may be waived by the city engineer in the following instances:
  - (1) Where existing conditions would make such requirements difficult from an engineering and construction standpoint.
  - (2) Where enclosing a portion of a drain would cause drainage problems for adjacent properties.
  - (3) Where an open drain is under the jurisdiction of Wayne County and the county has indicated that they will not allow the drain to be enclosed.
- (c) The regulations of this section shall not apply to stormwater detention or retention ponds, which may be open in accordance with Wayne County and city engineering standards.

(Ord. No. 09-434, § 16.08, 1-20-2009)

Sec. 16.09. - Outdoor amplification.

Outdoor loudspeakers, public address systems shall be prohibited in all districts. This provision shall not apply to speakers used for drive-through uses, provided the sound is less than 40 dBA at the lot line.

(Ord. No. 09-434, § 16.09, 1-20-2009)

ARTICLE 17. - OFF-STREET PARKING, LOADING, ACCESS AND CIRCULATION REQUIREMENTS

Sec. 17.01. - Off-street parking, loading, access and circulation requirements.

- (a) *Applicability of parking requirements.* For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article.
  - (1) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this article.
  - (2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity or other means, additional off-street parking shall be provided for such increase in intensity of use.
  - (3) Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article.
  - (4) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.
- (b) *Collective or shared parking.* Two or more buildings or uses may use a common parking facility provided that the number of parking spaces provided is equal to the required number of spaces for all of the uses computed separately. Cumulative parking requirements for mixed use developments or shared facilities may be reduced by the planning commission where it can be determined that one or more of the factors listed in subsection (d) below apply. Where uses are on separately owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the city before a certificate of occupancy is issued.
- (c) *Reduction of parking requirements.* The planning commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following:
  - (1) Shared parking by multiple uses where there will be a high proportion of multi-purpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. For separate lots, they shall be adjacent each other, with pedestrian, and vehicular connections maintained between the lots. Shared parking agreements shall be filed with the Wayne County Register of Deeds and the city clerk after approval by the planning commission before a certificate of occupancy is issued.
  - (2) Convenient municipal off-street parking or on-street spaces located along the site's frontage.
  - (3) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
  - (4) Availability of other forms of travel such as transit. In allowing a parking space reduction the planning commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
  - (5) Where the applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one of the criteria subsection (c)(1) through (4) above would be met.
- (d) *Maximum allowed parking.* In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than ten percent shall only be allowed with approval by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. The planning commission may require that additional spaces be constructed with alternative paving materials, such as permeable/grass pavers or pervious concrete.
- (e) *Banked parking.*
  - (1) Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning

commission may defer some of the parking. The site plan shall designate portions of the site for future construction of the required parking spaces, which shall be maintained in a landscaped appearance and not occupy required greenbelts, or parking lot setbacks or be used for any other purpose. Landscaping, such as parking lot trees that would otherwise be required for the banked parking, shall be installed in the area of the banked parking.

- (2) The banked parking shall be required to meet ordinance requirements if constructed. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the development services department, based on parking needs or observation, and shall require administrative approval of an amended site plan. The development services department may request a performance guarantee to cover the cost of developing the deferred parking lot.

(f) *Residential parking.*

- (1) Single-family residential parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- (2) Single-family residential parking spaces shall be located on hard or pervious concrete, asphalt or permeable/grass pavers. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking. Driveways shall be required to be concrete if the adjoining street is concrete.
- (3) A minimum three-foot wide lawn or landscape strip shall be required between the edge of parking area pavement and all lot lines to provide adequate room for drainage, snow storage and privacy screening.
- (4) Circular drives shall be prohibited unless driveway access points are separated by an interior distance of 70 feet. A minimum lot width of 100 feet shall be required.
- (5) Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a 1:1 ratio basis. Carports and garages in multiple-family dwelling developments shall be designed and located in accordance with the following:
  - a. A maximum height of 14 feet, measured from the grade to the peak of the structure.
  - b. Be enclosed or screened at least 25 percent along sides visible from public streets, single-family residential districts or vehicular drives within the site.
  - c. Not permitted in the front yard.
  - d. Location shall be approved by the fire marshal for emergency vehicle circulation.

(g) *Use limitations.*

- (1) It shall be unlawful for any person, firm or corporation to use private property for vehicle parking without the express consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of the property.
- (2) Off-street parking areas are intended only for temporary vehicle parking for public safety by keeping parked cars off the streets. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junkyard or nuisance in the area.
- (3) Loading spaces and parking spaces shall be considered separate and distinct requirements and shall be considered separate components on the proposed site plan. In no case shall one component be construed as meeting the requirements of the other required components.
- (4) It shall be unlawful to use a parking lot or open area for the storage of merchandise, materials, trucks, trailers, construction trailers, recreational vehicles and equipment, except for uses approved for this in the industrial districts or as provided for in section 15.08, storage of recreational vehicles, and section 15.10, commercial vehicles. This provision shall not apply to

areas designated for fleet and company vehicles, provided they are located in the side and rear yards.

(5) It shall be unlawful to use a parking lot or open area to park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership or as provided in section 15.09, sale and maintenance of vehicles.

(6) It shall be unlawful to use a parking lot or open area to repair any vehicle except as provided in section 15.09, sale and maintenance of vehicles.

(h) *Barrier free parking.*

(1) Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with table 17.01.a or in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

**TABLE 17.01.A. BARRIER FREE PARKING SPACE REQUIREMENTS**

Number of Spaces in Parking Lot	Required Number of Barrier Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

1,001 and over	20 plus 1 for each 100 over 1,000
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- (2) Barrier free spaces shall be located as close as possible to building entrances and walkways.
- (3) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb ramp with a running slope not exceeding 1:12 ratio, a cross slope not exceeding 1:48 ratio, width of four feet minimum, with detectable warning devices, shall be provided to accommodate handicapped accessibility in accordance with current State of Michigan Code or ADA requirements.
- (i) *Bicycle facilities.* All developments shall be designed to accommodate bicycle travel, including providing bike racks. All parking structures and parking lots shall provide sufficient bike racks based on a minimum of one bike for every ten automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.
- (j) *Required off-street parking spaces.* The minimum number of required off-street parking spaces shall be provided on premises in accordance with table 15.01.b. or as otherwise allowed by this article.
  - (1) *Fractional spaces.* When units or measurements determining the number of required parking spaces result in a fraction over one-half of a full parking space shall be required.
  - (2) *Uses not listed.* For uses not specifically listed in table 15.01.b, the required parking shall be in accordance with that of a similar use as determined by the development services department, based on documentation regarding the specific parking needs of the use.
  - (3) *Bench seating.* In calculating bench seating for places of assembly, each 24 inches of bench, pew or similar seating facilities shall be counted as one seat, except that where specifications and plans filed with the development services department specify a certain seating capacity they may be used as the basis for required parking space.
  - (4) *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
  - (5) *Usable floor area.* Unless otherwise indicated, floor area shall be usable floor area (UFA) as defined in section 28.04(n), floor area.
  - (6) *Compliance with codes.* Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the state construction code and the fire code.

**TABLE 17.01.B. PARKING SPACE REQUIREMENTS**

Use	Parking Requirements
<b>Residential uses</b>	
Manufactured home parks	2 spaces per unit plus 1 space per employee of the manufactured home park plus 1 space per 3 manufactured homes for visitor parking

Multiple-family dwellings	2 spaces per dwelling unit, plus 1 guest parking space per 4 units, which may be met through on-street parking
Single-family attached, detached and two-family dwellings	2 spaces per dwelling unit
<b>Agriculture and animal uses</b>	
Roadside farm produce stand	6 spaces
Veterinary hospitals or clinics	1 space per 400 sq. ft. of useable floor area, plus 2 spaces per employee
<b>Religious, civic, educational and governmental uses</b>	
Churches, temples and other places of worship, clubs, fraternal organizations, lodge halls or other places of general assembly	1 space per 3 seats in the main place of assembly or 6 ft. of benches/pews
Libraries	1 space per 350 sq. ft. of usable floor area
Municipal building and uses	1 space per 250 sq. ft. of usable floor area
Public and private noncommercial recreation facilities	1 space per 200 sq. ft. of usable floor area
Schools	
High, colleges, universities, business, technical and vocational trade	1 space per employee, plus 1 space per 10 students, plus the requirements of the auditorium or stadium, whichever seats more
Elementary and middle	1 space per employee, plus the requirements for auditorium or stadium, whichever seats more
<b>Retail trade and service uses</b>	
Dry cleaning, retail	1 space per 500 sq. ft. of useable floor area

Funeral homes and mortuary establishments	1 space per 50 sq. ft. of usable floor area, plus 1 space per each funeral vehicle stored on premise
Furniture/carpet stores	1 space per 800 sq. ft. of usable floor area, plus 1 space per employee
Grocery store/supermarket	1 space per 200 sq. ft. of usable floor area
Home improvement stores	2 space per 300 sq. ft. of usable floor area
Laundromats	1 space per 2 washing/drying machines plus 1 space for each employee
Multitenant shopping centers with 60,000 sq. ft. or less of retail	1 space per 250 sq. ft. of usable floor area, plus the number of spaces required for restaurants
Multitenant shopping centers with over 60,000 sq. ft. of retail	1 space per 220 sq. ft. of usable floor area, plus the number of spaces required for restaurants
Open air businesses, nurseries, home improvement supplies and similar outdoor retail sale of vegetation, outdoor home and garden supplies and equipment	1 space per 500 sq. ft. of land area being used for retail sales, uses and services
Personal service establishments including: barber/beauty shops, hair, nail and skin care services, tanning salons	1 space per 300 sq. ft. of useable floor area or 2.5 spaces per barber or beautician's chair/station, whichever is greater
Retail stores except as otherwise specified herein	1 space per 250 sq. ft. of usable floor area
Retail business with drive-through	4 stacking spaces per window, plus spaces required for main use
Self-storage facilities	4 spaces adjacent to the business office, plus 1 space per 200 storage cubicles
Service establishment of an office, showroom, or workshop nature	1 space per 800 sq. ft. of usable floor area



Wholesale/discount club establishments	1 space per 300 sq. ft. of usable floor area
<b>Motor vehicle uses</b>	
Automobile filling stations	1 space for each employee, plus spaces required for other uses within the station, such as the retail floor area, carryout restaurants or automotive repair stalls, each automobile fueling position counts as ½ of a space for the required spaces for other uses within the station
Motor vehicle repair, maintenance and body work	2 spaces per service stall, plus 1 space per employee
Motor vehicle wash, self-service (coin-operated)	4 spaces, plus 4 stacking spaces per washing stall
Motor vehicle wash, full-service	4 spaces, plus 1 space per employee plus 15 stacking spaces per washing stall, plus a minimum 30 foot long drying lane to prevent water from collecting on street
Motor vehicle quick oil change	2 stacking spaces per service stall, rack or pit, plus 1 space per employee
Motor vehicle sales and rental	1 space per 300 sq. ft. of floor space of sales plus 1 space per employee, plus 1 space per service stall
<b>Accommodation and food service uses</b>	
Private clubs, lodge halls or banquet halls	1 space per 3 persons allowed within the maximum occupancy load as established by the city fire and the state construction code
Bars, lounges; taverns, nightclubs	1 space per 75 sq. ft. of usable floor area
Motel, hotel or other commercial lodging establishment	0.75 space per unit/room, plus 1 space per employee, plus spaces required for ancillary uses such as lounges, restaurants or conference areas
Restaurants, carryout (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 space per employee

Restaurants, drive-in	1 space per 75 sq. ft. of usable floor area plus 1 space employee
Restaurants, with drive-through	1 space per 2 employees, plus 1 space per 2 seats intended for patrons within the building plus 1 space per 30 sq. ft. of building floor area within the waiting area plus 10 stacking spaces per pickup window
Restaurants, open front or ice cream stand	6 spaces, plus 1 space per employee, plus 1 space per 4 seats
Restaurants, standard sitdown, with liquor license	1 space per 75 sq. ft. of usable floor area
Restaurants, standard sitdown, without liquor license	1 space per 100 sq. ft. of usable floor area
<b>Art, entertainment and recreation uses</b>	
Golf courses	3 spaces per course hole, plus spaces required for other uses such as a banquet hall, gift shop or lounge
Health, fitness and athletic clubs or gyms	1 space per 200 sq. ft. of usable floor area
Indoor recreation including private athletic fields, billiards, bowling, swimming pool	1 space per 3 persons allowed within the maximum occupancy load as established by the building code or 1 space per 200 sq. ft. of usable floor area, whichever is greater
Bowling alleys	5 spaces per lane, plus 25% of the required parking for any restaurant or lounge
Outdoor recreation including miniature golf, batting cages rifle, gun and archery ranges, go-cart tracks, and other recreation facilities operated for profit	2 spaces per batting cage, archery range, miniature golf hole, or similar activity
Stadium, sports arenas, or similar place of outdoor assembly	1 space per 3 seats or 1 space per 6 ft. of bench, plus 1 space per employee, fields without spectator seating shall provide 30 spaces per field

Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings	1 space per 3 seats, plus 1 space per 2 employees
<b>Finance, insurance, real estate, professional, scientific and technical service uses</b>	
Banks, credit unions, savings and loan associations	1 space per 200 sq. ft. of usable floor area, plus 2 spaces per walk-up ATM, drive-through shall provide 4 stacking spaces per window
Professional business offices and services	1 space per each 250 sq. ft. of usable floor area
<b>Health and human care uses</b>	
Adult day care centers, foster care, family child care home, foster family home, group child care home	1 space per 4 clients plus 1 space per employee
Child care centers	1 space per 350 sq. ft. of usable floor area, plus 1 space per employee, sufficient area shall be provided for drop-off of children in a safe manner
Hospitals	1 space per inpatient bed, plus 1 space per 200 sq. ft. of office or outpatient area
Medical offices and clinics	1 space per 250 sq. ft. of usable floor area
Senior assisted living	1 space per room or 2 beds, whichever is less, plus 1 space per employee
Nursing and convalescent homes	2 spaces per 3 beds or occupants, plus 1 space per employee
Senior independent living	1.5 spaces per unit, plus 1 space per employee, should units revert to general occupancy, 2 spaces per unit shall be provided
<b>Transportation, utility and warehousing uses</b>	

Warehousing and storage	1 space per 1,500 sq. ft. usable floor area or 1 space per employee, whichever is greater, plus 1 space per corporate vehicle
<b>Manufacturing and construction uses</b>	
Industrial, manufacturing, testing labs, research, design and development centers	1 space per 550 sq. ft. of usable floor area or 1.5 spaces per employee, whichever is greater, plus 1 space per corporate vehicle stored on site
Truck terminal	1 space per employee, plus 2 truck spaces (10-foot by 70-foot) per truck berth or docking space

(Ord. No. 09-434, § 17.01, 1-20-2009)

Sec. 17.02. - Off-street parking facility design.

Whenever the off-street parking requirements in this article require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations.

(a) *Location and setbacks.*

- (1) Off street parking lots shall meet the setback requirements applicable to parking as specified in the zoning district or the standards for the use.
- (2) Off-street parking spaces are permitted within any yard except as provided for in subsection (3) below, provided the parking lot setbacks in the applicable district or use standards are met.
- (3) In all multiple-family residential, office and midtown districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain open and unoccupied and unobstructed except for landscaping or vehicle access drives.
- (4) In all other districts, the planning commission may allow parking within the required front yard; provided, parking lot setback requirements are met, and a greenbelt is provided along the site frontage between the front lot line and the parking area, in accordance with section 16.02, landscaping.
- (5) Off-street parking facilities required for all other uses shall be located on the lot or within 300 feet of the buildings they are intended to serve, as measured along lines of public access from the nearest point of the parking facility to the buildings served. In the midtown districts parking facilities shall be located within 600 feet of the building to be served.

(b) *Access.*

- (1) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles meeting the requirements of section 17.05, driveway access management.
- (2) All spaces shall be provided adequate access by means of maneuvering lanes.

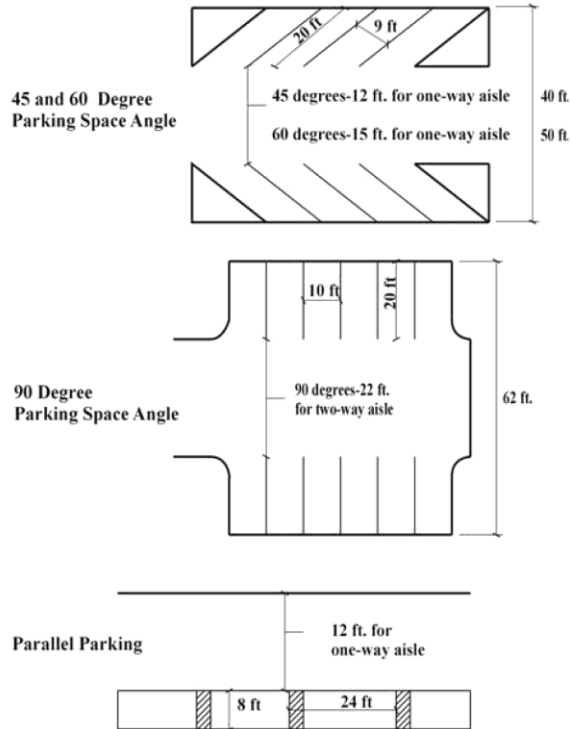
- (3) Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
  - (4) Ingress and egress to parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use, except in instances where access is provided by means of an alley that forms the boundary between residential and nonresidential district.
  - (5) Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
  - (6) In cases where a wall extends to an alley which is a means of ingress and egress to an off-street street parking area, it shall be permissible to end the wall a maximum of ten feet from the alley in order to permit a wider means of access to the parking area.
  - (7) Emergency vehicle access shall be provided to all parking lots and storage areas. For uses that desire to have security gates at driveway access points to parking lots or storage areas, break-away gates shall be utilized and the owner of the use shall provide the city with a hold harmless clause in the development agreement for instances where emergency vehicles are delayed or not able to reach a portion of the property due to the presence of a gated access.
- (c) *Dimensional requirements.*
- (1) All parking lots shall be striped and maintained showing individual parking bays, in accordance with table 17.02.

**TABLE 17.02. OFF-STREET PARKING DIMENSIONAL REQUIREMENTS**

Parking Pattern	Parking Space (feet)		Maneuvering Lane Width (feet)	
	Width	Length	One-way	Two-way
0;deg;(parallel)	8	24	12 <sup>1</sup>	24
30;deg; to 53;deg;	8	20	12	24
54;deg; to 74;deg;	9	20	15	24
75;deg; to 90;deg;	10	20	22	24

<sup>1</sup> Will be required to be increase in instances where fire or safety apparatus is required to use maneuvering lanes.

- (2) Angled parking between these ranges shall be to the nearest degree.
- (3) Space length may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall have a minimum width of seven feet where abutting a parking area.



- (4) Stacking spaces for drive through uses shall be at least 24 feet long and ten feet wide. Required stacking spaces shall not block required off-street parking spaces. Where the drive through waiting lane provides for a single lane of five or more vehicle an escape lane shall be provided to allow vehicles to exit the waiting lane.
- (d) *Construction and maintenance.* The construction of any parking lot shall require approval of a site plan in accordance with article 19, site plan review. construction shall be completed and approved by the development services department and the city engineer before issuance of a certificate of occupancy.
- (1) All parking lots and vehicle and equipment storage areas shall be paved with an asphalt or concrete binder. Alternative paving materials, such as permeable/grass pavers may be approved based upon the review and recommendation of the city engineer. For storage areas the city engineer may approve a substitute for hard-surfaced pavement upon a determination that there are no adverse effects on adjoining properties.
  - (2) Bumper blocks shall not be used in parking lots except where the planning commission determines they are necessary, or in the case of administrative approvals, the development services department.
  - (3) Surface water from parking areas shall be detained on site in accordance with the engineering standards.
  - (4) A six-inch concrete curb, or alternative as determined by the planning commission, shall be provided around all sides of the parking lot to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for stormwater drainage, as recommended by the city engineer. Plantings shall be set back two feet from curbs to allow for bumper overhang.
  - (5) Off-street parking areas shall be landscaped in accordance with the requirements of section 16.02(e), landscaping.
  - (6) Off-street parking areas shall be illuminated in accordance with the requirements of section 16.05, lighting.

- (7) Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
  - (8) All parking lots shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.
- (e) *Parking structures.*
- (1) *Dimensional requirements.* Parking stall and driving aisles shall meet the dimensional requirements of subsection (c) above.
  - (2) *Internal arrangement.* Internal arrangement and design shall be reviewed by the city engineer for appropriate grades, traffic circulation, aisle length, column spacing, ceiling height, exit stairwell and elevator location.
  - (3) *Access points/lanes.* Storage areas for entering and exiting traffic should be long enough to minimize backups of traffic onto surrounding streets or within the garage.
  - (4) *Lighting and security.* Adequate lighting shall be provided for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.
  - (5) *Location and setback requirements.* Parking structures shall be set back the same distance as required for main buildings.
  - (6) *Architecture.* Parking structures shall be architecturally compatible with the buildings they serve and shall be subject to the same architectural requirements contained in section 16.01, building appearance. Building materials and colors shall match or complement the main building. Openings within the facade of the parking structure shall have proportions that are similar to the fenestration of the principal building on or adjacent to the site. Structures that are an integral part of a main building shall have the ground level floor area of the parking structure occupied by the main use. Landscaping shall be provided in accordance with section 16.02, landscaping.
- (f) *Closed parking.* During the period when a commercial, office or industrial use is vacated, closed, or otherwise not opened for business for more than 30 consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
- (1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the city at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The city shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
  - (2) Within 60 days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the appropriate city agency.

(Ord. No. 09-434, § 17.02, 1-20-2009)

Sec. 17.03. - Off-street loading requirements.

- (a) *Uses requiring loading area.* On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services. The planning commission may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

- (b) *Not included with parking.* Required loading areas shall not be included in calculations for off-street parking space requirements.
- (c) *Location.* Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- (d) *Orientation of overhead doors.* Overhead doors for truck loading areas shall not face a public street or an adjacent residential district. This provision shall not apply to industrial uses located in I-2 districts where the building is setback at least 200 feet from the front lot line and a landscape greenbelt D that meets the requirements of section 16.02(c), greenbelts, is provided.
- (e) *Size.* The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height. The planning commission may modify this requirement for uses that will involve smaller delivery trucks such as offices.
- (f) *Traffic flow.* The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- (g) *Number.* The minimum number of loading spaces shall be provided in accordance with table 17.03.
- (h) *Pavement.* Loading dock approaches shall be constructed of an asphalt or concrete with a base sufficient to accommodate expected vehicle weight.
- (i) *Exceptions.* For uses that will not require a large truck deliveries, the planning commission may determine that loading may take place in undesignated places in parking lots provided such loading is of a shortterm nature.

**TABLE 17.03. OFF-STREET LOADING REQUIREMENTS**

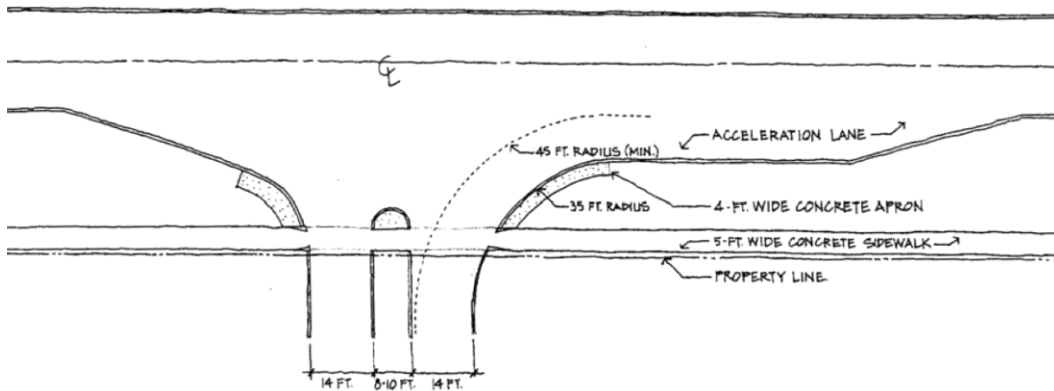
Gross Floor Area (square feet)	Loading and Unloading Space Required
<b>Commercial, office and institutional uses</b>	
Up to 5,000	1 space
5,001—60,000	1 space plus 1 space for each additional 20,000 sq. ft.
60,001 and over	1 space plus 1 space for each additional 50,000 sq. ft.
<b>Industrial uses</b>	
Up to 1,400	None
1,401—20,000	1 space
20,001—100,000	1 space plus 1 space for each additional 20,000 sq. ft.
100,001—500,000	5 spaces plus 1 space per additional 40,000 sq. ft. in excess of 100,000
500,001 and over	15 spaces plus 1 space for each additional 80,000 sq. ft. in excess of 500,000



(Ord. No. 09-434, § 17.03, 1-20-2009)

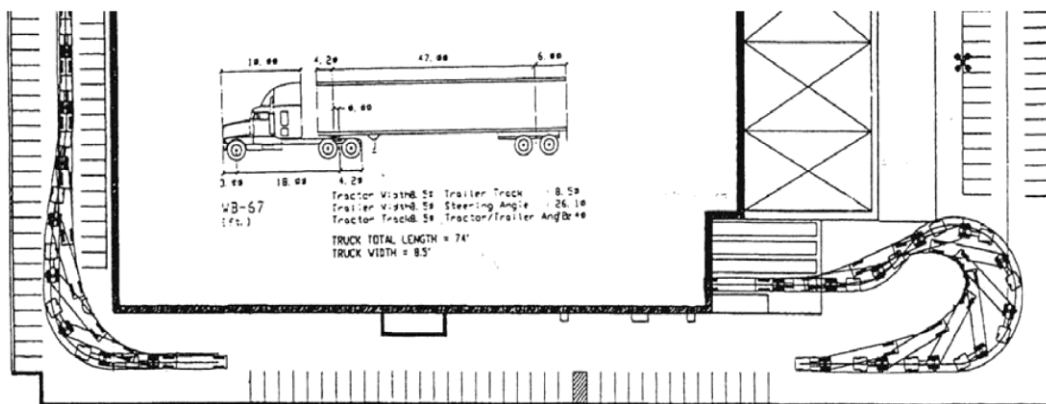
Sec. 17.04. - Truck maneuvering, access and circulation standards.

- (a) *Truck access.* All site plans submitted under of article 19, site plan review, must indicate the type and volume of truck traffic anticipated at the site, include dimensions of all truck access and circulation lanes, and indicate all truck loading/unloading areas. Driveways and streets of commercial and industrial facilities anticipated to receive truck traffic must be designed to adequately accommodate that traffic as illustrated below and be constructed to meet Wayne County and Michigan Department of Transportation (MDOT) standards. All commercial or industrial driveways shall have concrete curbing meeting the city's engineering standards.



**Typical Driveway Access Standards for Truck Access**

- (b) *Truck circulation plan.* Site plans must include a diagram with the dimensions of trucks anticipated at the site and dimensions of all truck service drives, berths and dock approaches. Truck service drives, berths and dock approaches shall conform to the following minimum standards. Greater dimensions may be required based on the truck circulation patterns and conditions of each site.



**Truck Circulation Plan**

- (c) *Turning radius.* Design features for trucking facilities shall include larger turning radii and added maneuvering space and pavement design to accommodate trucks. At a minimum these standards

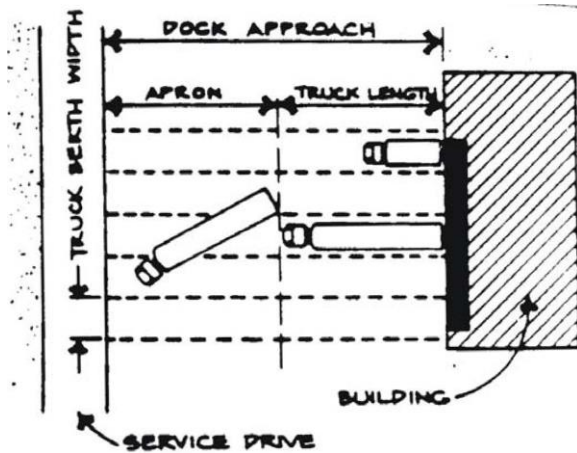
shall be those recommended by the American Association of State Highway and Transportation Officials (AASHTO) or another standard specified by the city engineer.

- (d) *Truck dock design.* Minimum truck dock design standards are provided in the table 17.04 and as follows:

**TABLE 17.04. TRUCK DOCK DESIGN REQUIREMENTS**

Truck Wheel Base Length (feet)	Truck Berth Width (feet)	Recommended Truck Apron Length <sup>1</sup> (feet)	Recommended Dock Approach (feet)
50	10	60	110
	12	57	107
	14	54	104
55	10	65	120
	12	62	117
	14	58	113
60	10	72	132
	12	63	123
	14	60	120
70	10	77	140
	12	68	131
	14	65	128

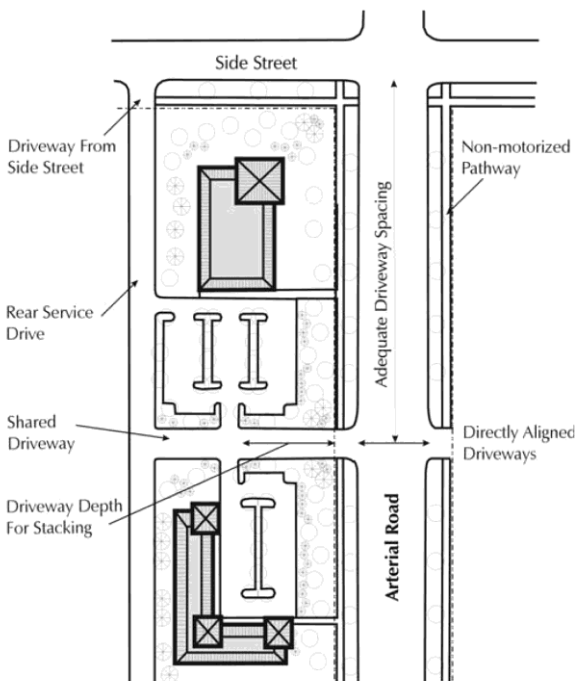
<sup>1</sup> Additional truck apron length may be needed to accommodate truck turning movements, depending upon the location and design of the service drive.



(Ord. No. 09-434, § 17.04, 1-20-2009)

Sec. 17.05. - Driveway access management.

(a) *Driveway location in general.*



- (1) All driveways serving multiple-family, commercial, office, institutional or industrial uses shall comply with the requirements of this section.
- (2) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(b) *Driveway spacing standards.*

- (1) Minimum spacing requirements between a proposed driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed in table 17.05.a. The following measurements are

from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

**TABLE 17.05.A. MINIMUM DRIVEWAY SPACING FROM STREET INTERSECTIONS** <sup>1,2</sup>

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along major streets, intersecting street is a major street	250 feet	125 feet
Along major streets, intersecting street is not a major street	200 feet	125 feet
All other streets	75 feet	50 feet

<sup>1</sup> Major streets are defined in article 28, definitions.

<sup>2</sup> For sites with insufficient street frontage to meet the above criterion, the planning commission may require construction of the driveway on a side street, a shared driveway with an adjacent property, construction of the driveway along the lot line farthest from the intersection, or require a service street.

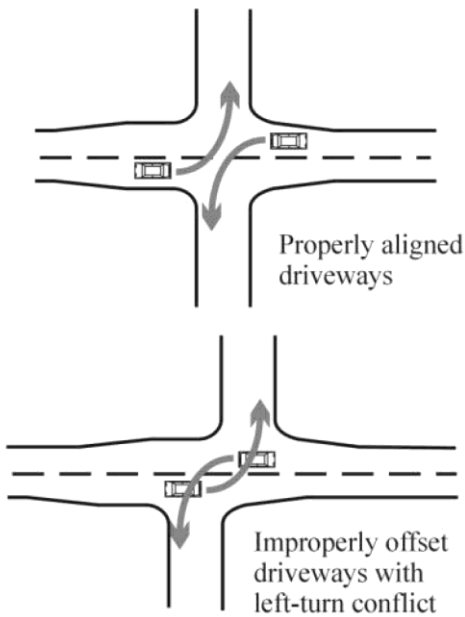
- (2) Minimum spacing between two driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in table 17.05.b. are measured from centerline to centerline on the same side of the street.
- (3) To reduce left-turn conflicts, new driveways shall be aligned with those across the street where possible. If alignment is not possible along major streets, driveways shall be offset from those on the opposite side of the street as follows:

**TABLE 17.05.B. MINIMUM DRIVEWAY SPACING FROM ANOTHER DRIVEWAY**

Posted Speed Limit (mph)	Minimum Driveway Spacing	
	Along Major Streets (feet)	All Other Streets (feet)
25	130	90
30	185	120

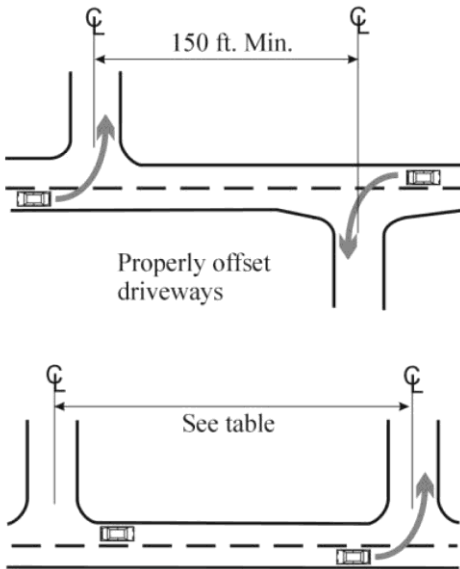
35	245	150
40	300	185
>45 and over	350	230

- a. If the proposed drive is offset such that vehicles turning left into driveways do not pass prior to reaching the driveways, the minimum spacing shall be 150 feet.
- b. If the proposed drive is offset such that vehicles turning left into driveways will pass prior to reaching the driveways, the minimum spacing shall be as follows:



**TABLE 17.05.C. OPPOSING DRIVEWAY OFFSET REQUIREMENTS**

Peak Hour Trip Generation of Use	Minimum Driveway Offset
Less than 200 trips	150 feet
200—300 trips	250 feet
More than 300 trips	400 feet



- (4) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that preexisting conditions prohibit adherence to the minimum driveway spacing standards, the planning commission may modify the driveway spacing requirements. Such modifications shall be the minimum necessary, but in no case shall spacing of a full-access driveway be less than 60 feet, measured centerline to centerline.
- (c) *Number of driveways.*
- (1) The number of driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
  - (2) Access shall be provided per separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property meeting the following requirements:
    - a. One additional driveway for properties with a continuous frontage of over 300 feet, and one additional driveway per additional 300 feet of frontage, if the Planning commission determines there are no other reasonable access opportunities.
    - b. A traffic impact study determines additional access is justified without compromising traffic operations along the public street.
    - c. Two one-way driveways may be permitted where the frontage is at least 125 feet.
- (d) *Driveway design.*
- (1) All driveways shall be designed according to the standards of the city, county or MDOT, as appropriate. Driveways shall have a maximum width of 30 feet, excluding tapers or curb radii. Wider driveways shall be allowed for locations with large volumes of truck traffic in accordance with section 17.04, truck maneuvering, access and circulation standards.
  - (2) For high traffic generators, or for driveways along streets experiencing or expected to experience congestion, the planning commission may require two egress lanes.
  - (3) For a boulevard entrance, a fully curbed island, at least 180 square feet in area, shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The planning commission may require landscaping tolerant of street conditions on the section outside the public right-of-way.

(e) *Shared driveways, frontage streets and service drives.*

- (1) The number of access points may be reduced where the planning commission determines that there may be a beneficial effect on traffic operations and safety, while preserving the property owner's right to reasonable access. In this case, a shared driveway, frontage street or rear service drive connecting two or more properties or uses may be required. Service streets may be required near existing traffic signals or near locations having potential for future signalization; along major streets with high traffic volumes; and where there are a relatively high number of accidents or limited sight distance. Shared access or cross access shall be required between all sites that are in the same or similar zoning district (i.e., between all adjacent commercially zoned properties).
- (2) Shared driveways and service streets shall be within an access easement recorded with the Wayne County Register of Deeds. A draft of the access easement shall be provided to the city for review and approval prior to filing.
- (3) Service street and shared driveway design standards.
  - a. *Location.* Service streets shall generally be parallel or perpendicular to the front lot line and may be located either in front of, adjacent to, or behind, principal buildings. The planning commission shall determine the most appropriate alignment, taking into account setbacks of existing buildings and anticipated traffic flow for the site and the corridor.
  - b. *Access easement.* The service street shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the planning commission.
  - c. *Construction and materials.* Service streets shall have a base, pavement and curb with gutter in accordance Wayne County standards for public streets, except the width of the service street shall have a minimum pavement width of 26 feet or as approved by the city engineer.
  - d. *Parking.* The service street is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The planning commission may require the posting of no parking signs along the service street by the property owner/developer at the property owner's/developer's expense. The planning commission may permit temporary parking in the easement area where a continuous service street is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service street.
  - e. *Access to service street.* The planning commission shall approve the location of all accesses to the service street, based on the driveway spacing standards of this section. The planning commission may allow additional driveways if recommended by the city engineer, county or MDOT, and consistent with purpose of this section.
  - f. *Temporary access.* The planning commission may approve temporary accesses where a continuous service street is not yet available and a performance guarantee is provided to assure elimination of temporary access when the service street is continued. Building permits shall not be issued until monies have been deposited with the city.
  - g. *Elevation.* The site plan shall indicate the proposed elevation of the service street at the lot line. The city shall maintain a record of all service street elevations so that their grades can be coordinated.
  - h. *Landscaping.* The area between a service street and the public street right-of-way shall be planted as a landscaped greenbelt as specified in section 16.02(c), greenbelts.
  - i. *Maintenance.* Each property owner shall be responsible for maintenance of the easement and service drive.

(Ord. No. 09-434, § 17.05, 1-20-2009)

ARTICLE 18. - SIGNS<sup>41</sup>

Footnotes:

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**State Law reference**— Highway advertising act, MCL 252.301 et seq.

Sec. 18.01. - Intent.

The intent of this article is to regulate signs within the City of Taylor. The regulations and standards of this article are intended to be content neutral and are considered the minimum amount necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the city so as to:

- (a) Protect the public right to receive or convey messages and information protected by the First Amendment of the U.S. Constitution.
- (b) Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- (c) Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- (d) Recognize that the principal intent of commercial signs is for identification of an establishment on the premises, and not for advertising off-premises activities.
- (e) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- (f) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (g) Prevent off-premises signs from conflicting with land uses.
- (h) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (i) Prohibit most portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

(Ord. No. 09-434, § 18.01, 1-20-2009)

Sec. 18.02. - Scope of requirements.

It shall be unlawful for any person, firm, or corporation to erect, repair, alter, relocate, or maintain any sign within the city except in conformance with the provisions of this article, subject to issuance of a permit, except as otherwise provided herein.

(Ord. No. 09-434, § 18.02, 1-20-2009)

Sec. 18.03. - Prohibited signs.

The following signs are specifically prohibited:

- (a) *Signs not expressly permitted.* Any sign not expressly permitted.



- (b) *Banners.* Pennants, spinners, and streamers, and banners bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event.
- (c) *Commercial vehicles used as signs.* An unlicensed or inoperable stationary or abandoned motor vehicle, trailer or water craft parked on public or private property used specifically for signage and not for the intended use of the vehicle. No commercial vehicle may be parked on a business or industrial premises for a time period exceeding 48 hours for the intended purpose of advertising a product or serving as a business sign.
- (d) *High intensity/flashlight signs.* Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs or lights, or municipal vehicle warnings from a distance.
- (e) *Moving signs.* Signs having moving members or parts or appearance of movement.
- (f) *Obsolete signs.* Signs that advertise a product that is no longer made, an event that has already occurred, or that advertises a business that has closed.
- (g) *Portable signs.* Except where expressly allowed in this article.
- (h) *Roof signs.* A sign erected above the roofline of a building.
- (i) *Signs on utility and other structures.* Signs attached to any utility pole, light standard, bench, street tree or any public facility.
- (j) *Signs that confuse traffic.* Signs that make use of the words "stop," "look," "go," "slow," "caution," or "danger" or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic. Signs that in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or intersection of two or more streets.
- (k) *Signs that obstruct access.* Signs that prevent free and unobstructed access to any door, window, fire escape, or other required exit.
- (l) *Signs that obstruct vision.* Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. Signs located in, encroaching upon or overhanging public rights-of-way.
- (m) *String lights.* String lights used for commercial purposes, other than holiday decorations.
- (n) *Structurally unsafe signs.* Any sign or sign structure which:
  - (1) Is structurally unsafe.
  - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  - (3) Is capable of causing electric shock to person who comes in contact with it; or is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.
- (o) *Painted on walls* Signage painted on exterior walls.
- (p) *Containing explicit sexual areas and activities.* Signs which contain, words, lettering, photographs, silhouettes or drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this ordinance.
- (q) *Advertising illegal uses.* Signs advertising use or items which are illegal by state, federal or municipal law.

(Ord. No. 09-434, § 18.03, 1-20-2009; Ord. No. 10-447, § 1, 3-16-2010)

Sec. 18.04. - Signs not requiring a permit.

The following signs shall be permitted without the issuance of a sign permit subject to all other requirements of this article, but remain subject to the limitations set forth herein.

- (a) *Device signs.* Permanent signs on gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three square feet in area, limit of one sign per vending machine, gas pump or ice container.
- (b) *Employment signs.* Help wanted signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six square feet with a maximum height of four feet.
- (c) *Flags.* Flags of any type, provided there shall a maximum of three flags per lot, the maximum size of each flag shall be 50 square feet, with a maximum height of 35 feet.
- (d) *Historical signs.* Historical marker including plaques or signs designating a building or premises as a historic structure or premises not to exceed 12 square feet.
- (e) *Identification signs.* Signs for the sole purpose of designating an assigned house number, owner name, occupant, or building name. Identification signs shall not be counted in the total sign area allowed on the premises, however, such signs in excess of one square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this ordinance.
- (f) *Incidental signs.* Small signs, emblems, or decals informing the public of the address, goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations. The total of all such incidental signs shall not exceed two square feet.
- (g) *Interior signs.* Any sign that is located completely within an enclosed building and is not visible from the outside.
- (h) *Nameplate.* Signs identifying the occupants of the building and/or their professional or home occupation, provided such sign shall not exceed two square feet in area; the sign must be attached to an exterior building wall.
- (i) *Traffic control signs.* Traffic, directional or other regulatory signs, legal notices, danger signs and such temporary emergency or nonadvertising signs, or private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and as may be approved by the city that bear no advertising, including logos.
- (j) *Warning signs.* Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided such signs do not exceed two square feet in area.

(Ord. No. 09-434, § 18.04, 1-20-2009)

Sec. 18.05. - General provisions for permitted signs.

The following general requirements apply for all signs in the city:

- (a) *Location.*
  - (1) *Right-of-way setbacks.* All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public street right-of-way. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
  - (2) *Yard setbacks.* Side and rear yard setbacks for signs shall be the same as that required for the main structure, provided that all nonresidential signs shall be setback at least 100 feet

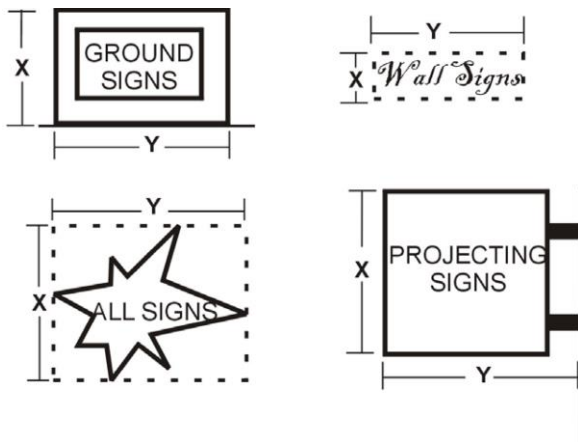
from any residential district, measured along a straight horizontal line that represents the shortest distance between the sign and the lot line.

- (3) *Obstruction to doors, windows and fire escapes.* Signs shall not be erected or maintained so as to prevent free ingress and egress from any door, window or fire escape. Signs shall not be attached to a stand pipe or fire escape.
- (4) *Clearance from utilities.* Signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole.
- (5) *Clear vision triangle.* Signs shall be in accordance with section 14.03, corner clearance (clear vision triangle). This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

(b) *Sign height.*

- (1) The permitted height of all signs shall be measured from the average grade to the uppermost point of the sign in accordance with table 18.04, table 18.06.a and as regulated elsewhere in this article.
- (2) Sign height shall be measured from the level of the ground, finished surface, adjacent to the sign.
- (3) Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

(c) *Determination of sign area.* Signs shall not exceed the maximum size for display area in accordance with table 18.06.a and as regulated elsewhere in this article. The sign display area shall be expressed in square feet, computed to the nearest tenth of a square foot, and computed as follows:



- (1) The allowable area for a single faced sign shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.
- (2) When a sign consists of individual letters or other sign elements printed, painted or mounted on a wall or a window, the area of the sign shall be computed by enclosing the edges of the sign elements (i.e., letters, logos) within a parallelogram or rectangle.
- (3) Where a sign has two faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back and are separated by no more than 18 inches.

(d) *Illumination.*

- (1) *General requirements.* Unless otherwise permitted, signs shall be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it. An animated sign may be permitted by the planning commission provided the message or scene occurs at a frequency, which is not distracting to passersby.
- (2) *Nonglare, shielded lighting.* Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or streets.
- (3) *Bare bulb illumination.* Illumination by bare bulbs, neon, luminous tubing or flames is prohibited, except that bare bulbs are permitted on theater marquees.
- (4) *Wiring.* Underground wiring shall be required for all illuminated signs not attached to a building.

(e) *Design and construction.*

- (1) *Architectural features.* Signs shall be placed in a manner that does not obstruct or intrude upon architectural features of a building.
- (2) *Materials.* Signs shall be designed to be compatible with the character of the principal building's materials and the site's landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.
- (3) *Fastenings.* Signs shall be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion.
- (4) *Screening of supports.* Signs shall be designed so that the supporting framework is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
- (5) *Wind pressure.* All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot.
- (6) *Prevention of birds.* All signs shall be designed and constructed so as to prevent the roosting and/or nesting of birds.
- (7) *Compliance with codes.* Signs shall be constructed in a safe and stable manner in accordance with the city's ordinances and any adopted building, fire, electrical, or other applicable codes.

(Ord. No. 09-434, § 18.05, 1-20-2009)

Sec. 18.06. - Permitted sign regulations.

(a) The following signs are permitted in accordance with table 18.06.a and the following regulations:

**TABLE 18.06.A.SPECIFIC SIGN REQUIREMENTS**

Type of Sign	Where Permitted	Permit Required	Maximum Height	Maximum Size (per face)	Maximum Number	Additional Requirements
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Awning, canopy or marquee signs	Nonresidential districts	Yes	Must not be higher than height of the building, Bottom shall be at least 8 ft. from ground	33% of awning surface or 40 sq. ft. for marquee	1 per street frontage	section 18.06 (b)(1)
Billboards	I-1 and I-2 districts	Yes	As established for buildings in the zoning district; however, 45 ft. if in a district adjacent to interstate, Bottom shall be at least 15 ft. from ground if within 4 ft. of any surface serving automobiles	300 sq. ft. per sign face, max. of 2 sign faces	—	section 18.06(b)(2)
Changeable message signs, (including electronic reader boards)	Nonresidential districts	Yes	8 ft.	25 sq. ft., counted as part of the allowed square footage of a freestanding sign	1 per street frontage	section 18.06 (b)(3)
Community special event signs (regulations may	All districts	Yes	8 ft.	32 sq. ft.	1 per event	Shall be permitted for 14 days prior to the event

modified at the discretion of the development services department)						and shall be removed within 2 days after event, Religious holiday displays, when occurring on private property, are exempt from these restrictions
Construction signs	All districts	No	8 ft.	32 sq. ft.	1 per street frontage	Shall be removed within 14 days after issuance of the certificate of occupancy or expiration of building permit, whichever occurs first
Entranceway signs	All districts	Yes	6 ft.	25 sq. ft.	1 per entrance	—
Freestanding signs (ground or monument)	Nonresidential districts and SLU in residential districts	Yes	8 ft.	32 sq. ft. per face, 50 sq. ft. if a multitenant sign	1 per street frontage	section 18.06(b)(4)
Garage sale or open house signs	All districts	Yes	3 ft.	6 sq. ft.	1 per street frontage on site plus 2 off-premises	Shall be erected no more than 3 business days before and

					signs (written permission must be obtained from the owner or occupant of properties on which such signs are placed)	removed within 1 business day after the event
Grand opening sign, special sale and promotional signs	All districts	Yes	Ground sign 6 ft.	16 sq. ft.	1 per street frontage	A maximum display time of an aggregate total of 30 calendar days per calendar year
			Wall sign not higher than building			
Political signs	All districts	No	—	16 sq. ft.	—	The owner of the property or the person in charge thereof shall be responsible for the removal of the signs
Portable signs (menu/sandwich board, poster panels, A-frames)	Nonresidential districts	Yes	4 ft.	3 sq. ft.	1 per street frontage	section 18.06 (b)(5)

Projecting signs	Nonresidential districts	Yes	Must not be higher than height of the building, bottom shall be at least 15 ft. from ground if within 4 ft. of any surface serving automobiles	8 sq. ft.	1 per public entrance	section 18.06 (b)(6)
Real estate: sale or lease of individual business, dwelling unit or lot	All districts	No	3 ft.	6 sq. ft.	1 per street frontage	Shall be removed within 15 days of sale closing, or the lease or rental of the premises <sup>1</sup>
Real estate: development signs	All districts	Yes	8 ft.	32 sq. ft.	1 per street frontage	Shall be removed within 7 days after all units or lots sold or leased <sup>1</sup>
Wall signs	Nonresidential districts and SLU in residential districts	Yes	Shall not exceed height of building	10% of wall up to a maximum of 100 sq. ft.	—	section 18.06 (b)(7)
Window signs	Nonresidential districts	Yes	—	25% of glass surface		section 18.06 (b)(8)

<sup>1</sup> For apartments or other types of buildings that wish to have permanent signs indicating space to lease, the leasing advertisement must be included in the total freestanding, wall or window signage.



(b) Additional requirements from table 18.06.a.

(1) *Awning, canopy or marquee signs.*

- a. The display area of the sign on a marquee, or canopy shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.
- b. Marquee signs are prohibited from projecting over any public easement or right-of-way, however, other limitations imposed by this article concerning projecting signs shall not apply to marquee, or canopy signs.
- c. Any lettering used solely for the purpose of presenting the numerals of a street address shall not be included within the computed sign area on a marquee, or canopy, provided that the height or width of the numerals does not exceed the height or width of other letters or numerals on the marquee, or canopy.
- d. Awnings and canopies shall not be internally illuminated.
- e. Marquees are only permitted on buildings containing a theater.

(2) *Billboards.*

- a. Billboards shall be located on a lot adjacent to and face the I-94 highway.
- b. Billboards shall be located at least 200 feet from any park, playground, school, church and residential district or use.
- c. Billboards shall be located at least 50 feet from the street right-of-way.
- d. Billboards shall be separated by a minimum of 1,000 lineal feet along freeways and streets having a right-of-way of 120 feet or more in width. The spacing requirements apply to signs on either side of the street and shall be measured parallel to the right-of-way.
- e. The applicant must demonstrate that they have obtained all permits required by the state.
- f. Site plan review is required in accordance with article 19, site plan review.
- g. There shall be an unobstructed access to a proposed billboard structure, for operation, maintenance, repair, and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(3) *Changeable message signs.*

- a. Electronic reader boards shall not be allowed within 300 feet of an intersection or interchange of collector or arterial streets.
- b. Electronic reader boards shall have a minimum separation distance of 100 feet from any other electronic reader board.
- c. Minimum duration of any message shall be a 30 seconds.
- d. The message shall only consist of letters and logos.
- e. Signs which convey the appearance of movement or animation of message or picture in any form shall not be permitted. Scrolling or flashing shall not be permitted.
- f. When any part of the message display is not working properly, the use of the electronic reader board will be discontinued until the repairs are made.
- g. Electronic reader board displays shall have a black background.

(4) *Freestanding signs (ground or monument).*

- a. Freestanding signs shall be located a minimum of 100 feet from any residential district.
  - b. One additional ground freestanding sign is permitted along a lot line which has more than 300 feet of frontage, provided the signs are at least 100 feet apart.
  - c. Freestanding ground signs shall incorporate a masonry base.
- (5) *Portable signs (menu/sandwich board, poster panels, A-frames).*
- a. Portable signs shall not be illuminated in any manner.
  - b. Portable signs shall not be located in the right-of-way and shall be located a minimum of two feet from the edge of the curb and must be located so that at least a five-foot wide sidewalk is maintained between the sign and the building wall for pedestrian traffic flow and safety.
  - c. Portable signs are permitted only during operating business hours and must be stored inside when the business is not open.
  - d. Portable signs shall be constructed of weatherproof, durable material and kept in good repair.
- (6) *Projecting signs.*
- a. Projecting signs shall not be located within 20 feet of another projecting sign.
  - b. Projecting signs may not project more than two feet from building wall.
- (7) *Wall signs.*
- a. Wall signs shall not extend more than 12 inches beyond the wall.
  - b. Multi-tenant building or shopping center may have one wall sign per tenant having an individual means of public access.
  - c. Wall signs may be directly or indirectly illuminated.
  - d. For signs that face directly onto adjacent public street right-of-way, the maximum allowable wall sign area may be increased in accordance with table 18.06.b up to a maximum of 140 square feet.
  - e. Combined area of signs to be no more than two square feet for each lineal foot of building wall.

**TABLE 18.06.B. WALL SIGNS AREA INCREASE**

Distance of Sign from Right-of-Way (feet)	Allowable Increase in Sign Area (percent)
200—300	25
301—400	30
401—500	35
501+	40

(8) *Window signs.*

- a. The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.
- b. Window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

(Ord. No. 09-434, § 18.06, 1-20-2009)

Sec. 18.07. - Nonconforming signs.

(a) *Continuance.*

- (1) *Existing signs.* Any sign lawfully existing at the time of the adoption of this article that does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as herein provided.
- (2) *Damaged signs.* A nonconforming sign may continue as long as it is not destroyed, abandoned, or discontinued. A sign damaged in excess of 50 percent of its replacement cost is considered destroyed.
- (3) *Site plan review.* Whenever the principal building on a site on which a nonconforming sign is located is modified or there is a change in use requiring site plan review and approval is required, the nonconforming sign shall be removed.
- (4) *Abandonment.* Where an existing nonconforming sign ceases to display advertising matter, has obsolete advertising mater or is blank for a period of six months, it will be considered discontinued or abandoned and must be removed by the property owner.

(b) *Restrictions.* A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this section. For the purpose of this article only, the term "altered" or "reconstructed" shall not include any of the following:

- (1) Normal maintenance.
- (2) The addition, construction, installation, or changing of electrical wiring or electrical devices.

(c) *Requirements.* Nonconforming signs shall comply with the following requirements:

- (1) *Repairs and maintenance.* Normal maintenance shall be allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50 percent of the sign's preexisting fair market value, exclusive of the foundation, shall only be reconstructed in conformance with article 18, signs. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged signage panels; or repair or replacement of electrical wiring or electrical devices.
- (2) *Nonconforming changeable copy signs.* The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
- (3) *Substitution.* Nonconforming signs shall not be replaced with another nonconforming sign.

(Ord. No. 09-434, § 18.07, 1-20-2009)

Sec. 18.08. - Sign inspection and maintenance.

(a) *Sign inspection.*

- (1) *Responsibility for compliance.* The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign and the area in the vicinity thereof.
  - (2) *Inspection of new signs.*
    - a. All signs for which a permit has been issued shall be inspected by the development services department when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable city ordinances and codes.
    - b. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the development services department when such fastenings are to be installed so that inspection may be completed before enclosure.
  - (3) *Inspection of existing signs.* The development services department shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the development services department shall determine whether the sign complies with all the provisions of this article. The development services department shall order the removal of any sign erected illegally in violation of this article.
- (b) *Sign maintenance.*
- (1) *Maintenance of signs.* All signs for which a permit is required and all supports therefor shall:
    - a. Be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit.
    - b. Be kept and maintained in a safe condition, consistent with adopted building and mechanical codes.
    - c. At all times conform to all the provisions of this article.
  - (2) *Correction of defects.* If the development services department finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the development services department. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired within 12 hours of notification.
- (c) *Abandoned signs.* Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises within 30 days.

(Ord. No. 09-434, § 18.08, 1-20-2009)

Sec. 18.09. - Sign permits.

- (a) *Application for permit.* Applications for sign permits shall be made upon forms provided by the development services department and shall contain or have attached thereto the following information:
- (1) Name, address and telephone number of the applicant.
  - (2) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - (4) Two blueprints or drawings of the plans and specifications and method of construction and attachments to the building or in the ground.
  - (5) Copy of streets sheets and calculations showing the sign structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances

of the city, provided further that where the development services department may require the approval of the structural design by a registered engineer.

- (6) Name of person, firm, corporation or association erecting structure.
  - (7) Written consent of the owner where the sign is to be erected on vacant land.
  - (8) Color renderings including lettering, graphics, logos, etc.
  - (9) Details for sign components, including mechanical and electrical systems.
  - (10) Such other information as the development services department shall deem necessary to show full compliance with this and all other laws and ordinances of the city.
- (b) *Permit issued if application in order.* The development services department will, upon the filing of an application for a permit, examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all requirements of city codes and ordinances, then the building permit shall be issued. Both an electrical permit and an erection permit must be issued in the case of illuminated signs.
- (c) *Permit fee.* It is unlawful in the city for any person to erect or alter any sign, except those signs specifically exempted in this article, unless a permit has first been obtained from the building official, permit fee paid to the city treasurer according to the schedule established by resolution of the city council, and pertinent information to allow a reasonable administrative interpretation pursuant to this section has been provided.
- (d) *Permit revocable at any time.* All rights and privileges acquired under the provisions of this ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained in this article. If the work authorized under a permit has not been completed within six months after date of issuance, the permit shall become null and void.
- (e) *Exceptions.* A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign).

(Ord. No. 09-434, § 18.09, 1-20-2009)

#### ARTICLE 19. - SITE PLAN REVIEW<sup>5</sup>

Footnotes:

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**State Law reference**— Submission and approval of site plan, MCL 125.3501.

Sec. 19.01. - Intent.

- (a) Site plan review is required to provide the planning commission with the opportunity to review the proposed use of a site in relation to surrounding uses, planned future development, accessibility, pedestrian and vehicular circulation, street traffic, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics and other site elements which may affect the public health, safety, and general welfare, and its relationship and harmony with city ordinances and plans.

- (b) It is further the intent of this article to require the eventual upgrade of existing sites that do not conform with current standards of this article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the city and the goals and design guidelines in the master plan.

(Ord. No. 09-434, § 19.01, 1-20-2009)

Sec. 19.02. - Uses requiring review.

Prior to the establishment of a use, addition to an existing use, or the erection of any building in a zoning district, a site plan shall be submitted and approved by the city in accordance with the procedures of this article, and the development requirements of this and other applicable ordinances.

- (a) Site plan and sketch plan reviews and approvals shall be required for the activities or uses listed in table 19.02.
- (b) Approvals are obtained for the activities listed in table 19.02 below from the planning commission (PC), city council (CC), administrative review committee (ARC), or development services department (DSD) depending upon the nature of the proposed construction or use. Where city council approval is required, it shall be based upon the recommendation of the planning commission.
- (c) All applications for site plan or sketch plan approval shall be reviewed by the ARC, for compliance with the standards of the respective departments. The ARC shall forward site plans to the planning commission, or approve those items specified as ARC approval in table 19.02. The ARC shall consist of representatives of the development services department, fire department, police department, and city engineer.
- (d) Activities and uses that are exempt from site plan/sketch plan approval still require a building permit. All construction or building modification is subject to city building permit requirements of the development services department in accordance with article 25, administration and enforcement. Site preparation work shall not commence until site plan approval has been received and the required permit has been issued by the development services department.
- (e) Procedures for approval of PUDs and condominiums are outlined in article 22, planned unit development (PUD), and article 23, condominiums.

**TABLE 19.02. PLAN REVIEW REQUIREMENTS**

Activity/Use	Site Plan	Sketch Plan	Building Permit
<b>New construction</b>			
Single-family or two-family dwelling on a single lot	—	—	DSD
Multiple-family dwellings	PC	—	—
Any nonresidential building, structure or use	PC	—	—
Billboard	PC	—	—

Public utility or essential service buildings or structures, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, natural gas distribution or storage facilities and transmission towers	PC	—	—
Business park master development plan (see section 19.09, master development plan for business parks)	PC rec. CC appr.	—	—
Development of a lot within a business park that is in accordance with a master site plan for the overall business park that was approved by the planning commission and city council (see section 19.09, master development plan for business parks)	ARC	—	—
Establishment of a new special land use (see article 21, special land use review)	PC	—	—
Planned unit development (see article 22, planned unit developments (PUDs))	PC rec. CC appr.	—	—
Condominiums (see article 23, condominiums)	PC rec. CC appr.	—	—
New or extended public or private street	PC rec. CC appr.	—	—
Erection of a new wireless communication support structure/tower	PC	—	—
<b>Expansion/modification to existing building</b>			
Expansion of a single-family or two-family dwelling	—	—	DSD
Expansion of a multiple-family building or development	PC rec.	—	—

	CC appr.		
Expansion of more than 2,500 square feet or 25 percent from the original square footage of a nonresidential building, whichever is less	PC	—	—
Expansion of less than 2,500 square feet or 25 percent from the original site plan of the square footage of the building, whichever is less	ARC		—
Additional truck docks, loading or storage areas without building expansion	ARC		—
Construction solely on the building interior that does not increase UFA	—	—	DSD
Upgrades to building facade to meet the requirements of section 16.01	—	ARC	—
Expansion/intensification of a special land use (see article 21, special land use review)	PC	—	—
Collocation of wireless communication facility on an existing tower or other existing structure	ARC	—	—
Change in use			
Change of land or building to a more intensive use, as determined by the development services department, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site, such as loss of natural features	—	ARC	—
Reuse of an existing building where no building expansion is proposed, only if the development services department determines the new use is similar or less intense use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	—	—	DSD
Change in use to a special land use (see article 21, special land use review)	PC	—	—
Adult foster care small group homes and group child care homes	—	PC	—
Temporary uses, buildings, structures and seasonal events	—	—	DSD



Carnivals, circuses and similar events		ARC CC	
<b>Accessory structures and site improvements</b>			
Single-family or two-family accessory structures/buildings	—	—	DSD
Nonresidential accessory structures	—	DSD	—
Residential community buildings and facilities as part of a development or multiple-family accessory buildings	PC	—	—
commercial outdoor storage, sales and display	PC	—	—
Accessory industrial outdoor storage	PC		
New parking lot/loading area or addition of more than ten spaces or 3,000 square feet of pavement to an existing parking lot or change in driveway access for a nonresidential use	PC	—	—
Improvements or expansion to an existing parking lot of ten or fewer new spaces, or less than 3,000 square feet of pavement or a reduction in parking	—	ARC	—
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment	—	—	DSD
Modifications to comply with accessibility requirements	—	—	DSD
Stormwater detention/retention ponds	—	ARC	—

PC = Planning commission

CC = City council

DSD = Development services department

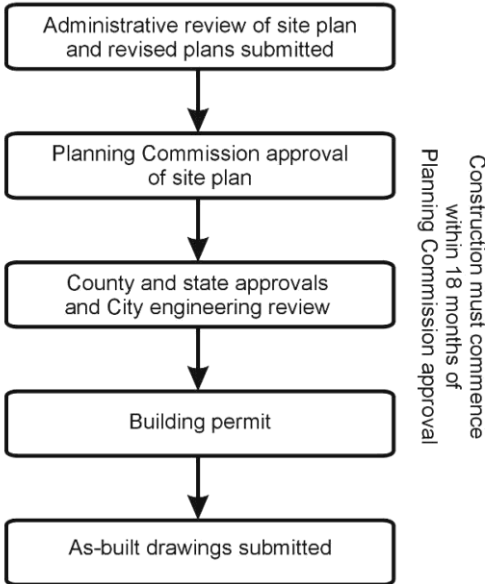
ARC = Administrative review committee

(Ord. No. 09-434, § 19.02, 1-20-2009)

Sec. 19.03. - Site plan and sketch plan review procedures.

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

**Site Plan Review Process**



- (a) *Submittal.* The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner, or with a statement signed by the owner granting permission from the property owner for the application. The application shall include the following:
- (1) A complete application form, with original signatures.
  - (2) Proof of ownership.
  - (3) A written use statement.
  - (4) The required fee, as established by the city council.
  - (5) Copies of transmittal letters/documentation that the applicant has submitted a copy of the site plan to the Wayne County Department of Public Services (WCDPS), for purposes of conceptual review of proposed utilities and street improvements, approved permits are not required until engineering review.
  - (6) A complete site plan that includes the information required by section 19.04, submittal requirements.
- (b) *Administrative review.*
- (1) *Technical reviews.* The development services department shall forward the application and site plan/sketch plan to the ARC, consisting of city consultants and departments for technical review.
  - (2) *Revised plan.* Following the ARC review, the applicant shall revise the site plan as necessary and provide revised plans with all of the changes highlighted on the plans and a letter describing all changes for follow-up review. Revised plans must be submitted within 18 months of the initial submittal or the application shall expire and any resubmittal after this date shall require a new site plan application, and review fee.

- a. ARC approval of sketch plans. For sketch plans and other types of approvals that are approved by ARC under table 19.02, the plans shall be approved by ARC once they are found to be in compliance with the requirements of the zoning ordinance and other applicable ordinances. Plans shall then be recorded in accordance with subsection (d) below and be subject to the requirements of subsections (e) through (j) below.
  - b. Site plans for planning commission review. For site plans that require planning commission approval, once the plans are in compliance with the requirements of the zoning ordinance and other applicable ordinances, the plans will be forwarded to the planning commission for consideration under subsection (c) below.
- (c) *Planning commission review.*
- (1) *Application and review.* Following ARC review, site plans requiring planning commission approval shall be placed on the agenda of the planning commission. The planning commission shall review the application, together with the reports and recommendations from the development services department and other reviewing departments and agencies, as appropriate.
  - (2) *Planning commission action.* The planning commission shall make a determination based on the requirements, and standards of this ordinance and development services department review letter to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion to approve and documented in the planning commission's minutes and development services department written recommendations, a copy of which shall be provided to the applicant.
- (d) *Recording of site plan review action.* The site plan shall be revised to reflect any conditions of approval and submitted to the development services department. Copies of the approved site plan will be filed with the development services department, including digital files of the approved plan.
- (e) *Electronic drawings.* Digital files of the approved plans shall be submitted to the development services department. The files shall be compatible with the city's geographic information system software (ArcGIS). Acceptable data formats are ESRI geobase (desired), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a 1:1 scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels to meet the city's level specification. Any other information provided within the digital files shall be layer isolated from data included in the city's specification and shall include a written description of both the layer name and the information contained on the layer. Digital information provided to the city shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be RW-CD, or zip disk.
- (f) *Other agency approvals.* The applicant shall obtain all other necessary agency permits from the with other appropriate agency review standards, including, but not limited to, the Michigan Department Natural Resources and Environment (MDNRE), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable. Copies of applications for all applicable outside agencies shall accompany submission of the application and site plan to the city and approvals shall be obtained prior to the issuance of building permits, and before any substantial development activity takes place.
- (g) *Engineering review.* Following planning commission approval of a site plan, the city engineer shall make a full review of the engineering plans. A building permit shall not be issued without the approval of the city engineer.
- (h) *Building permit.* An application for a building permit may be submitted following final approval of the site plan, or sketch plan and engineering plans. The applicant is responsible for obtaining all other applicable city, county, or state permits before a building permit is received.
- (i) *As-built drawings.* Digital files as-built drawings shall be submitted to the city meeting the format requirements noted in subsection (e) above.

- (j) *Property maintenance.* The owner of a property shall be responsible for maintaining the property on a continuing basis as required by the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which site approval was based, or until a new site plan approval is sought. Any physical changes to the site shall require approval of the city under the requirements of this ordinance. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to maintain a property in compliance with an approved site plan shall be deemed in violation of this ordinance and a nuisance per se.

(Ord. No. 09-434, § 19.03, 1-20-2009)

Sec. 19.04. - Submittal requirements.

The following data is required to be on the site plan. Applicants should obtain a copy of the site plan checklist utilized by the site plan review committee, as well as review this and any other applicable ordinances. Nineteen folded copies are required for each submittal, resubmittal, and/or revision.

**TABLE 19.04. SITE PLAN REQUIREMENTS**

	Required for:	
Site Plan Data	Site Plan	Sketch Plan
(a) <b>Application form.</b> The application form provided by the development services department shall be completed in full with the following information:		
Name and address of the applicant and property owner	X	X
Address, common description of property, complete legal description, and Sidwell number	X	X
Dimensions of land and total net and gross acreage	X	X
Zoning of the site	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Description of proposed uses, as permitted or special land uses	X	X
Name and address of firm or individual who prepared site plan	X	X
Proof of property ownership	X	X

<b>(b) Site plan descriptive and identification data.</b>		
Site plans shall consist of a plan for the entire development, drawn to an engineer's scale of not less than 1 inch equals 50 feet for property less than 3 acres, or one inch equals 100 feet for property three acres or more in size	X	X
Sheet size shall be 24 by 36 inches, collated according to sheet number and folded to a size of 9 by 12 inches. if a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included	X	—
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and dates of submission and any revisions (month, day, year)	X	X
Scale and north point	X	X
Location map drawn to a separate scale with north point, showing surrounding land, zoning and streets within a mile	X	—
Legal and common description of property and acreage	X	X
Identification and signature/seal of the architect or engineer who prepared drawings	X	—
Zoning classification of petitioner's parcel and all abutting parcels	X	X
Proximity to section corner and major streets	X	—
Net acreage (minus rights-of-way) and total acreage	X	X
Notation that says, "not to be used as construction drawing"	X	X
Use statement including the proposed number of employees and hours of operation	X	X
<b>(c) Site data.</b>		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	X	X

Building footprints, floor plans and floor areas for existing and proposed buildings and an indication of any demolition of existing structures	X	X
On parcels of more than 1 acre, topography on the site and within 100 feet of the site at 2-foot contour intervals, referenced to USGS NGVD 29 datum	X	—
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site	X	X
Location of existing drainage courses, floodplains, lakes and streams, wetlands with elevations, and woodlands	X	X
All existing and proposed easements	X	X
Location of waste receptacles and transformer pads and method of screening	X	X
Dimensions of any outdoor sales display or storage area	X	X
Location, height, and outside dimensions of all storage areas and facilities	X	X
Project phasing, if proposed	X	—
<b>(d) Access and circulation.</b>		
Existing and planned right-of-way for all streets	X	X
Dimensions, curve radii and centerlines of existing and proposed access points, streets and street rights-of-way or access easements within 100 feet of the site	X	X
Opposing driveways and intersections within 250 feet of site	X	—
Streets and street names	X	X
Location and cross section details of proposed streets, driveways and parking lots illustrating materials and thickness	X	X
Location and cross section details of sidewalks and nonmotorized paths	X	X
Dimensions of acceleration, deceleration, and passing lanes	X	—

Dimensions of parking spaces including barrier free, islands, circulation aisles and loading zones (including loading dock/door orientation and screening)	X	X
Dimension and location of all clear vision areas	X	X
Calculations for required and proposed number of parking, stacking and loading spaces	X	X
Shared parking and access easements, if shared parking or access is proposed	X	X
Designation of fire lanes	X	X
Details of traffic regulatory signs, pavement markings and curbing	X	—
Truck circulation plan showing turning templates for trucks and emergency vehicles	X	—
Location of existing and proposed sidewalks/pathways	X	X
<b>(e) Landscape plans.</b>		
Location of existing and proposed lawns and landscaped areas	X	X
Location, sizes, and types of all existing trees six inches or greater in diameter, measured at 3½ feet off the ground and the general location of all other existing plant materials, with an identification of materials to be removed and materials to be preserved	X	X
Description of methods to preserve existing landscaping, including fence details	X	—
Landscape plan, including location and type of all existing and proposed shrubs, trees, and other live plant material	X	X
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity	X	X
Calculations of all landscape requirements, as set forth in section 16.02, landscaping	X	—
Approximate dates of plant installation	X	—
All landscaping installation and maintenance notes	X	—

Details of the proposed irrigation system	X	—
Location, size, height and material of construction for all obscuring walls or berms with cross sections, where required	X	X
<b>(f) Building and structure details.</b>		
Building elevations for all facades, along with photos or color renderings of the building. elevation drawings shall indicate the height of building, materials, colors, architectural quality	X	—
Location, height and outside dimensions of all proposed buildings or structures	X	X
Building floor plans and total floor area	X	—
Details on accessory structures and any screening	X	—
Location, size, height and lighting of all proposed site and wall signs	X	X
Building facade elevations for all sides, drawn at an appropriate scale, including cross sections and details of any proposed rooftop equipment and screening	X	—
Description of exterior building materials and colors (samples are required by the planning commission)	X	—
Sign base, location, size and materials	X	X
<b>(g) Information concerning existing and proposed utilities, drainage and related issues</b>		
Location of sanitary sewers and septic systems	X	—
Location and size of water mains, well sites, water service, storm sewers loads, and fire hydrants	X	—
Indication of site grading, drainage patterns and other stormwater management measures	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls with calculations	X	X



Location and size of underground storm sewers and drains	X	X
Location of above and below ground gas, electric and telephone lines	X	—
Location of transformers and utility boxes	X	—
Locations, description and quantities of hazardous materials to be stored on the site and details for best management practices, such as secondary containment	X	—
Location, size, height and method of shielding for all site and building lighting	X	—
Lighting plan with details for light fixtures and a photometric plan showing light intensities on the site	X	—
<b>(h) Additional information required for residential development</b>		
Number and location of each type of residential unit (1-bedroom units, 2-bedroom units, etc.)	X	—
Density calculations by type of residential unit (dwelling units per acre)	X	—
Garage or carport locations and details, if proposed	X	—
Location and design of mailbox clusters	X	—
Location, dimensions, floor plans and elevations of common buildings (e.g., recreation, laundry, etc.), if applicable	X	—
Location and size of recreation and open space areas	X	—
Indication of type of recreation facilities proposed for recreation area	X	—
Swimming pool, including height and type of fencing, if applicable	X	—

(Ord. No. 09-434, § 19.04, 1-20-2009)

Sec. 19.05. - Standards for site plan approval.

Based upon the following standards, the planning commission (or ARC where applicable) may deny, approve, or approve with conditions the site plan:

- (a) *Use.* The proposed use must be permitted in the zoning district and meet all of the applicable use standards.
- (b) *Site design characteristics.* All elements of the site plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this article. The site shall be designed to conform to all provisions of this article.
- (c) *Building design.* The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of section 16.01, building appearance.
- (d) *Preservation of significant natural features.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography, shall be incorporated into the proposed site design.
- (e) *Access, driveways and circulation.* Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided. All driveways shall meet the design and construction standards of the city and Wayne County. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major street, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of article 17, off-street parking, loading, access and circulation requirements. Cross circulation in the form of share driveways, service drives or parking lot connections shall be provided with adjacent uses where required.
- (f) *Emergency vehicle access.* All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation shall meet turning radius requirements set by the fire department. Fire lanes shall be designated on the site and posted with signage by the developer/property owner at the developer's/property owner's expense prior to occupancy. Fire hydrants, fire suppression systems, fire detection and fire extinguishers shall be provided as required by the fire department.
- (g) *Traffic impact.* The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local residential streets to reduce the possibility of any adverse effects upon adjacent property.
- (h) *Sidewalks, pedestrian and bicycle circulation.* Pedestrian circulation shall be as provided in section 16.04, sidewalks.
- (i) *Parking.* The number and dimensions of off-street parking shall be sufficient to meet the minimum required by article 17, off-street parking, loading, access and circulation requirements.
- (j) *Loading and outdoor storage.* All loading and unloading areas and outdoor storage areas shall be accessed and screened in accordance with article 17, off-street parking, loading, access and circulation requirements.
- (k) *Waste receptacles.* Waste receptacles shall be provided, accessed and screened as required in section 16.06, waste receptacles.
- (l) *Lighting.* Exterior lighting shall be provided and arranged in accordance with section 16.05, lighting.

- (m) *Mechanical equipment and utilities.* Mechanical equipment and utilities, including roof-, building- and ground-mounted, shall be screened in accordance with the requirements of section 16.07, mechanical equipment.
- (n) *Landscaping.* Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of section 16.02, landscaping.
- (o) *Utilities and stormwater management.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and stormwater management facilities shall be reviewed and approved by the water and sewer department and Wayne County. Stormwater management facilities shall be provided on site or at a regional or shared facility as approved by Wayne County.
- (p) *Other agency reviews.* The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department Natural Resources and Environment (MDNRE), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.
- (q) *Hazardous materials.* Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These areas shall be designed to meet all applicable state and federal regulations and incorporate basic management practices for the handling of hazardous materials. Uses that involve the storage of large quantities of hazardous or combustible materials shall be located and designed to ensure no threat to nearby uses and residents is present.
- (r) *Site redevelopment.* Redevelopment of existing sites shall conform to the site improvement provisions of this ordinance to the extent deemed practical by the planning commission, or ARC, as applicable. The extent of upgrade to site improvements shall be relative to and proportionate with the extent of redevelopment or expansion in accordance with the nonconforming site requirements of section 24.05, nonconforming sites.
- (s) *Other studies.* The planning commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this section including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.

(Ord. No. 09-434, § 19.05, 1-20-2009)

Sec. 19.06. - Conditions of site plan approval.

- (a) As part of an approval to any site plan, the planning commission or ARC, as applicable, may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (b) Conditions may also be imposed to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the planning commission or ARC, as applicable, to ensure compliance with the review standards, and necessary to meet the intent and purpose of this article.
- (c) The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- (d) A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the city. The conditions shall remain unchanged unless an amendment to the site plan is approved by the planning commission, or ARC, as applicable.

(Ord. No. 09-434, § 19.06, 1-20-2009)

Sec. 19.07. - Validity of approved plans.

- (a) *Start of construction.* Site plan approval is valid for a period of 18 months from the date of approval. Building permits must be issued and physical construction as set forth below must commence within the 18-month period.
- (b) *Extensions.* Upon written application prior to expiration, the planning commission, or ARC, as applicable, may authorize an extension of the time limit of the site plan approval for an additional one year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The planning commission, or ARC, as applicable, may require compliance with any amendments to the zoning ordinance since the site plan was originally approved.
- (c) *Expiration of site plan approval.* In cases where at least 25 percent of the construction authorized by a site plan approval has not completed within 18 months of site plan approval or granting of an extension, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.

(Ord. No. 09-434, § 19.07, 1-20-2009)

Sec. 19.08. - Amendment to approved plans.

Amendments to the approved site plan may occur only under the following circumstances:

(a) *Minor changes.*

- (1) Prior to making any change to an approved site plan/sketch plan the applicant or property owner shall notify the development services department of any desired change. The development services department shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes:
  - a. Movement of a building or buildings by no more than five feet, provided all setback, parking, landscaping and other site requirements are still met.
  - b. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
  - c. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two new trees required for each tree replaced.
  - d. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
  - e. Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the development services department.
  - f. Changes in interior floor plans which do not alter the character of the use.
  - g. Slight modification of sign placement or reduction of size.
  - h. Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
  - i. Situations the development services department deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

- (2) Minor changes to an approved site plan may be approved by the development services department.
- (b) *Major changes.* All other changes not considered minor shall be considered a major change requiring a new application for site plan review.

(Ord. No. 09-434, § 19.08, 1-20-2009)

Sec. 19.09. - Master development plans for business parks.

In the I-1, I-2 and TRO districts, a master development plan can be submitted to the planning commission for a recommendation to the city council to approve an overall business park plan for an industrial or office development containing more than four building sites or lots. Once the planning commission and city council has approved the master development plan for the overall business park, development of lots or sites within the business park may be approved administratively by ARC, subject to the following:

- (a) The master development plan for the overall business park shall first be approved by the planning commission and city council as follows.
  - (1) The master development plan for the overall business park shall comply with the requirements of the city subdivision regulations or the condominium regulations. Subdivision plats and condominium site plans must be approved by the city council based upon the recommendation of the planning commission.
  - (2) An existing business park may obtain approval of a master development plan for redevelopment of the business park.
  - (3) A business park master development plan may be approved as a plat or condominium based upon the current zoning or may be approved as an industrial PUD under article 22, planned unit developments (PUDs).
  - (4) The master development plan must include a development agreement that specifies the general types of uses that will be in the business park and a listing of the persons responsible for the continuous management of the park.
  - (5) The master development plan needs to include specifications for developing the individual lots or sites within the business park, including architecture, building materials, landscaping, paved parking, screening of outdoor storage, location of loading docks, setback specifications and signage restrictions.
  - (6) All of the streets, sewer, water and stormwater infrastructure must be installed with the development of the overall business park and be in place and inspected by the city prior to development of individual lots or sites in the business park. Sidewalks and common area landscaping shall be installed or a performance guarantee posted with the city to ensure installation with development of each lot. A phased development plan may be approved to install infrastructure and develop lots in phases. All streets within the business park need to be constructed as class A streets and meet city engineering standards.
  - (7) There must be a master stormwater management system for the overall business park, such as shared or regional stormwater detention and an organization mechanism to ensure the long term maintenance of the system.
- (b) A site plan submitted for development of a lot or site in an approved business park may be approved administratively by the ARC, if all of the following are met:
  - (1) The site plan must comply with all requirements of the business park master development plan and development agreement. A site plan that proposes any deviations must be approved by the planning commission and city council, including any necessary amendments to the development agreement.

- (2) The use must be permitted by-right in the zoning district. Any special land use must be approved by the planning commission in accordance with article 21, special land use review.
- (3) The site plan must comply with all requirements of the zoning ordinance. A site plan that requires a variance from the zoning board of appeals (ZBA) must be approved by the planning commission after the variance is obtained from the ZBA.
- (4) Any discretionary modification provided for in this ordinance, such as reduction in parking requirements, allowance for alternative building materials or modifications to landscaping requirements must be reviewed by the planning commission, except where the modification was specifically approved as part of the development agreement with the business park master development plan.

(Ord. No. 09-434, § 19.09, 1-20-2009)

Sec. 19.10. - Traffic impact studies.

- (a) *Applicability and types of studies.* The following traffic impact analysis shall be required at the preliminary review stage for any site plan, special land use, condominium project, subdivision plat or rezoning that will generate the traffic noted below. The level of detail required is based on the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources as described herein and the Michigan Handbook Evaluating Traffic Impact Studies.
  - (1) *Traffic impact comparison for rezoning.* A comparison of the number of trips expected to be generated during the a.m. peak hour, p.m. peak hour and on a typical weekday for any existing use of the subject site, representative uses permitted under current zoning and representative uses permitted under the requested zoning. For projects where the comparison yields a difference greater than 50 directional trips during a peak hour or 500 trips on a typical weekday, a traffic impact assessment shall be performed.
  - (2) *Traffic impact assessment.* An analysis that evaluates current and future inbound and outbound traffic operations at site access points shall be required for projects expected to generate either 50 through 99 directional trips during a peak hour or 500 through 750 trips during a typical day.
  - (3) *Traffic impact study.* An analysis that evaluates current, background, and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day. Intersections to be evaluated in the traffic impact statement shall be established by the city.
  - (4) *Updates.* A traffic impact study or assessment shall also be required for new phases, expansions or changes to a development that requires site plan review, based on the thresholds established above, except where such report was approved (date of site plan approval) within two years of the new site plan submittal date, and a demonstration by the applicant's traffic engineer that traffic volumes have not increased by over two percent annually.
- (b) *Required contents.* The following information is required for both traffic impact assessments and traffic impact studies unless otherwise specified:
  - (1) *Existing site conditions.* Illustrations and a narrative which describes the characteristics of the site and adjacent street system (planned and existing right-of-way, functional classification, lane configuration, speed limits, any sight distance limitations, locations and potential conflicts with operations at existing access points or intersections within 275 feet of the site's frontage, or greater based upon MDOT access management guidelines, current traffic conflicts, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed street improvements. The study should define and justify the study area selected for analysis.

- (2) *Existing traffic conditions.* Illustrations, narratives, tables and capacity analysis that reflects existing traffic conditions including:
  - a. Street alignment, including any problems with sight distance, number of lanes, lane width and lane configurations;
  - b. Posted speed limits for various segments;
  - c. Existing traffic control;
  - d. Existing signal timing, as applicable;
  - e. Existing peak-hour weekday traffic volumes (and daily volumes or peak period counts (7—9 a.m. to 4—6 p.m.) to support the selection of the evaluated peak hour (if applicable) on streets adjacent to the site. For uses with weekend peak characteristics, the city may require new counts be taken on typical weekend days during the anticipated peak hours of the proposed use. All counts shall be collected using accepted practices and shall not be over two years old;
  - f. For projects that require a traffic impact study, existing counts and levels of service for intersections in the study area shall be performed; and
  - g. For a traffic impact study, crash data shall be provided and analyzed for the most recent three-year period upon which information is available for sites in close proximity to intersections identified as either a "critical crash location" or a "fatality" location, for projects that generate 500 or more peak hour trips. SEMCOG data or UD-10 reports should be used in the analysis. Critical crash locations should be identified using SEMCOG's critical crash thresholds. The city engineer may waive this requirement upon a finding that the crash potential would not be significantly impacted by the proposed project. Crash data shall also be obtained and analyzed if a signal warrant analysis must be performed where existing or projected level of service is D or worse for unsignalized intersections. The signal warrant analysis should contain, at a minimum, warrants 1, 2, 6, 9 and 11.
- (3) *Background traffic conditions.* Projects that are not expected to be completed and occupied within one year of site plan approval shall provide a separate evaluation of background traffic for the expected completion date of the proposed development. This background traffic shall be based on historic counts to acknowledge general growth trends in the area, plus traffic associated with approved developments either currently under construction or approved (and would be operational before the build-out year of the proposed project), in the project area. The background traffic shall be evaluated based on the existing street system plus programmed improvements where funding has been committed. A level of service analysis shall be performed for each intersection in the study area. Unfunded mitigation that is not programmed by Wayne County, the city or included in the SEMCOG five-year TIP shall not be provided under the background conditions. Background traffic turning movements shall be illustrated in the report.
- (4) *Proposed use or future conditions.* For a site plan review, mobile home park, condominium project, a subdivision plat, planned development, or special land use: a description of factors that relate to project trip generation such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors shall be provided. Intended phasing or future expansion shall be noted. For a rezoning, a description of the potential representative uses which would be allowed, compared to representative uses allowed under current zoning. Representative uses shall include the most intense traffic generation use allowed under current zoning in compliance with all city site development regulations.
- (5) *Trip generation forecast.* Forecasted trip generation of the proposed use for the a.m. peak hour, the p.m. peak hour and average day shall be provided for the overall project and each phase. The forecasts shall be based on the data and procedures outlined in the most recent edition of trip generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted and published sources of data or supplement the standard data with data from at least three similar projects in Michigan.

- (6) *Trip reduction.* Any trip reduction for pass-by trips, transit, ride-sharing, other modes and internal capture rates shall be based both on ITE findings and documented survey results acceptable to the city.
- (7) *Trip distribution.* The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should be provided such as trip distribution model, market studies or counts at existing driveways.
- (8) *Access point level of service.* A level of service or capacity analysis is required at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the transportation research board. The capacity analysis should be provided in the appendix of the report.
- (9) *Intersection level of service.* Traffic impact studies shall provide capacity analyses for all nearby street intersections identified by the city under the following conditions:
  - a. Existing traffic under existing street conditions.
  - b. Future project traffic under existing street conditions with programmed street improvements that will be completed before the build-out year of the proposed project.
  - c. Future traffic, including project and background, under background street conditions. Background street conditions shall include the existing street system plus programmed improvements where funding has been committed.
- (10) *Warrant analysis.* A traffic signal warrant analysis based on the procedures outlined in the Michigan Manual of Uniform Traffic Control Devices shall be performed for unsignalized intersections identified with an existing level of service D or worse for existing conditions. The signal warrant analysis should contain, at a minimum, warrants 1, 2, 6, 9 and 11. For un-signalized intersections projected to operate at level of service D or worse under background or future conditions, an assessment using the peak hour (warrant 11) shall be provided. At least two traffic signal warrants should be met to warrant a signal.
- (11) *Access design.* The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including:
  - a. Sight distance limitations and sketches from field notes.
  - b. Dimensions from adjacent driveways and intersections within 275 feet on either side of the main street, or greater based upon MDOT access management guidelines.
  - c. Potential for shared access facilities.
  - d. Data to demonstrate that the number of driveways proposed is the fewest necessary.
  - e. Support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of section 17.05, driveway access management, and the applicable road agency.
  - f. Comments shall also be provided on internal circulation design such as the adequacy of queuing (stacking) at site access points and other features that may affect traffic operations and safety.
- (11) *Nonmotorized transportation.* The report shall include an analysis of nonmotorized facilities, including pedestrian and bicycle. Pedestrian level of service shall consider the presence of sidewalks, width of sidewalks, buffers between sidewalks and motor vehicle travel lanes, presence of barriers within the buffer area, crosswalks and driveway frequency. Bicycle level of service shall consider the presence of bike lanes or paved shoulders, proximity of bicyclists to motorized vehicles, motorized vehicle volume, speed, and percentage of trucks and pavement condition.



- (12) *Mitigation.* The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures for the proposed future conditions.
- a. Mitigation shall be provided to ensure that all intersections operate at a level of service D or better during the peak hours of the day. The mitigated capacity analysis should be provided in the appendix of the report. Any alternatives or suggested phasing of improvements should be described and illustrated. The mitigation measures may include items such as, but not limited to, street widening, change to street intersection alignment or grades, need for bypass lanes or deceleration tapers/lanes, changes to signalization, relocation change in design, or reduction in number of access points, or a reduction in the proposed density of intensity of use. Sketches should be provided of suggested mitigation. Any mitigation that involves changes to optimize signal timing must demonstrate that such changes will benefit the overall operations and will be acceptable to the applicable road agency. Proposed mitigation measures should be discussed with Wayne County and MDOT, as applicable. The responsibility and timing of street improvements shall be described.
  - b. Mitigation shall also include measures to improve nonmotorized safety and level of service. All developments shall include walkable design elements such as sidewalks, design that favors pedestrians over autos within the site, safe and dedicated pedestrian access from the public sidewalk to the building entrance and links to adjacent land uses. This may also include improvements to the pedestrian system that will enhance the level of service for pedestrians using the site, such as improved streetscape along sidewalk, convenient access to transit stops, enhanced crosswalks and filling in gaps in the pathway system. Bike amenities would include upgrades to bike paths along a site's frontage or the provision of bike facilities onsite, such as bike racks.
- (c) *Qualifications of preparer.* The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a registered engineer (PE) or a planner with AICP or PTP certification. Any study involving street or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.
- (d) *Procedures.*
- (1) The applicant shall submit a traffic impact questionnaire, on a form provided by the city. In addition to completing the questionnaire, the applicant must include a description of the proposed development, the ITE trip generation land uses, and the anticipated number of directional trips generated during the a.m. and p.m. peak hours of the traffic generator or the a.m. and p.m. peak hours on the adjacent streets, as well as for an average day. The city engineer shall review the traffic impact questionnaire and determine the level of traffic impact analysis required (i.e., traffic impact comparison, traffic impact assessment or traffic impact study) and establish the study intersections based on the proposed development and size.
  - (2) Once the applicant has complete and submitted the traffic impact analysis to the city, it is distributed to Wayne County, the city engineer, and MDOT, if appropriate. The study is to be submitted at a minimum of 45 days prior to the planning commission meeting at which the proposed development is to be considered.
  - (3) If the city or Wayne County determines there are deficiencies in the traffic impact analysis, a report of such deficiencies shall be provided to the applicant and the applicant shall be required to revise and resubmit the traffic impact analysis. Any traffic impact analyses with noted deficiencies will not be re-reviewed until all elements have been addressed. All partial resubmittals will be rejected.
  - (4) The city engineer, Wayne County and other review agencies shall provide the planning commission with comments on the traffic impact analysis prior to any consideration of the proposed development.

- (5) The planning commission, the planning commission shall approve or deny the traffic impact study based upon the recommendation of the city engineer, and Wayne County and compliance with the requirements of this ordinance.
- (e) *Waiver of requirements.* The requirement for a traffic impact study, or the specific study elements required may be waived or modified by the city. Reasons for the waiver or modification shall be documented. Factors to be considered include:
  - (1) Street improvements are programmed to be constructed prior to completion of the proposed development which are expected to mitigate any impacts associated with the proposed project.
  - (2) The existing level of service along the street is not expected to drop below D due to the proposed project.
  - (3) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
  - (4) A similar traffic study was previously prepared for the site and is still considered applicable.

(Ord. No. 09-434, § 19.10, 1-20-2009)

Sec. 19.11. - Required site development.

- (a) *Purpose and intent.* The purpose and intent of the section is to provide for minimum site development improvements required for new uses, addition to an existing use, the erection of any building, the re-occupancy of an existing building or a change of use or a change in ownership. The required site improvements are for the purpose of protecting the health, safety, and welfare of the general public.
- (b) *New uses, addition to an existing use, erection of any building.* In all zoning districts except for single-family detached dwellings in the R-1A through R-1C and mobile home parks in the R-3 district, the following site development standards shall be complied with:
  - (1) Site plan review procedures (article 19, site plan review).
  - (2) Site development standards (article 16, general site development regulations).
  - (3) Required parking and off-street loading requirements (article 17, off-street parking, loading, access and circulation requirements).
  - (4) Area, height, density, bulk, and placement regulations of applicable district.
  - (5) Accessory building regulations (article 15, accessory buildings and uses).
  - (6) Other development regulations and requirements in this ordinance and other applicable ordinances.
  - (7) Manufactured home parks in the R-3 district shall be subject to article 5, manufactured home park districts.
- (c) *Reoccupancy of an existing building, a change of use, or a change in tenants.* In all zoning districts except for single-family detached dwellings in the R-1A through R-1C single-family districts and mobile home parks in the R-3 district, the following site development standards shall be complied with whenever occupancy permits or reoccupancy permits in section 25.05, permits, are required:
  - (1) A sketch plan as required in article 19, site plan review, shall be provided to the development services department. The development services department will review the sketch plan and shall ensure compliance with the zoning ordinance.
  - (2) Site development standards (article 16, general site development regulations).
  - (3) Off-street parking space layout standards, construction and maintenance shall be required in accordance with article 17, off-street parking, loading, access and circulation requirements.
  - (4) Public sidewalks shall be provided along all public street rights-of-way.

- (5) Compliance with sign requirements (article 18, signs).
- (6) Landscaping shall be required as specified in section 16.02, landscaping. If there is insufficient area on the site to fully comply with section 16.02, landscaping, then compliance shall be to the extent which the existing site characteristics allow.
- (7) The ZBA may permit a reasonable time schedule to be developed between the petitioner and the city in complying with the necessary improvements to the property.
- (8) In Midtown Taylor Districts, compliance with the site design requirements, in accordance with article 7, midtown districts, shall be required.

(Ord. No. 09-434, § 19.11, 1-20-2009)

## ARTICLE 20. - REGULATED USE REVIEW

### Sec. 20.01. - Intent.

- (a) It is the purpose of this ordinance to promote and protect the health, safety, morals and general welfare of the citizens of the City of Taylor and to establish reasonable and uniform regulations to prevent a concentration of regulated uses within the city. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community.
- (b) The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than one such uses within 1,000 feet of another regulated use) or within a 1,000-foot radius of a residential district or within a 1,000-foot radius of any nursery, primary, or secondary school. It is further the intent of these regulations that these uses only be permitted as special land uses.

(Ord. No. 09-434, § 20.01, 1-20-2009)

### Sec. 20.02. - Locational requirements for regulated uses.

- (a) The establishment of a regulated use listed below (whether the use is primary, secondary, or accessory) is prohibited if the use will be within a 1,000-foot radius of another regulated use:
  - (1) Adult regulated uses, as listed in subsection 20.05(c), classification.
  - (2) Firearms dealers (where over ten percent of the business revenues are generated by the sale of firearms) distributors, repair shops, firing ranges (only in an enclosed building), and similar establishments.
  - (3) Pawn shops.
  - (4) Tattoo parlor.
  - (5) Precious metal and gem dealers purchasing from the general public.
  - (6) Resale shops.
- (b) The establishment of a regulated use listed in subsection (a) above (whether the use is primary, secondary, or accessory) is prohibited if the use will be within 1,000 feet of any of the following:
  - (1) Church, religious institution, or building used primarily for religious worship and related religious activities.
  - (2) Public or private elementary or secondary school, vocational school, special education school, junior college or university.
  - (3) Any single-family residential district, multiple-family residential district or Midtown district.

- (4) Lot or parcel in residential use.
  - (5) Public park.
  - (6) Child care facility, nursery or preschool.
- (c) Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a regulated uses to the nearest lot line of the premises of any use, district or right-of-way listed in subsection (a) above. The distance between any two regulated uses shall be measured in a straight line, without regard to intervening structures or objects from the site or property boundary in which each business is located. Access easements or portions of the parcel that are exclusively used to provide access to the site of the adult regulated uses shall be excluded from the parcel boundary in determining whether the site complies with the required separation. The intent of this exclusion is to allow adult regulated uses to comply with the separation requirement from major streets by means of an access easement or access strip of land from the site to the street.
- (d) A person is in violation of this ordinance if they cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a regulated uses within 1,000 feet of another regulated use.
- (e) A person is in violation of this ordinance if they cause or permit the operation, establishment or maintenance of more than one regulated uses in the same building, structure or portion thereof or the substantial enlargement of any regulated uses in any building, structure or portion thereof containing another regulated use.
- (f) Any business now classified as a regulated uses lawfully operating on the date of adoption of the ordinance that is in violation of this section shall be deemed a nonconforming use.
- (g) A regulated use shall only be located within a zoning district where it is listed.

(Ord. No. 09-434, § 20.02, 1-20-2009; Ord. No. 13-474, § 1, 2-19-2013)

Sec. 20.03. - Procedures.

- (a) *Application.* Application to establish any of the above adult regulated uses (principal or accessory) shall be made to the planning commission. Applications shall require special land use and site plan approval under the regulations of article 19, site plan review, and article 21, special land use review, in addition to the regulations of this article. The planning commission shall not approve any regulated use if the separation requirements of section 20.02, separation requirements, above are not met.
- (b) *Separation.* The separation requirements may be modified as provided for in section 20.04, appeals and waivers.
- (c) *More than one use.* If there is more than one regulated use proposed for a zoning lot that shall be indicated on the petition and submitted as part of the same application package. The requirements pertaining to the principal use shall prevail when reviewing the request.
- (d) *Conditions of approval.* The planning commission may impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated uses, as shall, in its judgment, considering the standards set forth in this ordinance, be necessary for the protection of the public health, safety, welfare and interest, except that any conditions imposed on a adult regulated use shall be limited to those conditions necessary to assure compliance with the standards and requirements in section 20.05. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a adult regulated use shall be fulfilled.
- (e) *Time limits for review.* An application for special land use approval of a regulated use shall proceed before the planning commission for final decision. Applications for special use approval of a regulated

use, with the exception of an adult regulated use as provided for in subsection (f) below, shall be processed in the normal course.

- (f) *Time limits for adult regulated use review.* An application for special land use approval of an adult regulated use shall proceed before the planning commission for final decision. The following time limits shall apply to the review of an application by the planning commission for special land use approval of an adult regulated use:
- (1) The planning commission will publish notice and hold a public hearing as required for special land use review within 60 days of receiving a technically complete special land use and site plan application as required by article 19, site plan review, and article 21, special land use.
  - (2) The planning commission will make its decision regarding the special land use application for an adult regulated use at the next regularly scheduled meeting of the planning commission following the public hearing held to review the application, unless additional information is required from the applicant. If additional information is required, the planning commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional information, provided the additional information is received no later than 15 days prior to the meeting.
  - (3) Failure of the city to act within the above specified time limits shall not be deemed to constitute the grant of special land use to the adult regulated use.
- (g) *Effect of denial.* An application for a regulated use that has been denied shall not be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions.
- (h) *Revocations.* In any case where a building permit for a regulated use is required and has not been obtained within six months after the granting of the special land use by the planning commission, the grant of special land use shall become null and void.

(Ord. No. 09-434, § 20.03, 1-20-2009)

#### Sec. 20.04. - Appeals and waivers.

- (a) *Waivers.* The planning commission may waive the restrictions set forth in section 20.02, separation requirements, above for regulated uses provided all of the following findings are made:
- (1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties.
  - (2) That the proposed use will not enlarge or encourage the development of a "skid row" area in which the homeless, unemployed, transients or others may loiter or congregate for no gainful purpose.
  - (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
  - (4) That all applicable regulations of the ordinance will be observed.
  - (5) The locational requirements for adult regulated use may not be waived.
- (b) *Notice and public hearing.* Prior to granting waiver of the locational restrictions set forth above, the planning commission shall conduct a public hearing on the waiver. Notification of the public hearing shall be in accordance with section 25.09, public hearings.

(Ord. No. 09-434, § 20.04, 1-20-2009)

#### Sec. 20.05. - Adult regulated uses.

- (a) *Intent.* It is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable, operations characteristics, thereby having deleterious effect upon adjacent areas. It is also recognized when several of these uses are concentrated in close proximity, they begin to dominate the character of an area and create a synergy that compounds their deleterious effect on other uses. Special regulations of these uses are therefore necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. These special regulations are itemized in this ordinance. Prior to adopting these regulations, the city reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law. Based on evidence of the adverse effects of adult uses presented in hearings and in reports made available to the city council, and on findings incorporated in the cases of *Pap's AM v. City of Erie*, 529 US 277 (2000); *Deja Vu of Nashville v. Metropolitan Government of Nashville and Davidson County*, 466 G3d 391 (6th Cir 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 2504388 (WD MI 2006); *Van Buren Township v. Garter Belt*, 258 Mich App 594; 673 NW2d 111 (2003); *Bronco's Entertainment v. Charter Township of Van Buren*, 421 F3d 440 (6th Cir 2005), *Thomas v. Chicago Park District*, 122 S Ct 775 (2002), *City of Renton v. Playtime Theatres Inc*, 475 US 41 (1986), *Young v. American Mini Theatres*, 426 US 50 (1976), *Barnes v. Glen Theatre Inc*, 501 US 560 (1991); *California v. LaRue*, 409 US 109 (1972); *DLS Inc v. City of Chattanooga*, 107 F3d 403 (6th Cir 1997); *East Brooks Books Inc v. City of Memphis*, 48 F3d 2200 (6th Cir 1995); *Broadway Books v. Roberts*, 642 F Supp 4867 (ED Tenn 1986); *Bright Lights Inc v. City of Newport*, 830 F Supp 378 (ED Ky 1993); *Richland Bookmart v. Nichols*, 137 F3d 435 (6th Cir 1998); *Richland Bookmart v. Nichols*, 278 F3d 570 (6th Cir 2002); *Deja vu of Cincinnati v. Union Township Board of Trustees*, 411 F3d 777 (6th Cir 2005); *Deja vu of Nashville v. Metropolitan Government of Nashville*, 274 F3d 377 (6th Cir 2001); *Bamon Corp v. City of Dayton*, 7923 F2d 470 (6th Cir 1991); *Threesome Entertainment v. Strittmather*, 4 F Supp 2d 710 (ND Ohio 1998); *JL Spoons Inc v. City of Brunswick*, 49 F Supp 2d 1032 (ND Ohio 1999); *Triplett Grille Inc v. City of Akron*, 40 F3d 129 (6th Cir 1994); *Nightclubs Inc v. City of Paducah*, 202 F3d 884 (6th Cir 2000); *O'Connor v. City and County of Denver*, 894 F2d 1210 (10th Cir 1990); *Deja Vu of Nashville Inc et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 USA App LEXIS 26007 (6th Cir Dec 6, 2001); *ZJ Gifts D-2 LLC v. City of Aurora*, 136 F3d 683 (10th Cir 1998); *Connection Distribution Co v. Reno*, 154 F3d 281 (6th Cir 1998); *Sundance Associates v. Reno*, 139 F3d 804 (10th Cir 1998); *American Library Association v. Reno*, 33 F3d 78 (DC Cir 1994); *American Target Advertising Inc v. Giani*, 199 F3d 1241 (10th Cir 2000); *ZJ Gifts D-2 LLC v. City of Aurora*, 136 F3d 683 (10th Cir 1998); *ILQ Investments Inc v. City of Rochester*, 25 F3d 1413 (8th Cir 1994); *Bigg Wolf Discount Video Movie Sales Inc v. Montgomery County*, 2002 US Dist LEXIS 1896 (D Md Feb 6 2002); *Currence v. Cincinnati*, 2002 US App LEXIS 1258 (3rd Cir Jan 24, 2002); and other cases; and on testimony to Congress in 136 Cong Rec S 8987; 135 Cong Rec S 14519; 135 Cong Rec S 5636; 134 Cong Rec E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square 1993; Bellevue, Washington, - 1998; Newport news, Virginia - 1996; new York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Hollsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House committee on Ethics and Constitutional Law, Jan 12, 2000, and the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the city council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Taylor is seeking to abate and prevent in the future.
- (b) *Purpose.* It is the purpose of this ordinance to regulate adult regulated uses to promote and protect the health, safety, morals and general welfare of the citizens of the City of Taylor and to establish reasonable and uniform regulations to prevent a concentration of adult regulated uses within the city.

These regulations are intended to control the negative secondary impacts such businesses have been documented above to have on the surrounding area and the community. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Likewise, it is not the intent of this ordinance to legitimize activities which are prohibited by city ordinance or state or federal law.

- (c) *Classification.* The following uses are considered adult regulated uses under this article, as defined in article 28, definitions:
- (1) Adult arcades.
  - (2) Adult book, novelty, retail or video store stores.
  - (3) Adult cabarets.
  - (4) Adult massage parlors.
  - (5) Adult mini-motion picture theaters.
  - (6) Adult motels.
  - (7) Adult motion picture theaters.
  - (8) Adult outdoor theater.
  - (9) Adult theaters.
  - (10) Adult personal service establishment.
  - (11) Adult physical culture establishment.
  - (12) Class A cabarets.
  - (13) Escort and escort agencies.
  - (14) Nude model studios.
  - (15) Sexual encounter centers.

(Ord. No. 09-434, § 20.05, 1-20-2009)

Sec. 20.06. - Approval requirements.

- (a) *Regulated uses.* Adult regulated uses shall be considered regulated uses and subject to the review and approval procedures outline in section 20.03, procedures, above.
- (b) *Allowed use.* An adult regulated use shall only be located within a zoning district where it is listed as an allowable use.
- (c) *Locational requirements.* Adult regulated uses shall be subject to the locational requirements for regulated uses outline in section 20.02, locational requirements for regulated uses, above. It shall be unlawful to hereafter establish any adult regulated use if the proposed adult regulated use will be within a 1,000-foot radius of a residentially zoned district or within a 1,000-foot radius of any nursery, primary or secondary school and this requirement may not be waived under section 20.04, appeals and waivers.

(Ord. No. 09-434, § 20.06, 1-20-2009)

Sec. 20.07. - Conditions and operating requirements for adult regulated uses.

- (a) Prior to the granting of approval for the establishment of any adult regulated use, the planning commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- (b) The building size shall not exceed 5,000 square feet of gross floor area. A regulated use may not be located in a primary or secondary building where a regulated use already exists.
- (c) The building and site shall be designed, constructed and maintained so products and material such as a display, decoration or sign depicting, describing or relating to specific sexual activities or specified anatomical areas, as defined in this ordinance, cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- (d) An adult regulated use is in violation of this article if:
  - (1) The merchandise or activities of the establishment are visible from any point outside the establishment.
  - (2) The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this ordinance.
  - (3) Neon or flashing lights.
- (e) The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
- (f) The city may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses.
- (g) The hours of operation shall be approved by the city.
- (h) All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.
- (i) No adult regulated use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, recordkeeping, and similar purposes.
- (j) Access shall be from a major street.
- (k) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or existing the business, and using lettering which is at least two inches in height, that:
  - (1) "Persons under the age of 18 years are not permitted to enter the premises";
  - (2) "No alcoholic beverages of any type are permitted within the premises"; unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- (l) Any adult regulated use that allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation.
- (m) It shall be unlawful for any person to perform in any alcoholic commercial establishment, to knowingly permit or allow to be performed therein, any of the following acts or conduct:
  - (1) The public performance of acts or simulated acts of specified sexual activities or any sexual acts which are prohibited by law.
  - (2) The actual or simulated public displaying of specified anatomical areas.



- (3) To allow any female to appear in an alcoholic commercial establishment so costumed or dressed that one or both breasts are wholly or substantially exposed to public view. Topless or bottomless or totally uncovered waitresses, bartenders or barmaids, entertainers including dancers, impersonators, lingerie shows, or any other form for the attraction or entertainment of customers, is strictly prohibited. The term "wholly or substantially exposed to public view," as it pertains to breasts, shall mean the showing of the female breast in an alcoholic commercial establishment with less than a fully opaque covering of all portions of the areola and nipple, and the prohibition shall also extend to such events similar to wet t-shirt contests, lingerie shows or bikini shows.
- a. In any case where an adult regulated use has not been established within 18 months after granting thereof, and without further notice or action by the planning commission, the adult regulated use shall become automatically null and void.
  - b. An adult regulated use shall be deemed to authorize only one specific adult regulated use and shall expire if the adult regulated use shall cease for more than six consecutive months.
  - c. A violation of the provisions of this article shall result, in addition to the remedies provided herein, possible criminal violations consisting of a fine of \$500.00 or a jail term of 90 days, or both.
  - d. In addition to the provisions of this article, the city, at its option, may commence proceedings in the circuit court under the appropriate court rule or statute to enjoin any activity conducted by an adult regulated use that is deemed to be in violation of these provisions.

(Ord. No. 09-434, § 20.07, 1-20-2009)

#### ARTICLE 21. - SPECIAL LAND USE REVIEW<sup>[6]</sup>

##### Footnotes:

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**State Law reference**— Special land uses, MCL 125.3502 et seq.

##### Sec. 21.01. - Intent.

- (a) The formulation and enactment of the zoning ordinance is based upon the division of the city into zoning districts, in each of which are permitted specified uses which are mutually compatible. In addition to permitted compatible uses there are certain other uses which may be necessary or desirable to allow in certain locations within certain districts; but because of their actual or potential impacts on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the city. These uses, due to their peculiar locational need or the nature of the service offered, may be established in a district where they cannot be reasonably allowed as a permitted use, but may be allowed on a case-by-case basis as special land uses.
- (b) Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses permitted by right in a particular zoning district. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. The special land use procedures and standards are intended to: provide a procedure by which special land uses can be evaluated to determine their potential impacts; ensure impacts can be accommodated within the environmental, infrastructure, and public services capacities of the area; and, provide site design, and operational standards to minimize any negative impact on adjoining or nearby properties.

(Ord. No. 09-434, § 21.01, 1-20-2009)

Sec. 21.02. - Scope.

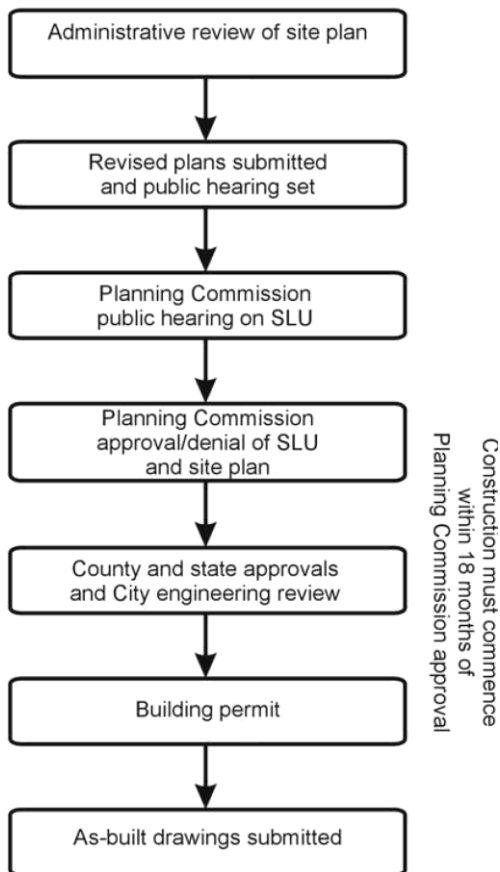
Prior to the establishment of a special land use, the city shall follow special procedures and carefully review the proposed use so as to minimize potential conflicts with the uses in conformance with this article.

- (a) The planning commission shall have the sole authority to approve, approve with conditions or disapprove all special land uses.
- (b) The planning commission shall hold a public hearing in accordance with the requirements of section 25.09, public hearings. If the proposed special land use meets the requirements and standards of the zoning ordinance, the planning commission shall approve the use. Approval shall be granted only for those uses specified in the application and shown on the site plan.
- (c) A site plan conforming to the requirements and procedures of article 19, site plan review, is required for all special land uses which shall be reviewed and approved by the planning commission concurrently with the special land use.

(Ord. No. 09-434, § 21.02, 1-20-2009)

Sec. 21.03. - Procedures.

**Special Land Use Review Process**



- (a) *Application.* An application for the approval of a special land use shall be made by an owner, lessee, or other person with a legal interest in the property who has the owner's written consent to file the application. All of the following shall be submitted with the application for a special land use permit:

- (1) A complete site plan in accordance with the requirements of article 19, site plan review.
  - (2) An application fee determined by the city council shall be made payable to the City of Taylor.
  - (3) For uses that require an environmental impact statement (EIS) under article 13, use requirements, the EIS shall be submitted to the planning commission at the time of its review of the special land use. If a traffic analysis, community impact report or environmental impact report is required by the city, it shall be submitted to the planning commission at the time of review of the special land use.
  - (4) The owner, developer, or their agent may submit additional information or exhibits in support of their application.
- (b) *Planning commission.*
- (1) The planning commission shall hold a public hearing and request recommendations from city staff. Notice of the public hearing shall be published in accordance with section 25.09, public hearings.
  - (2) The planning commission shall review the application and approve, deny, or approve with conditions, the application.
  - (3) In reaching its decision the planning commission shall consider the application, staff reports, and other relevant materials.
  - (4) Upon a finding that the application meets the general standards of section 21.04, review standards, and the specific standards for that use contained in the use regulations of article 13, use requirements, the planning commission may approve the special land use. Upon approval the planning commission may attach those conditions it deems necessary, in accordance with the provisions of this section.
  - (5) If the planning commission determines that the application for the requested special land use does not meet the standards and requirements of this ordinance, it shall deny the application setting forth the reasons for the denial.
- (c) *Conditions.* Reasonable conditions may be imposed by the planning commission upon any use of land requiring special land use approval. Any such conditions shall be:
- (1) Designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
  - (2) Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
  - (3) Necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (d) *Site plan approval.* The site plan for the special land use shall be approved by the planning commission. The site plan shall be approved concurrently with the special land use.

(Ord. No. 09-434, § 21.03, 1-20-2009)

Sec. 21.04. - Review standards.

The planning commission shall permit any special land use under the terms of this ordinance if such use meets the various specific standards set forth in the various sections of this ordinance pertaining to uses allowed after special approval and if the planning commission finds the proposed use requiring special land use approval is:

- (a) *Compatible with adjacent uses of land.* The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
- (1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - (2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - (3) The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
  - (4) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
- (b) *Not injurious to adjacent property, surrounding neighborhoods, or the community as a whole.* The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
- (c) *Enhancement of surrounding environment.* The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of the adjacent land and buildings or unreasonably affect their value.
- (d) *Provision of landscaping and other site amenities.* Provision of additional landscaping over and above the requirements of this ordinance may be required as a condition of approval of a special land use to buffer higher impact uses or screen views.
- (e) *Compatibility with the master plan and zoning ordinance.* The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the master plan and shall promote the intent and purpose of this ordinance.
- (f) *Compatible with the natural environment.* The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with the district's permitted uses. The planning commission may require a quantitative comparison of the impacts of typical permitted uses and the special land use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the requested use (i.e., ensure the end result is at least similar to the preexisting conditions).
- (g) *Compatible with the capacities of public services and facilities.* The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools.
- (h) *Impact of traffic.* The location of the proposed special land use within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
- (1) Proximity and access to major streets.
  - (2) Estimated traffic generated by the proposed use.
  - (3) Proximity and relation to intersections.

- (4) Adequacy of driver sight distances.
- (5) Location of and access to off-street parking.
- (6) Required vehicular turning movements.
- (7) Provision for pedestrian and nonmotorized travel.
- (i) *Isolation of existing uses.* The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.
- (j) *Enhance the social and economic welfare.* The approval of a special land use provision is a privilege granted when it can be demonstrated that there is an overriding and compelling benefit that is in the best interest of the city as well as the petitioner. The petitioner must demonstrate that the proposed use will enhance the social and economic welfare of the city.
- (k) *Other studies.* The planning commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this section including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.

(Ord. No. 09-434, § 21.04, 1-20-2009)

Sec. 21.05. - Validity of permit.

- (a) *Start of construction.* Special land use approval is valid for a period of 18 months from the date of planning commission approval. A building permit must be issued and physical construction on structures must commence within that period. In the case of a reoccupancy of an existing building, the use must be established within 18 months.
- (b) *Extensions.* Upon written application filed prior to the termination of the 18-month period as provided above, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension. The planning commission may require compliance with any amendments to the zoning ordinance since the special land use was originally approved.
- (c) *Expiration of special land use permit.* Where actual construction of a substantial nature of structures authorized by a special land use permit has not commenced within 18 months of issuance, and a written application for extension of the approval has not been filed as provided below, the special land use permit shall become null and void and all rights there under shall terminate.

(Ord. No. 09-434, § 21.05, 1-20-2009)

Sec. 21.06. - Amendments, expansions and change in use.

- (a) *Amendments.* The property owner shall notify the development services department of any desired change in an approved special land use. The development services department shall determine whether the proposed amendment constitutes a minor or major amendment, based on the total cumulative expansion since the original special land use approval as follows:
  - (1) Changes increase the buildings usable floor area by more than 20 percent.
  - (2) Parking lots are expanded by more than 20 percent.
  - (3) The occupancy, capacity or membership of the use is increased by more than 20 percent.
  - (4) The use is expanded to occupy an additional 20 percent or more land area.

- (5) The expansion will result in a 20 percent or more increase in traffic generation based upon the latest edition of the Institute of Traffic Engineers Trip Generation Manual or will change the number or location of driveway access points.
- (6) Any change affecting any previous approved special use condition imposed by the city.
- (b) *Major amendments.* Any major amendment to an approved special land use by the amounts in subsection (a) above or greater shall require a new special land use permit and shall be reviewed using the procedures and requirements of this article.
- (c) *Minor amendment.* Minor amendment to an approved special land use less than the amounts noted in subsection (a) above does not require submittal of a new application for a special land use, but shall still be subject to the site plan review requirements of article 19, site plan review.
- (d) *Change in use.* Change to another type of special land use shall require submission of a new application for a special land use following the review procedures contained in this article. A change in use that is still the same type of use shall not require a new special land use, unless it involves a major expansion. A change in ownership shall not constitute a change in use.

(Ord. No. 09-434, § 21.06, 1-20-2009)

Sec. 21.07. - Revocation of an approved special land use.

The planning commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this ordinance, or conditions of the special land use approval. Prior to any action, the planning commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be provided an opportunity to present information and to answer questions. The planning commission may revoke any previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked according to the following procedure:

- (a) Conditions which may give rise to a suspension or revocation proceeding include, but are not limited to, the following:
  - (1) The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approval special land use;
  - (2) Compliance with the special land use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful;
  - (3) The special land use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her agents;
  - (4) The operation of the use granted by the special land use permit has created a risk or danger to the public health, safety or welfare; or
  - (5) The special use is a violation of any provision of this ordinance or other city, county, state or federal regulations.
- (b) If the development services department determines that a condition for suspension or revocation of the special land permit exists, the development services department shall prepare a report in writing specifying the specific factual details for the violation and which support the suspension or revocation of the special land use permit.
- (c) The development services department shall file the report with the planning commission, and serve a copy of such report on the permittee or his/her authorized agent or employee by regular mail and certified mail, return receipt requested.
- (d) Within 20 days from the date such report has been filed with the planning commission, a date will be set for a hearing before the planning commission on the alleged violations for a determination by the planning commission as to whether or not the special land use permit should

be suspended or revoked. Notice of the hearing should be served by the city upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested, not less than seven days before a scheduled hearing date.

- (e) That all such hearings, the permittee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses on his/her behalf, by being allowed to present arguments, personally or through legal counsel in his/her own behalf.
- (f) The planning commission shall prepare a written statement of its findings within 30 days of the conclusion of all such hearings and serve such findings upon the permittee either personally or by regular mail and certified mail, return receipt requested. If the planning commission decides that the special land use permit shall be suspended or revoked, the permittee shall not thereafter conduct, operate or carry on the business or use for which the special use permit was granted.

(Ord. No. 09-434, § 21.07, 1-20-2009)

Sec. 21.08. - Appeals.

- (a) *Appeals.* The zoning board of appeals (ZBA) shall not have the authority to hear appeals of the planning commission's decision to approve or deny a special land use, nor to grant variances to any conditions imposed on special land use approval. Appeals from decisions under this article may be taken to circuit court.
- (b) *Variances.* The ZBA may hear requests for variances to district or site plan requirements that are not related to the conditions of special land use approval.

(Ord. No. 09-434, § 21.08, 1-20-2009)

Sec. 21.09. - Restrictions on resubmittal of a special land use request.

An application for a special land use permit which has been denied wholly or in part shall not be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission. A resubmitted application shall be considered a new application.

(Ord. No. 09-434, § 21.09, 1-20-2009)

ARTICLE 22. - PLANNED UNIT DEVELOPMENTS (PUDS)<sup>[7]</sup>

Footnotes:

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**State Law reference**— Planned unit development, MCL 125.3503.

Sec. 22.01. - Intent.

The planned unit development (PUD) is intended as a development option to provide a degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take better advantage of the special

characteristics of the land than would be possible through the strict enforcement of this ordinance. The specific objectives of this article are to:

- (a) Encourage innovation in land use and variety in design, layout and type of structures constructed.
- (b) Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- (c) Permit flexibility in the placement, lot area and building type regulations, and combination of uses while assuring the application of sound site planning standards.
- (d) Encourage the provision of useful open space and more extensive landscaping.
- (e) Provide opportunities for improvements to public streets or facilities, pathways and natural stormwater systems.
- (f) Promote the development of walkable, mixed use developments that will result in more sustainable and healthy neighborhoods.
- (g) Achieve consistent and coordinated site design (e.g., lighting, signs, building design, etc.), and high quality architectural design and materials.
- (h) Encourage the use, reuse, and improvement of existing sites.
- (i) Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.

(Ord. No. 09-434, § 22.01, 1-20-2009)

Sec. 22.02. - Qualifying conditions.

- (a) *Ownership.* An application for the approval of a PUD shall be made by an owner, lessee, or other person with a legal interest in the property who has the owner's written consent to file the application.
- (b) *Public utilities.* The PUD site shall be serviced by public sewer and water systems. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
- (c) *Recognizable and substantial benefits.* The PUD application shall demonstrate that the project will result in recognizable and substantial benefits to the residents, users, visitors, adjacent neighbors, and the city overall that would not be available under the existing, underlying zoning classification. Benefits beyond those otherwise required by this ordinance include, but are not limited to:
  - (1) Preservation of significant natural features.
  - (2) A complementary mixture of uses.
  - (3) Extensive open space and recreational amenities.
  - (4) Open space greenways to link to adjacent greenway corridors.
  - (5) Transition areas from adjacent land uses.
  - (6) Preservation of historical buildings or site features.
  - (7) Improvements to the public street system to mitigate traffic impacts or other public facility improvements to mitigate impacts of development.
  - (8) Pedestrian and transit oriented development.
  - (9) Coordinated development of multiple assembled small parcels.
  - (10) Removal or renovation of blighted buildings or sites or cleanup of site contamination.
- (d) *Consistency with the master plan.* The PUD shall be compatible with the overall goals and recommendations as proposed in the City of Taylor Master Plan.



(Ord. No. 09-434, § 22.02, 1-20-2009)

Sec. 22.03. - Permitted uses.

Uses permitted in a PUD are based on the underlying zoning district. All permitted uses of the underlying zoning district shall be permitted and all special land uses of the underlying zoning district shall be allowed with special land use approval. Additional uses may be allowed in a PUD as follows:

- (a) *Residential PUD.* The PUD may provide for a variety of permanent housing types, including single-family detached, townhomes or multiple-family residential.
  - (1) Where the underlying zoning is single-family residential, a minimum of 80 percent of the dwellings shall be detached single-family dwellings and up to 20 percent may be townhomes.
  - (2) Where the underlying zoning is multiple-family, any mixture of single-family, townhouses and multiple-family is permitted.
- (b) *Mixed use residential PUD.* For a PUD in a residential district that has an area of at least 20 acres, commercial uses allowed in the B-1 district may occupy up to ten percent of the gross site area. Planned commercial sites are to be located at an intersection of two major streets or a major street.
- (c) *Mixed use/nonresidential PUD.* For a PUD in a nonresidential district, residential uses may be permitted in a mixed use PUD in addition to the uses allowed by the underlying zoning district. Other uses may be allowed where the planning commission determines them to be consistent with surrounding uses and the future land use plan of the City of Taylor Master Plan.
- (d) *Industrial PUD.* For a PUD in an I-1, I-2 or TRO district, uses allowed by the underlying zoning district shall be allowed. Other commercial uses that provide services to businesses and employees in the immediate area, such as convenience retail, restaurants, business services and hotels, may be permitted where the planning commission determines the uses contribute towards an integrated mixed use employment district.

(Ord. No. 09-434, § 22.03, 1-20-2009)

Sec. 22.04. - Residential density.

- (a) *Single-family residential.* Where the underlying zoning is single-family, residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable city zoning and subdivision requirements. The city shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other nonbuildable land. This number shall be the maximum number of dwelling units allowable for the PUD.
- (b) *Multiple-family residential or commercial.* Where the underlying zoning is multiple-family, density shall be determined based upon the underlying zoning district and the definition of density. Where the underlying zoning is nonresidential, density shall be determined based upon the RM-1 district.
- (c) *Change in underlying zoning.* Where the master plan recommends a different zoning district than the current zoning, a rezoning of the underlying zoning district consistent with the master plan may be considered concurrently with the PUD.
- (d) *Density bonus.* The city council may grant a density bonus of up to ten percent, where the planning commission finds that the development provides extraordinary benefits and furthers smart growth principals by meeting all of the following:
  - (1) The project will provide a wide range of housing opportunities and choices through varied housing types, varied dwelling sizes and variable lot sizes, or the project will provide a mixture of compatible and complementary residential and nonresidential land uses;

- (2) The project will create a walkable neighborhood with a continuous pedestrian circulation system that links all areas of the development, links the development to other destinations in the surrounding area and is designed to facilitate a variety of transportation choices by providing alternatives to automobile travel;
- (3) The project takes advantage of compact design through clustering development into a walkable scale neighborhood and preserving significant open space, and natural features; and
- (4) The project is consistent with the Taylor Master Plan, furthers the stated goals of the plan and provides extraordinary benefits to the city.

(Ord. No. 09-434, § 22.04, 1-20-2009)

Sec. 22.05. - Dimensional requirements.

- (a) *Base zoning regulations.* All zoning ordinance requirements for the underlying zoning district shall remain in full force, except as modified under this section.
- (b) *Regulatory flexibility.* To encourage flexibility and creativity, the planning commission may recommend the city council grant specific departures from the requirement of the zoning ordinance as a part of the approval process. Lot area, width, setback, height and parking standards may be modified, provided that such modifications result in preservation of open space, enhanced buffering from adjacent land uses, screening along major streets, preservation of natural features, pedestrian-oriented development, a more efficient use of land or improved compatibility with adjacent land uses.
- (c) *Approval of modifications.* Any regulatory modification shall be approved through a recommendation by the planning commission stating that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.
- (d) *Table of modifications.* A table shall be provided on the PUD site plan that specifically details all deviations from the established zoning district's lot area, width, setback, height and parking standards or other zoning ordinance provisions that would otherwise be applicable to the uses and development proposed. This specification must include ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this ordinance and the master plan shall be considered.

(Ord. No. 09-434, § 22.05, 1-20-2009)

Sec. 22.06. - Open space.

- (a) All PUDs shall include common open space located to preserve significant natural features, central to the residents of the development, along the arterial street frontage, adjacent to adjoining residential or to connect open spaces throughout the development. Common open space shall be in locations and configuration to be easily accessible from all parts of the residential area of the PUD.
- (b) Open space shall be provided at the following minimum rates, one-half of which must be usable and one-half of which may be natural wetland or woodland area:

**TABLE 22.06. PUD OPEN SPACE REQUIREMENTS**

	Minimum Total Open Space including both Recreational Area and Natural Area	Minimum Usable Recreational Open Space

Residential PUD or the portion of a mixed use PUD devoted to residential development	30 percent of site	15 percent of site
Nonresidential portion of a mixed use PUD	15 percent of site	7.5 percent of site

- (c) The minimum size of open space shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated or remnant lands. The city may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable as part of the overall project layout.
- (d) Areas not considered open space. Stormwater detention or retention, land under water, street right-of-way, parking lots, required setbacks or landscaped areas required in section 16.02, landscaping shall not be counted towards meeting common open space.
- (e) Protection. The open space or common areas shall be placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses. The necessary documents will be approved by the city, recorded by the applicant, with all costs paid by the applicant, prior to the issuance of a building permit.

(Ord. No. 09-434, § 22.06, 1-20-2009)

Sec. 22.07. - General development requirements.

- (a) *Screening and buffering.* Yards, fences, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect residential occupants of neighboring areas from similar adverse influences within the PUD. In particular, screening shall be provided for large off-street parking areas, service areas for loading and unloading delivery vehicles, and areas for storage and collection of refuse and garbage. All requirements of article 16, general site development requirements, shall be met.
- (b) *Transitional areas.* That portion of a PUD abutting a single-family district shall include a compatible land use transition, such as similar single-family dwellings or 50-foot wide buffer zone consisting of landscaping in accordance with section 16.02, landscaping.
- (c) *Vehicular circulation.* The PUD must have direct access to a major street, as defined in section 28.11(k), streets. Access shall be fully integrated within the site to allow cross circulation between uses within the PUD and provide a shared access system with major streets. All streets shall meet the street design standards in the city subdivision and engineering regulations. Street connections shall be provided to existing adjacent streets and allow for future connection to adjacent vacant land.
- (d) *Nonmotorized circulation.* The PUD shall incorporate pedestrian-oriented design and create a walkable neighborhood. Sidewalks or nonmotorized pathways shall be provided along all streets. Small block sizes with connections to adjacent areas shall provide for convenient walkability.
- (e) *Architecture.* Architectural features of all nonresidential structures, regardless of use, shall be compatible with the overall character and image of the PUD and integrated into a unified appearance.

- (f) *Flooding and other hazards.* The site shall be developed without hazards to persons or property, whether within the PUD or not, and be reasonably free from probability of flooding, erosion or other dangers, annoyances, or inconvenience. Drainage and topography of the final grade of the site shall be consistent throughout the PUD and to adjacent properties.

(Ord. No. 09-434, § 22.07, 1-20-2009)

Sec. 22.08. - PUD site plan information.

- (a) *Concept plan requirements.* At a minimum the following information shall be provided for the concept plan review:
- (1) The name, address and phone number of all persons with ownership interests in the property; all professionals associated with the project including engineers, architects, land surveys; the developer, proprietor or applicant for the PUD.
  - (2) Application and other required fees.
  - (3) The legal description and tax identification numbers of the proposed PUD property.
  - (4) The gross and net area (in acres) of the proposed PUD property.
  - (5) A concept plan drawn to scale that showing the proposed development. The concept plan shall illustrate the following:
    - a. A general location map.
    - b. A map indicating the zoning designation of the proposed PUD property.
    - c. The vehicular circulation system proposed for the PUD.
    - d. The location of existing public and private streets adjacent to the proposed PUD with an indication of how they will connect with the proposed circulation system for the new development.
    - e. General locations and approximate size of any wetland areas (regulated or nonregulated), significant woodlands, unusual slopes, streams and water drainage areas.
    - f. The general layout of dwelling units, nonresidential buildings, parking, open space and recreation areas.
    - g. Locations for landscape screening along the perimeter of the proposed PUD.
    - h. A general description of the proposed sewage treatment and water supply systems and the proposed stormwater drainage system.
  - (6) A description of how the proposed PUD will result in recognizable and substantial benefits to the residents, users, visitors, adjacent neighbors, and the city overall that would not be available under the existing, underlying zoning classification.
- (b) *Preliminary PUD site plan requirements.* The following information shall accompany the PUD rezoning and preliminary site plan application:
- (1) The name, signature, and address of the owner of the subject property; a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
  - (2) Application and other required fees.
  - (3) A preliminary PUD site plan providing the following information:
    - a. Cover sheet providing: the applicant's name, the name of the development, the preparer's name and professional seal of preparer, date of preparation and any revisions, north arrow,

property lines and dimensions, legal description, size of property in acres, small location sketch, zoning and current land use of site and all abutting properties.

- b. An existing site conditions sheet providing:
    1. Lot lines and all structures on the property and within 100 feet of the site;
    2. Rights-of-way and easements, access points on both sides of the street within 200 feet of the site;
    3. Topography of the entire site at two-foot contour intervals, significant natural, and historical features, existing drainage patterns, surface water bodies, floodplain areas, wetlands and woodlands.
  - c. A site plan sheet providing:
    1. Conceptual layout of proposed land use, acreage allotted to each use, residential density, lot sizes, building footprints, structures, setbacks and building spacing.
    2. Proposed right-of-way, streets, driveways, parking areas, loading areas and nonmotorized pathways.
    3. General location and type of landscaping proposed noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD.
    4. A preliminary layout of contemplated stormwater drainage, detention pond location, water supply and wastewater disposal systems, connection points to existing utilities, concepts for layout, size, and phasing of utilities, any public or private easements and a note of any utility lines to be relocated.
    5. Open space areas and locations for recreational facilities, including calculations to demonstrate compliance with minimum open space requirements.
    6. If a multiphase PUD is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
  - d. Conceptual elevation drawings of all nonresidential buildings and typical elevations for residential buildings.
- (4) A table shall be provided on the site plan that specifically details any requested deviations from the applicable district regulations. The table shall identify the ordinance provisions from which deviations are sought, the reasons the deviations are necessary and mechanisms to be utilized to minimize any impacts.
  - (5) Sufficient documentation, in the form of written development and design standards and supporting graphics, to ensure that the design of the individual elements of the proposed PUD will be designed in a cohesive and compatible manner, and consistent with the city's desire to establish and maintain a high level of quality design.
  - (6) A written statement explaining in detail the full intent of the applicant, indicating the type and number of dwelling units planned, estimated population, expected number of elementary school children, and supporting documentation such as, but not limited to, soil surveys, market studies, and scheduling of the development.
  - (7) A draft PUD agreement meeting the requirements of section 22.09, PUD review procedures.
  - (8) The planning commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this article including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.
- (c) *Final PUD site plan requirements.* Final PUD site plans shall contain all of the information required for site plan approval in article 19, site plan review. For condominium projects, the final PUD site plan shall also include all information required under article 23, condominiums. For subdivision plats and

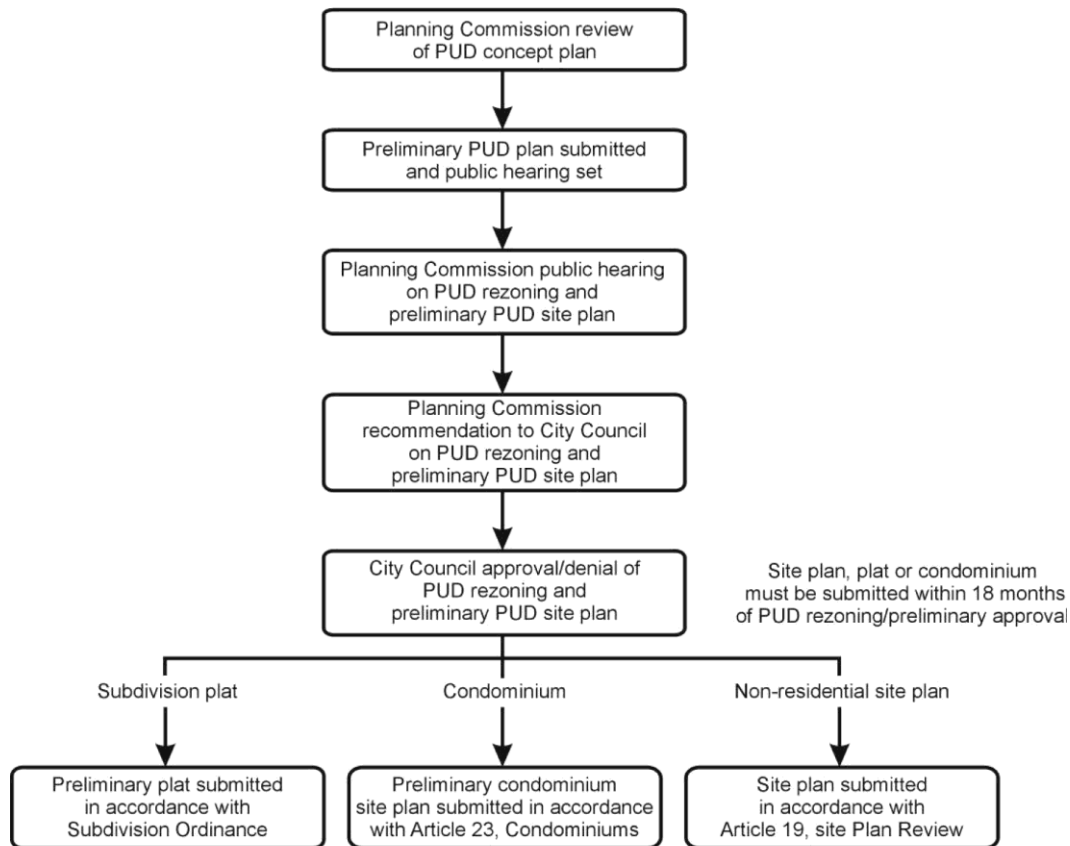
site condominiums, the final PUD site plan shall comply with the final preliminary plat requirements of the city's subdivision regulations.

(Ord. No. 09-434, § 22.08, 1-20-2009)

Sec. 22.09. - PUD review procedures.

- (a) *Concept plan review.* Prior to making a formal application, a concept plan for the proposed PUD project, meeting the requirements of section 22.08(a), concept plan requirements, shall be presented to the planning commission. No formal action shall be taken on the PUD as the concept plan is intended to give the applicant direction on the merits of the PUD proposal. The concept plan review does not constitute any form of approval of the PUD or the preliminary site plan. The process is intended to give the applicant an indication of the issues and concerns that must be resolved prior to preliminary PUD submittal.
- (b) *PUD rezoning and preliminary site plan review.* Establishment of a PUD shall be a amendment to the zoning map creating a PUD overlay district. Review of applications for PUD rezoning shall be in accordance with the requirements of article 27, amendments, to ordinance for other amendments to this ordinance, and the ordinance amendment procedures shall be followed.
  - (1) *Planning commission public hearing.* Upon receipt of a preliminary PUD application, prepared in accordance with section 22.08(b), preliminary PUD site plan requirements the request shall be referred to the planning commission for review and recommendation to the city council. The planning commission shall hold a public hearing to hear and consider the PUD rezoning and preliminary site plan. Notice and procedures for the public hearing shall follow the requirements of section 25.09, public hearings, and article 27, amendments to ordinance.

## Planned Unit Development Process



- (2) *Planning commission recommendation on rezoning and preliminary PUD site plan review.* Following the public hearing, the planning commission will forward a report and recommendation to the city council on the PUD rezoning, preliminary PUD site plan and development agreement, as required by section 22.10, development agreement. In its review and recommendation, the planning commission shall consider:
- a. That all applicable provisions of this article and this ordinance have been met, including the requirements of section 22.02, qualifying conditions. If any provision of this article conflicts with any other provisions of this ordinance, this article shall apply to lands within the PUD.
  - b. That adequate areas have been provided for all common areas, utilities, walkways, playgrounds, recreation areas, parking areas and other spaces.
  - c. The site shall be served by adequate public infrastructure, including streets, sanitary sewer, storm drainage and water, or provisions shall be made in the PUD agreement for the developer to provide the necessary improvements as part of the PUD development.
  - d. The preliminary PUD site plan provides for an efficient, aesthetic and desirable use of the open areas, and the plan is in keeping with the physical character of the city and the area surrounding the development.
- (3) *City council action on the rezoning and preliminary PUD site plan.* Upon receipt of the recommendation from the planning commission, the city council shall hold a public hearing to hear and consider the PUD rezoning, preliminary site plan and development agreement. Notice for the public hearing shall follow the requirements of section 25.09, public hearings. The city

council shall consider the recommendation of the planning commission, and the public hearing comments on the PUD rezoning and preliminary PUD site plan as follows:

- a. The city council may postpone, approve, approve with conditions, or deny the application and accompanying PUD preliminary site plan based on the provisions of article 27, amendments to ordinance, and this article.
  - b. If the application is denied, the city council shall indicate in writing which standards and requirements the proposed PUD district failed to meet.
  - c. Approval of the application and preliminary PUD site plan constitutes a rezoning of the property. Once rezoned to a PUD no use or development may take place except in accordance with the rezoning and approved preliminary PUD site plan. The petitioner shall have 18 months from the date of city council approval of the PUD rezoning to obtain final site plan approval. Failure to obtain final site plan approval within 18 months shall cause the land to automatically revert back to its prePUD zoning, provided the city council may grant a one year extension upon written request by the applicant.
- (c) *Final site plan.* A final PUD site plan for the phase or area to be constructed shall be submitted to the planning commission for review and approval, or in the case of plats or condominiums recommendation to the city council.
- (1) *Final site plan.* Application for final PUD site plan approval shall be made according to the requirements of article 19, site plan review.
  - (2) *Public hearing not required.* Final PUD site plan approval does not require public notice or hearing.
  - (3) *Compliance with ordinance and preliminary PUD.* Review and approval of final PUD site plans shall comply with this ordinance and any other applicable ordinances, except as modified in the approved preliminary PUD site plan. If necessary, review and approval of a plat shall comply with the land division act and the city subdivision regulations, in addition to the requirements of this article.
  - (4) *Review standards.* In reviewing the final PUD site plans, the planning commission shall ensure that the following conditions shall be completed prior to issuance of building permits:
    - a. That the final PUD site plan conforms to the approved preliminary PUD site plan, development agreement and this article.
    - b. A dedication of all public streets to ensure continuity of public access between the adjacent arterial streets and ingress and egress to all private development within the plan.
    - c. That the open space and common areas have been irrevocably committed to those uses by dedication, restrictive covenants, or in a manner satisfactory to the city.
  - (5) *Effect of approval.* Approval of the final PUD site plan shall be effective for a period of 18 months. Failure to complete substantial construction in that period shall void the PUD rezoning, and final site plan and the PUD zoning designation shall automatically revert back to its prePUD zoning. The planning commission may grant a one year extension upon written request by the applicant.
  - (6) *Plats and condominiums.* For a PUD that is being developed as a subdivision plat or condominium, the preliminary plat or the preliminary condominium site plan shall be submitted and reviewed concurrently with the final PUD. In such case, the planning commission shall recommend approval of the preliminary plat or the preliminary condominium site plan to the city council in accordance with the city subdivision regulations or condominium regulations as applicable. The regular subdivision or condominium approval process shall be followed from this point forward.
- (d) *Business park.* Following final approval of an industrial PUD for a business park in an I-1, I-2 or TRO district, development of individual lots or building sites may be approved administratively in accordance with section 19.09, master development plan for business parks.



(Ord. No. 09-434, § 22.09, 1-20-2009)

Sec. 22.10. - Development agreement.

- (a) The city attorney shall prepare a PUD agreement to be entered into upon approval of the preliminary PUD site plan. The draft PUD agreement shall be reviewed along with the preliminary PUD site plan and include all of the following:
  - (1) The permitted uses within the PUD, including the approved preliminary site plan for the site.
  - (2) The conditions upon which the approval is based, including phasing requirements, requirements for on-site improvements and contributions to required improvements to public facilities.
  - (3) Open space or common areas which shall be conveyed in fee or committed by dedication to an association of the property owners. As part of the final site plan approval, documentation shall be recorded establishing a homeowners association for the maintenance of the open space.
  - (4) A program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping. A fund shall be established for continual maintenance of the open space.
  - (5) Architectural standards and requirements for building elevations and building materials.
  - (6) Assurance that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.
  - (7) Assurance that the construction and maintenance of all streets and utilities (including public water, waste water collection and treatment), recreational facilities and other improvements shall be completed. Such assurance shall include financial guarantees as required by this ordinance, and the establishment of a condominium or owner's association with appropriate assessments to ensure the ongoing maintenance of all streets, storm drainage improvements, landscaping and all other common areas. If private roads are proposed, the association or condominium documents shall include provisions for a sinking or reserve fund on accumulative basis in an acceptable form to pay for the longterm maintenance and reconstruction of streets.
  - (8) Provisions addressing any other concerns of the city regarding construction and maintenance of streets and common area improvements.
  - (9) Provisions for liability insurance in an amount to be determined by the city, naming the city as an additional insured.
  - (10) Provisions including specific terms or conditions regarding the expiration or revocation of the PUD zoning.
- (b) The agreement shall be prepared by the city attorney prior to rezoning and preliminary PUD site plan approval. The applicant shall be responsible for all attorney fees associated with the preparation of the development agreement.
- (c) Following city council approval of the rezoning and preliminary PUD site plan, the development agreement shall be recorded with the office of the Wayne County Register of Deeds at the expense of the applicant and a recorded copy of the agreement shall be delivered to the city by the applicant.

(Ord. No. 09-434, § 22.10, 1-20-2009)

Sec. 22.11. - Deviations from approved final PUD site plan.

- (a) Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with section 19.08, amendment to approved plans.
- (b) Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the

modification shall be required and must be approved by the city council as a new preliminary PUD plan.

- (c) Any amendment to the PUD agreement shall be adopted by resolution of the city council, upon recommendation of the planning commission.

(Ord. No. 09-434, § 22.11, 1-20-2009)

Sec. 22.12. - Appeals and variances.

The zoning board of appeals (ZBA) shall only have the authority to hear and decide appeal requests by individual lot owners for variances from the zoning ordinance following final approval of the PUD. The ZBA shall not have the authority to reverse the decision of the city council, or planning commission on a PUD preliminary, or final site plan, change any conditions placed by the planning commission, or city council or grant variances to the PUD agreement or the requirements of this article.

(Ord. No. 09-434, § 22.12, 1-20-2009)

ARTICLE 23. - CONDOMINIUMS<sup>[8]</sup>

Footnotes:

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**State Law reference**— Condominium act, MCL 559.101 et seq.

Sec. 23.01. - Intent.

This article is intended to provide for condominium projects within the city and establish regulations to guide development of such projects in a manner similar to comparable development allowed within the zoning ordinance and the subdivision ordinance. This article also establishes development standards and required information to assure compliance within the purposes of this ordinance including:

- (a) Orderly growth and harmonious development of the community as planned for in the master plan.
- (b) Secure adequate traffic circulation and safety through coordinated, interconnected street systems, including safe and coordinated pedestrian and bicycle facilities.
- (c) Provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for residents of the city.
- (d) Secure adequate provisions for water supply, storm drainage, sanitary sewage disposal, lighting, and other public services and facilities necessary to support public health and safety.
- (e) Evaluate the impact of proposed developments to assure minimum impact of the natural environment including, but not limited to, the surface water, groundwater, flora and fauna of the community.

(Ord. No. 09-434, § 23.01, 1-20-2009)

Sec. 23.02. - Submittal requirements.

Concurrently with notice required to be given City of Taylor pursuant to section 71 (notice of proposed action) of Public Act No. 59 of 1978 (MCL 559.171), as amended (the condominium act), a person, firm, or corporation in intending to develop a condominium development shall provide the following information:

- (a) The name, address and telephone number of:
  - (1) The owners of record in the land on which the condominium project will be located together with a description of the nature of and the identity of, any other entity's interest in the property (for example, fee owner, optionee or land contract vendee).
  - (2) The engineer who prepared the site plan, attorney who prepared the master deed, and other professionals associated with the project.
  - (3) The developer or proprietor of the condominium project.
- (b) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- (c) The acreage content of the land on which the condominium project will be developed.
- (d) The purpose of the project (for example, residential, commercial, industrial, etc.).
- (e) Number of condominium units to be developed on the subject parcel.
- (f) A site plan meeting the requirements of article 19, site plan review, for any project requiring site plan approval.
- (g) The size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit.
- (h) The nature, location and approximate size of common elements.
- (i) A draft of the master deed and bylaws shall be submitted with the final preliminary site plan.

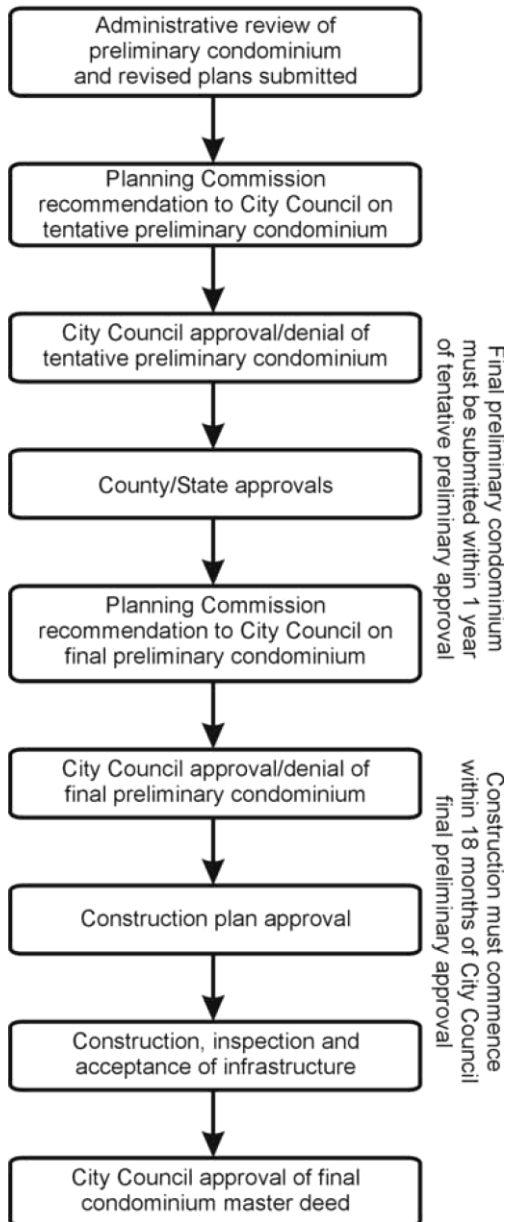
(Ord. No. 09-434, § 23.02, 1-20-2009)

#### Sec. 23.03. - Review.

Prior to recording of the master deed required by section 72 of the condominium act, as amended (MCL 559.172), the condominium project shall undergo site plan review and approval under the requirements of article 19, site plan review, and this section. In addition, the city shall require appropriate engineering plans and inspection prior to the issuance of any certificate of occupancy. Prior to expansion or conversion of a condominium project onto additional land, the new phase of the project shall undergo site plan review and approval. Fees for these reviews shall be established by resolution of the city council in addition to those otherwise required by city ordinances. All condominium plans shall be reviewed under the following procedures:

- (a) *Tentative preliminary approval.* A full site plan, meeting the requirements of article 19, site plan review, and a preliminary street plan shall be submitted for preliminary condominium site plan review by the planning commission. Plans shall be reviewed by the city staff and consultants and written recommendations are to be submitted to the planning commission in accordance with the following:
  - (1) Planning commission shall review the site plan, in accordance with the procedures of article 19, site plan review. If a condominium site plan is incomplete, the planning commission may table the request and direct the applicant to prepare additional information or revise the plan.
  - (2) Planning commission shall make a recommendation to the city council to tentatively approve, approve with conditions or deny the preliminary plan.

## Condominium Process



- (3) If the preliminary plan is tentatively approved or approved with conditions, an application for final preliminary condominium site plan approval must be submitted within one year after the date of tentative approval of the preliminary condominium site plan by the city council, or such tentative preliminary approval shall be deemed null and void. The proprietor may be granted one six-month extension with approval from the city council.
  - (4) Installation or construction of any improvements or land balancing or grading shall not begin until the preliminary condominium site plan has received final approval and the public improvements agreement is entered into between the developer and the city. Trees and/or other vegetation shall not be removed until after construction plan approval, except for minor clearing required for surveying and staking purposes.
- (b) *Agency reviews.* Upon receipt of tentative preliminary site plan approval, the applicant shall submit the preliminary condominium site plan to all authorities for necessary permits, as required

by local, Wayne County and state regulations. Approvals and/or any required permits shall be obtained from Wayne County, the MDNRE and the health department. Where streams, regulated wetlands or floodplains are proposed to be impacted, MDNRE approval shall also be obtained.

- (c) *Final preliminary approval.* The following information shall be submitted for final approval of the preliminary condominium site plan by the city council, based upon a recommendation by the planning commission. Plans shall be reviewed and written recommendations are to be provided to the planning commission by city staff, engineer, fire chief, police chief, and attorney. The planning commission shall review the site plan following the procedures of article 19, site plan review, and make a recommendation to the city council to approve, approve with conditions or deny. If a condominium site plan is incomplete, the planning commission may table the request and direct the applicant to prepare additional information or revise the plan. Submittals shall include:
- (1) Full site plan meeting the requirements of article 19, site plan review. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.
  - (2) County and state approvals applicable to the development.
  - (3) Draft condominium master deed and bylaws.
- (d) *Construction plan approval.* Following final approval of the preliminary site plan by the city council, detailed construction plans shall be submitted for review and approval by the development services department and city engineer. Site clearing, grading or construction shall not commence until the city engineer has approved the construction plans.
- (e) *Performance guarantee.* To ensure compliance with the zoning ordinance and any condition imposed hereunder, the planning commission shall require that a cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the city covering the estimated cost of improvements associated with a project for which site plan approval is sought in accordance with section 25.08, performance guarantees.
- (f) *Final approval.* Final approval of master deed, restrictive covenants and exhibit B drawings.
- (1) The condominium project developer shall furnish the development services department with the following for review:
    - a. One copy of the recorded master deed.
    - b. One copy of all restrictive covenants.
    - c. One copy of the condominiums owner's association bylaws.
    - d. Two copies of an as-built survey. The as-built survey shall be reviewed by the city engineer for compliance with city ordinances. Fees for this review shall be established by resolution of the city council.
  - (2) The master deed, restrictive covenants and exhibit B drawings shall be reviewed by the city attorney at the expense of the applicant and approved by the city council. The master deed shall be recorded with the county register of deeds following final approval by the city council and prior to the issuance of any building permits for construction of any condominium units.
  - (3) After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish the city a copy of the site plan on a Mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches.
  - (4) Digital as-built files shall be submitted to the development services department compatible with the city's geographic information system software (ArcGIS). Acceptable data formats are ESRI geofiles (desired), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a 1:1 scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and

layers/levels to meet the city's level specification. Any other information provided within the digital files shall be layer isolated from data included in the city's specification and shall include a written description of both the layer name and the information contained on the layers. Digital information provided to the city shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be RW-CD, or zip disk.

- (5) The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to this activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the planning commission. The execution of a site maintenance agreement by the petitioner having such form and content as may be established by resolution of the city council, as may be amended, shall be a requirement of site plan approval to provide for the continued care and maintenance of the property and improvements thereto. The approved site plan shall be valid for 18 months. If site plan approval lapses, a new submittal to the planning commission and city council is required with applicable fees.

(Ord. No. 09-434, § 23.03, 1-20-2009)

Sec. 23.04. - District requirements.

The areas and setbacks required for condominium buildings shall be based on the density provisions contained in the area, height and placement requirements of the zoning district. The submerged area of a lake, pond, drain or stream shall not be included in the unit area of a condominium lot, but shall be recorded as a general common element.

(Ord. No. 09-434, § 23.04, 1-20-2009)

Sec. 23.05. - Design standards.

All condominium projects shall comply with the design standards contained in the city subdivision regulations, all applicable requirements of this article and any other applicable regulations and are herein incorporated by reference. The intent of this section is to require that condominium projects meet the same standards required for other projects in the same district.

(Ord. No. 09-434, § 23.05, 1-20-2009)

Sec. 23.06. - Site condominiums.

- (a) *Authority.* Pursuant to authority conferred by section 141, regulation of local unit of government, of the condominium act, Public Act No. 59 of 1978 (MCL 559.241), as amended, all condominium subdivision plans must be approved by the city council following review and recommendation for approval by the planning commission. In determining whether to recommend a condominium subdivision plan for approval to the city council, the planning commission shall consult with and receive a written response from the city staff regarding the adequacy of the design and compliance with all requirements of the condominium act and city zoning ordinance.
- (b) *Site plan review requirements.*
  - (1) *Existing conditions.*
    - a. An overall area map at a scale of not less than one inch equals 1,000 feet, showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.

- b. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
- c. Lot lines of adjacent tracts of subdivided and un-subdivided land shown in relation to the tract being proposed for subdivision including those of areas across abutting streets.
- d. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting streets.
- e. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
- f. Topography drawn as contours with an interval of at least two feet; except if grades exceed five percent the contour interval shall be five feet. Topography to be based on USGA datum.
- g. The school board or superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the proposed site condominium development by the proprietor. A letter or document from the school board or school superintendent indicating awareness of the proprietor's intentions shall be submitted to the planning commission.

(2) *Proposed conditions.*

- a. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, easements, sidewalks and nonmotorized pathways.
- b. Layout, numbers and approximate dimensions of lots, including building setback lines showing dimensions.
- c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the site condominium development.

(3) *Proprietor's responsibilities.* The proprietor should concern themselves with the following factors:

- a. The proprietor shall secure a copy of the zoning ordinance, subdivision regulations, engineering specifications and other similar ordinances or controls relative to the subdivision and improvement of land so as to make the proprietor aware of the requirements of the city.
- b. The area for the proposed development shall be properly zoned for the intended use.
- c. An investigation of the adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed development shall be made by the proprietor.
- d. The relationship of the proposed development with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.
- e. Standards for sewage disposal, water supply and drainage of the city shall be investigated by the proprietor.

(c) *Design and engineering standards for site condominiums.*

- (1) A site condominium shall be subject to all of the requirements and standards of the applicable residential district. Single-family detached condominium project shall be subject to all requirements and standards of the applicable single-family residential districts.
- (2) The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this ordinance. The following design standards are intended as a guide to sound land planning to ensure that such projects are constructed and designed as if they were single-family developments. Should there be unusual topographic or property problems, these standards may have to be modified to either

greater or lesser conformance in accordance with the judgment of the planning commission and the requirements of the article.

- a. The design of a single-family detached condominium project shall be subject to the design layout standards of the city subdivision regulations.
- b. The construction of a single-family detached condominium project shall be in accordance with the improvements and engineering design standards of the city subdivision regulations.

(3) *Street layout and design.*

- a. *Layout.* The layout of the proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the planning commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of width as least as great as that of the street so extended. Due consideration shall be given to traffic safety. Minor residential streets shall be laid out as to discourage their use by through traffic while still achieving an interconnected grid street network. Due consideration shall also be given by the developer to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the site condominium development. Consideration shall also be given to the proposed use of the site condominium.
- b. *Major streets.* Where the condominium development abuts or contains an existing or proposed major street, the planning commission may, at its discretion, require the construction of marginal access streets, double frontage of condominium units with provision of a screen planting contained in a no-access reservation along the rear lot lines, or other treatment which the planning commission considers essential for the adequate protection of the residential area and the separation of through and local traffic.
- c. *Private streets.* Where private streets are allowed by the city council, they shall be constructed to the same design and engineering standards and specifications as public streets.
- d. *Access to property.* Each condominium unit within a condominium development shall be provided with a satisfactory means of access. Building permits shall not be issued for the construction of buildings that do not have access onto a street constructed in compliance with the requirements of this ordinance.
- e. *Intersections.* Intersecting street shall be laid out so that the intersection angles approximately 90 degrees but in not case shall the angle of the intersection by less than 80 degrees. No more than two streets shall cross at one intersection.
- f. *Intersections adjacent to railroad crossing.* Any intersection occurring on a street which crosses a railroad track shall not be less than 400 feet from the nearest railroad right-of-way. Greater distances may be required if it is deemed necessary for safety, approach gradients, or future grade separations by the planning commission.
- g. *Half-streets.* Half-streets shall not be permitted.
- h. *Street jogs.* Where streets intersect, their alignment shall be continuous. Street jogs shall not be permitted.
- i. *Cul-de-sac.* Where required for the full and best utilization of the property, cul-de-sacs may be utilized. The maximum permissible length of cul-de-sacs shall be 1,200 feet measured from the right-of-way line of the nearest intersecting street to the farthest point on the right-of-way of the cul-de-sac. Each cul-de-sac shall be provided at its closed end with a turn-around having a diameter at the outside of the street pavement of at least 80 feet and a lot line diameter of at least 110 feet. The remaining portion of the cul-de-sac shall have a right-of-way width of at least 60 feet. The straight portion of the right-of-way shall be joined to the circular portion of the right-of-way by circular curves with radii not less than 50 feet.



- j. *Dead-end streets.* Dead-end streets shall be permitted only in cases where the planning commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is developed. If the planning commission permits the construction of dead-end streets with the expectation of such future expansions, a cul-de-sac shall be constructed and maintained at the end of the street to allow vehicles to turn around. Construction of the cul-de-sac shall be in accordance with the standards and specifications for cul-de-sacs as provided in section 20.08(c)(3)i above.
  - k. *Street names.* Street names shall not be permitted which may cause confusion with names of existing streets in or near the City of Taylor. Streets that will be continuations of existing streets shall be called by the same names of such existing streets. The city council shall approve all names.
  - l. *Right-of-way width.* Minimum right-of-way width shall be 60 feet. Greater right-of-way widths for major streets as may be required by the city engineer or as may be designated in the master plan may be required when determined by the planning commission to be necessary.
  - m. *Horizontal alignment.* Centerline of pavement shall coincide with centerline of right-of-way, for irregular rights-of-way widths.
  - n. *Street grades.* Profiles and cross sections shall be required for all streets. The minimum gradient allowed shall be not less than 0.5 percent. Streets shall be reviewed by the city engineer for conformance with the provisions of this ordinance.
  - o. *Street curvature.* The minimum horizontal centerline radii of curved local streets shall be 200 feet. Greater radii may be required for principal streets having through traffic. A minimum 50-foot tangent shall be introduced between reverse curves on streets of 60-foot right-of-way. Greater tangents shall be required on streets of greater right-of-way.
  - p. *Radii at intersections.* Minimum pavement radii at intersections shall be 50 feet at intersections of county primary streets, 30 feet at intersections with major streets of over 60-foot right-of-way, and 30 feet on local streets.
  - q. *Access to streets across ditches.* The project developer shall provide access to all proposed streets across watercourses or ditches in a standard manner approved by the city engineer. Drainage ditches shall be enclosed unless deemed to be impractical or unfeasible by the city engineer.
  - r. *Acceleration and deceleration lanes.* Acceleration and deceleration lanes should be placed at the intersections of a minor street with a major street as required by the City of Taylor in conjunction with the road authority having jurisdiction.
- (4) *Utility and drainage easements.* The proprietor of a residential condominium development shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the developed area. The proprietor in an industrial or commercial condominium development shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground where such occur in the front yards of condominium units.
- a. In all condominium developments, such underground conduits or cables shall be placed within private easements provided to such service companies by the developer or within public ways.
  - b. Overhead lines may be permitted upon written recommendation of the city engineer and planning commission and the approval of the city council at the time of approval of the condominium subdivision plan in those areas where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development.
  - c. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities.

- d. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility companies. All such facilities shall be constructed in accordance with the standards of construction approved by the Michigan Public Service Commission.

(5) *Drainage.*

- a. All proposed surface drainage shall be subject to the review and approval of the city engineer. The preferred plan for yard drainage shall provide for drainage from the rear of the condominium unit to the front of the condominium unit with a minimum grade of one percent and a maximum grade of three percent (FHA type A).
- b. In the event it is found to be essential to the economical development of substantial portions of a project, the easement at the rear of the condominium unit may be below the building grade. In this event, the grade shall be not less than one percent nor more than three percent and the grade from the house to the street shall be not less than one percent with the building grade being not less than 12 inches above the street grade.
- c. Where low easements are essential to the economical development of major portions of the project, the longitudinal grade of said easement shall not be less than 0.4 of one percent and the length of run of said longitudinal easement shall not exceed 500 feet of continuous drainage with no more than 100 feet of said distance being upstream from an angle point in the easement. Where required by the city engineer or planning commission, a drainage tile of suitable size as determined by the engineer shall be provided for easement drainage. The depth, grade and outlet for said tile being subject to city approval.

(6) *Building sites.* The size, shape, and orientation of condominium units shall be appropriate for the location of the development and for the type of development and use contemplated. Condominium units shall be of such size as to permit a variety of house types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

- a. *Access.* All building sites shall abut by their full frontage on an approved street constructed to the standards of this ordinance. Dwelling units shall have a front-to-front relationship across all streets where possible. Dwelling unit access onto more than one street is prohibited. Dwelling unit access onto a major thoroughfare shall be discouraged. Building sites abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage or with the side lines of the building sites parallel to the major traffic streets.
- b. *Width.* The minimum width of any building site shall be subject to the requirements of the applicable zoning district.
- c. *Building lines and setback lines.* The condominium unit within site condominium project shall conform to the setback requirements of the district in which it is located.
- d. *Depth.* No building site shall be less in depth than the requirements of the applicable zoning district. The depth of a building site should not exceed a depth to width ratio of 3:1.
- e. *Corner building sites.* Corner building sites shall be provided ten feet of extra width to provide setbacks equivalent to front yard setback of adjoining street.
- f. *Side building site lines.* Side building site lines shall generally be perpendicular to straight street lines and radial to curved street lines unless a variation from this rule will give a better layout plan. Lot lines of sides and rear of building sites should be straight.
- g. *Area.* Building site area shall be such that minimum areas will be in accordance with the requirements of the district in which it is located.

(7) *Blocks.*

- a. *Size.* The size and shape of blocks shall be appropriate for the land use proposed. Blocks shall be designed so as to permit good condominium unit orientation, safe street design, and economical use of the land.
  - b. *Length.* Length of blocks between intersecting streets shall normally be from 600 to 1,000 feet. This form shall be altered only where the topography of the land makes it advisable to do so in order to protect the public safety and convenience, and in no event shall blocks be less than 300 or more than 1,320 feet in length.
- (8) *Areas subject to flooding.* Any areas within the proposed development that are subject to flooding, inundation by stormwater or within the floodplain of a river, stream, creek, or lake or have inadequate drainage shall not be developed or recorded for any use so as to increase danger to life, health, or property. If the city determines that a flood problem does exist, than it shall reject all or part of the proposed development proposed lying with the floodway. Areas of land lying within a floodplain shall require compliance with the Michigan Department Natural Resources and Environment (MDNRE) regulations and permit requirements. The proprietor may show by be engineering site plan that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the proposed development.
- (9) *Open spaces.* The recreational open space requirements specified in the residential zoning districts shall be met. In the design of the condominium development, thorough and equitable consideration shall be given by the developer and the planning commission to the provision of suitable sites for recreational, open space, and other public purposes, in conjunction with the City of Taylor's park department recommendation ratios of residential to open space requirements, as adopted in the parks and recreation plan.
- (10) *Protection of natural features.* Due regard shall be shown for all natural features, such as large trees, exceptionally fine groves of trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the condominium development. A preservation plan shall be submitted showing all trees greater than eight inches in caliper.
- (d) *Required improvements for site condominiums.* In order to provide healthful, clean, and desirable living conditions, the developer shall be entirely responsible for installing the following site improvements, or shall furnish a financial guarantee acceptable to the city sufficient to permit the completion of all contemplated improvements, before a plan shall be accepted by the city.
- (1) *Street pavement and storm drainage.* All condominium developments shall have concrete paved streets and six inch curb and gutter. In addition, all such street shall have enclosed storm drainage sewers. The city shall approve all enclosed storm sewers.
  - (2) *Sanitary sewerage system.* Where provided, the location and design of all trunk line and lateral sanitary sewers and any other necessary appurtenances such as pumping stations shall be first approved by the city and all applicable reviewing agencies, and all work shall be carried out under the supervision of the city.
  - (3) *Water system.* Where provided, the location and design of water mains with house connections and the installation of fire hydrants, and any other necessary appurtenances shall be first approved by the city and all applicable reviewing agencies as to suitability, and all work shall be carried out under the supervision of the city.
  - (4) *Sidewalks.* Sidewalks shall be concrete and be provided along both sides of all streets. Sidewalks shall not be less than five feet in width and four inches in thickness and shall be approved by the city and all applicable reviewing agencies as to suitability and all work shall be carried out under the inspection of the city.
  - (5) *Installation of public utilities.* All utilities and driveways shall be located in accordance with the rules of the City of Taylor and shall be approved by the city. The underground work for utilities shall be stubbed to the lot line. All utilities in a condominium development shall be underground.

- (6) *Driveways.* All driveways shall be concrete from the street to the front building line. Such driveway shall also be at least nine feet in width. Driveways shall be constructed according to accepted standard for construction as approved by the city.
- (7) *Street name signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the City of Taylor.
- (8) *Street trees and landscaping.* Street trees shall be provided in the ratio of at least one per dwelling unit. Corner lots shall have two trees, one on each right-of-way frontage. Trees shall be planted along the street within a reserved planting strip and shall not be less than eight feet in height at time of planting and shall comply with section 16.02, landscaping.
- (9) *Street lighting.* A street lighting plan shall be approved as part of the condominium site plan. Street lighting shall be installed by the developer prior to final approval of the condominium.

(Ord. No. 09-434, § 23.06, 1-20-2009)

Sec. 23.07. - Attached condominium units.

Attached residential condominium units shall be subject to the requirements for multiple-family site plan review, or planned unit development (PUD) review.

(Ord. No. 09-434, § 23.07, 1-20-2009)

Sec. 23.08. - Commercial or industrial condominiums.

- (a) The term "commercial" shall mean office, retail, wholesale, or other uses of free enterprise.
- (b) Commercial or industrial condominium building sites shall meet the same requirements for zoning compliance and site development as any other form of ownership. When this section does not regulate, then the provisions of the zoning district in which the proposed development is located will apply.
- (c) Commercial or industrial condominium building site when detached shall be of sufficient size to accommodate parking and loading zone requirements of article 17, off-street parking, loading, access and circulation requirements. When parking for more than one facility is proposed for common use, the parking shall be the cumulative required for all users who potentially will have simultaneous need for parking, subject to the modifications allowed under article 17, off-street parking, loading, access and circulation requirements. When commercial or industrial condominium developments are attached, the parking requirements shall be calculated in the same manner as detached units.

(Ord. No. 09-434, § 23.08, 1-20-2009)

Sec. 23.09. - Monuments required.

All condominium developments which consist in whole or in part of condominium units which are building sites, manufactured home sites, or recreational sites, shall be marked with monuments as provided in this section.

- (a) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (b) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of street and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; 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 and at all angles of an intermediate transverse line. 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 development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

- (c) If the required location of a monument is in an inaccessible place, or where 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.
- (d) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (e) All required monuments shall be placed flush with the ground where practicable.
- (f) All unit corners and the intersection of all limited common elements and all common elements shall be identified in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
- (g) The city council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the city cash or a certified check, or irrevocable bank letter of credit to the City of Taylor, whichever the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. No. 09-434, § 23.09, 1-20-2009)

#### ARTICLE 24. - NONCONFORMITIES<sup>91</sup>

Footnotes:

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**State Law reference**— Nonconforming uses or structures, MCL 125.3208.

Sec. 24.01. - Intent.

- (a) Within the districts established by this ordinance there exist lots, structures, and uses of land and characteristics of use which were lawful before the effective date of this ordinance that would now be prohibited, regulated, or restricted by this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until removed, but not to encourage their survival. It is also the intent to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.
- (b) Those uses which cannot be proved conclusively to have legally existed prior to the effective date of this ordinance are hereby declared illegal uses and shall be subject to enforcement under the provisions of this ordinance.
- (c) Nonconforming uses and structures are declared to be incompatible with the district in which they are located. Except as may be permitted by this article, a nonconforming use or structure shall not be permitted to increase its nonconformity.
- (d) With an understanding that not all nonconforming uses, buildings or structures are a detriment to the community or the neighborhood, it is in the public interest to distinguish between nonconforming uses, buildings or structures which should be eliminated as quickly and those that may be eliminated over time.
- (e) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior

to the effective date of adoption or amendment of this article, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to mean that the property owner has begun substantial construction under a lawfully-issued building permit.

(Ord. No. 09-434, § 24.01, 1-20-2009)

Sec. 24.02. - Nonconforming uses.

The lawful use of any land or structure existing and lawful on the effective date of this ordinance or amendment thereto, may be continued, even though the use does not conform with the use provisions of this ordinance, subject to the provisions of this section:

- (a) *Expansions to nonconforming uses of buildings.* An existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, unless approved by the zoning board of appeals (ZBA) in accordance with article 26, zoning board of appeals (ZBA).
- (b) *Restoration of damage.* If a structure that is occupied by a nonconforming use is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds 50 percent the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this ordinance.
- (c) *Repairs to nonconforming use.* On any structure devoted in whole or in part to any nonconforming use, other than a single-family dwelling, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 25 percent of the current replacement value of the structure, provided that the structure is not enlarged, extended, moved or structurally altered.
- (d) *Safety repairs.* Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any department charged with protecting the public safety, upon order of such department.
- (e) *Expansion to nonconforming uses of land.* A nonconforming use of land not involving a building or structure shall not be enlarged increased or extended to occupy a greater area of land than was occupied on the effective date of this ordinance, or amendment thereto. A nonconforming use of land shall not be moved in whole or in part to any other portion of the lot occupied by the use on the effective date of this ordinance, or amendment thereto.
- (f) *Structure and land in combination.* Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (g) *Prohibition on reestablishment if replaced by conforming use.* If a nonconforming use is terminated and replaced by a permitted use, such nonconforming use shall not be later reestablished.
- (h) *Discontinuance or termination of nonconforming use.* When a nonconforming use is discontinued or abandoned for 12 consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
  - (1) Utilities, such as water, gas and electricity to the property, have been disconnected.
  - (2) The property, buildings, or grounds have fallen into disrepair.

- (3) Signs or other indications of the existence of the nonconforming use have been removed.
- (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
- (5) Other actions, which in the opinion of the development services department, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- (i) *Change of nonconforming use to another nonconforming use.* A nonconforming use of a structure may be changed to another nonconforming use, subject to the prior approval of the ZBA. The ZBA may approve such change only if it complies with all of the following standards:
  - (1) The proposed use does not substantially differ from the existing use in terms of compatibility with the character of the area in which it is located.
  - (2) The proposed use does not increase the degree of nonconformity existing prior to such change of use.
  - (3) No structural alteration of the existing structure will be required to accommodate the new use.
- (j) *Change of tenancy, ownership or management.* There may be a change of tenancy, ownership or management of a nonconforming use, provided there is no change in character to the nonconformity and that all building and fire codes are met.

(Ord. No. 09-434, § 24.02, 1-20-2009)

Sec. 24.03. - Nonconforming buildings and structures.

Structures and buildings that are existing and lawful on the effective date of this ordinance or amendments thereto, may be continued even though the structure or building does not conform with the dimensional or other provisions of this ordinance, subject to the following provisions of this section.

- (a) *Restrictions on creating nonconformities.* Nonconforming structures and buildings shall not be enlarged nor altered in a way which increases its nonconformity within the provisions of this ordinance, unless approved by the ZBA in accordance with article 26, zoning board of appeals (ZBA).
- (b) *Restrictions on alteration or modification.* If a nonconforming structure or building is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later reestablished or increased.
- (c) *Restrictions on damage replacements exceeding one-half of value.* In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration exceeds 50 percent of the value of the structure prior to the damaging occurrence as determined by the development services department based upon the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall only be permitted in conformity with the provisions of this ordinance, except as otherwise provided herein.
- (d) *Restrictions on damage replacements less than or equal to one-half of value.* In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than 50 percent of the value of the structure prior to the damaging occurrence, as determined by the development services department based upon the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall be permitted, provided a building permit for reconstruction or restoration is issued within one year of the occurrence of the damage.
- (e) *Reconstruction of a damaged residential structure.* In the event a nonconforming residential structure or building is damaged by fire or other natural cause, a residential structure may be

reconstructed on the same foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence, except as provided for in subsection (h) below.

- (f) *Repairs, improvements and modernization.* Repairs, improvements, or modernization of nonconforming structures and buildings shall be permitted provided the repairs or improvements do not exceed 50 percent of the value of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet state construction code requirements. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the development services department, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- (g) *Permitted building improvements.* A building that is nonconforming may be altered or rehabilitated if such activity will make the building conform to the regulations of this ordinance and the state construction code.
- (h) *Expansion of a nonconforming residential building.* A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and state construction code requirements are met (spacing between structures, height, maximum lot coverage, etc.). For example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded and a home may add additional stories provided the new stories meet current setbacks.
- (i) *Permitted expansion of nonresidential nonconforming buildings.* Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the ZBA in accordance with article 26, zoning board of appeals (ZBA).

(Ord. No. 09-434, § 24.03, 1-20-2009)

#### Sec. 24.04. - Nonconforming lots.

- (a) *Use of nonconforming lots.*
  - (1) Any nonconforming lot shall be permitted to be used for a use permitted in the district in which it is located, subject to all buildings and structures meeting the dimensional setback requirements of the district.
  - (2) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling along with customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. The lot may be developed without the need for a variance from the ZBA to lot area or width requirements, provided all setbacks and other requirements can be met.
- (b) *Variance to area and dimensional requirements.* If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the ZBA in accordance with article 26, zoning board of appeals (ZBA).

(Ord. No. 09-434, § 24.04, 1-20-2009)

#### Sec. 24.05. - Nonconforming sites.

- (a) *Nonconforming sites.* The city may permit improvements and minor modifications to a conforming use and building on a site that does not meet all of the various site improvement related regulations of this ordinance. This section is intended to allow gradual compliance with the site related requirements for sites which predate the various zoning ordinance standards for landscaping, paving, lighting, signage and other nonsafety site related items proportionate to the amount of expansion or improvement



proposed to the use or building. Improvements or expansions may be permitted by the planning commission during site plan review without a complete upgrade of all site elements under the following conditions:

- (1) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
  - (2) The applicant has addressed safety related site issues on the overall site.
  - (3) The improvements or minor expansion will not increase noncompliance with site requirements.
  - (4) All driveways that do not conform with the access standards of this ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the standards of article 17, off-street parking, loading, access and circulation requirements.
  - (5) Nonconforming signage is removed or replaced with conforming signage.
- (b) *Nonconforming parking.* Parking areas that are nonconforming in terms of required number of spaces, landscaping, setback, lighting or other requirement of this ordinance, shall be brought into compliance with this ordinance under the following conditions:
- (1) Whenever a parking area is expanded by an area that is 50 percent or more of the original area.
  - (2) Whenever 25 percent or more of the surface area of the parking area is reconstructed (existing pavement removed and replaced).
- (c) *Nonconforming landscaping and screening.* Sites that are nonconforming by reason of landscaping or screening required by this ordinance, either by required area, materials or other requirement of this ordinance, shall be brought into compliance with this ordinance under the following conditions:
- (1) Whenever the size of the nonconforming site (building, parking and outdoor storage) is expanded by an area that is 50 percent or more of the original nonconforming area, all landscaping on the site shall be brought into compliance with this ordinance.
  - (2) Whenever 25 percent or more of the surface area of the landscaped area is reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscaped area shall be brought into compliance with this ordinance.
  - (3) Nothing in this subsection shall be construed to require the removal of vegetation that was preserved as part of the original construction of the landscaped area.
  - (4) In all instances, required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.
- (d) *Nonconforming lighting.* Sites that are nonconforming by reason of lighting required by this ordinance, either by fixture type or height, coverage, or other requirement of this ordinance, shall be brought into compliance with this ordinance under the following conditions:
- (1) Whenever the size of the site covered by lighting is expanded by an area that is 50 percent or more of the original area covered by nonconforming lighting, new lighting and all existing lighting on the site shall be brought into compliance with this ordinance.
  - (2) Whenever 25 percent or more of the existing light poles and/or fixtures present are replaced by new poles, bases, or fixtures all lighting on the site shall be brought into compliance with this ordinance.
- (e) *Nonconforming building materials.*
- (1) Whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of that construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the development services department), that part of the building undergoing improvement shall be brought into compliance with this ordinance.

- (2) The development services department may waive this requirement unless the change in materials would be compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the city.

(f) *Nonconforming signs.* Nonconforming signs are regulated in section 18.0, nonconforming signs.

Sec. 24.06. - Nonconforming resulting in right-of-way dedication.

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional street right-of-way width being acquired by a street agency, the building or parking lot may be improved or expanded without the need to obtain a variance from the ZBA in accordance with article 26, zoning board of appeals (ZBA), provided the following conditions are met:

- (a) The building or parking lot complied with the front yard setback prior to the acquisition of the additional street right-of-way.
- (b) The building or parking lot expansion will not reduce the depth of the front yard setback.
- (c) All other ordinance requirements are met and necessary approvals obtained.

(Ord. No. 09-434, § 24.06, 1-20-2009)

## ARTICLE 25. - ADMINISTRATION AND ENFORCEMENT

Sec. 25.01. - Planning commission.

The City of Taylor Planning Commission is created consisting of nine members all of whom shall be appointed by the mayor, subject to approval by a majority vote of the members of city council elected and serving. The members may include the mayor, one of the administrative officials of the city selected by the mayor, and one member of the city council, or any combination thereof, as ex-officio members and the remaining persons appointed shall represent different professions or occupations pursuant to Public Act 33 of 2008 (MCL 125.3801 et seq.) as amended. The planning commission is vested with the powers and duties set forth in the Act together with the following responsibilities:

- (a) *Zoning ordinance amendments.* Formulation of the zoning ordinance, review of amendments to the zoning ordinance, holding hearings on a proposed zoning ordinance or amendments, and reporting its findings and recommendations concerning the zoning ordinance or amendments to the city council.
- (b) *Site plan review.* Review of all applications for site plan approval for the uses designated under article 19, site plan review, and to make a determination to grant approval, approval subject to revisions or denial of approval.
- (c) *Special land use.* Holding hearings and review of all applications for special land use approval in accordance with article 21, special land use review, and to make a determination to grant approval, approval subject to revisions, or denial of approval.
- (d) *PUDs.* Holding hearings and review of all applications for PUDs in accordance with article 22, planned unit developments, and forwarding recommendation to the city council for approval, approval subject to revisions or denial.
- (e) *Condominiums and subdivisions review.* Review of all applications for condominiums and subdivisions, and to make a recommendation to city council to grant approval, approval subject to revisions, or denial of approval.
- (f) *Master plan.* Development and adoption of a master plan or comprehensive plan as a guide for the development of the city, in accordance with Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

- (g) *Review of matters referred by the city council.* Review of plats or other matters relating to land development referred to it by the city council. The planning commission shall recommend appropriate regulations and action on such matters.
- (h) *Other studies.* The planning commission shall have the authority to require applicants under this ordinance prepare other studies and materials to confirm compliance with the standards of this section including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.

(Ord. No. 09-434, § 25.01, 1-20-2009; Ord. No. 11-466, § 1, 10-4-2011)

Sec. 25.02. - Enforcement.

The provisions of this ordinance shall be administered and enforced by the development services department or by such deputies of the department as the development services department may delegate to enforce the provisions of this ordinance.

(Ord. No. 09-434, § 25.02, 1-20-2009)

Sec. 25.03. - Duties of development services department.

- (a) The development services department shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this ordinance. It is unlawful for the development services department to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until the plans have been inspected in detail and have been found to conform to this ordinance.
- (b) The development services department shall not be permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out the duties as development services department.
- (c) The development services department shall perform all of the duties and responsibilities as described in this ordinance, such as, but not limited to, reviewing and processing of site plans, special land uses, planned unit developments, rezonings, and text amendments.

(Ord. No. 09-434, § 25.03, 1-20-2009)

Sec. 25.04. - Plot plan/survey.

The development services department shall require that all applications for permits for uses not covered in section 19.02, uses requiring review, shall be accompanied by plans and specifications including plot plan/survey information as required in this section.

Name, address and telephone number of owners, developer and designer. Date drawn, revision dates and brief description of revisions shall be indicated on the site plan.

- (a) North arrow and scale (one inch equals 100 feet maximum). Scale (engineering scale) must be legible.
- (b) Boundary dimensions to the nearest foot and acreage to the nearest one-tenth acre, including a legal description and Sidwell number.
- (c) Unique topographic features on or within 100 feet of the site, including but not limited to, trees more than ten inches in caliper or five inches in caliper for ornamental trees, wetlands, floodplains, streams, steep slopes, or drains.
- (d) All access points to public rights-of-way.
- (e) If the parcel is a part of a larger parcel, indicate boundaries of total land holding.

- (f) Existing zoning classification.
- (g) Existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- (h) Proposed site plan elements including:
  - (1) Buildings.
  - (2) Roadway/widths and names.
  - (3) Proposed and required setbacks.
  - (4) Existing buildings and driveway entrances adjacent to the property.
  - (5) Existing and proposed parking.
  - (6) Location of existing and proposed sidewalks.
  - (7) Seal and signature of the professional engineer, land surveyor responsible for the site plan.
  - (8) Grade elevations, including those of adjacent structures.
  - (9) Location of existing utilities/easements.
- (i) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

(Ord. No. 09-434, § 25.04, 1-20-2009)

Sec. 25.05. - Permits.

The following shall apply in the issuance of any permit:

- (a) *Permits not to be issued.* No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this ordinance.
- (b) *Permits for new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (c) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (d) *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the state construction code, housing law, or this ordinance, except for minor repairs or changes not involving any of the aforesaid features.
- (e) *Expiration of building permit.*
  - (1) If the work described in any building permit has not begun within 18 months from the date of issuance thereof, said permit shall expire.
  - (2) If the work described in any building permit has been abandoned for six months or more, the permit shall expire and be cancelled by the development services department, and written notice given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

- (f) *Final inspection.* The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the development services department immediately upon the completion of the work authorized by such permit for a final inspection.

(Ord. No. 09-434, § 25.05, 1-20-2009)

Sec. 25.06. - Certificates.

Land, buildings, or part thereof, shall not be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (a) *Certificate issued.* Certificates of occupancy shall only be issued for a building or structure, or for the use of any land, where in accordance with all the provisions of this ordinance.
- (b) *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 has been issued for such building or structure. Any change of ownership shall require a certificate of occupancy.
- (c) *Certificates including zoning.* Certificates of occupancy, as required by the state construction code and applicable city ordinances, 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 occupancy as required by this ordinance.
- (d) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this ordinance.
- (e) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when completed at the same time as the principal building.
- (f) *Temporary occupancy permits.* The development services department may provide a temporary occupancy permit subject to the following:
  - (1) The temporary occupancy permit shall be valid for six months. The condition upon which the temporary occupancy permit was granted shall be completed and an occupancy permit provided at the end of the six months.
  - (2) A temporary occupancy permit shall not be granted between April 1 and October 31 unless the development services department determines there are extenuating circumstances creating a hardship. A hardship shall not be considered valid solely for the purpose of utilizing the structure earlier than would be possible if site compliance was completed.
  - (3) For nonresidential buildings, temporary occupancy permits shall not be issued unless an irrevocable letter of credit or cash deposit for the amount of the improvements not completed is provided. The development services department shall determine the amount of the letter of credit or cash deposit.

(Ord. No. 09-434, § 25.06, 1-20-2009)

Sec. 25.07. - Fees.

- (a) With recommendation of the development services department the city council shall, by resolution, establish a schedule of fees, charges, and expenses for permits, certificates, inspections, appeals, and other matters pertaining to this ordinance.
- (b) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal, including the issuance of any building permits or certificates of occupancy.
- (c) Publication costs for advertisement of public hearings and for mailing of notices as required under the provisions of this ordinance shall be charged to the applicant as part of the application fee. All other costs incurred by the city in administering an application under this ordinance shall be charged to the applicant in the amount of such actual cost.
- (d) Applicants under this ordinance shall be responsible for paying the cost of city consultant and attorney fees associated with review of the development proposal. At the time of application, the applicant shall deposit funds with the city, which shall be held in an escrow account to pay cost associated with the development review. Following approval of the application, any funds remaining in the escrow account shall be refunded to the applicant.

(Ord. No. 09-434, § 25.07, 1-20-2009)

Sec. 25.08. - Performance guarantees.

To ensure compliance with this ordinance and any conditions imposed or approvals granted under this ordinance, the planning commission, city council, ZBA or development services department may require that a performance guarantee be provided in the form of a cash deposit, certified check, irrevocable bank letter of credit, for a bank located in Wayne County, acceptable to the city covering the estimated cost of improvements associated with a project. The guarantee shall comply with the following:

- (a) The performance guarantee shall be in the amount specified by the site compliance schedule as adopted by the city council.
- (b) The performance guarantee shall be deposited with the development services department at the time of the issuance of the permit authorizing the activity or project.
- (c) As a condition for the issuance of a performance guarantee, the city shall establish in writing with a copy provided to the depositor an expiration date which allows reasonable time for completion of required improvements. Failure to complete improvements within the allotted time period shall cause forfeiture of that portion of the guarantee required to complete improvements if the city must take actions necessary to complete the improvement. The date of expiration for completion of all improvements may be extended in time for good cause shown. The performance guarantee shall be returned based upon completion of improvements and upon certification by the development services department that the improvements are satisfactorily completed. There shall be an additional administrative fee payable to the city in an amount set by city council resolution to cover the city's administrative costs.
- (d) At the request of the depositor, and the approval of the development services department, the city shall rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses. The city shall retain 25 percent of the estimated cost of landscaping for one year to ensure of the survival of the landscaping for the first growing season and any necessary replacement.

(Ord. No. 09-434, § 25.08, 1-20-2009)

**State Law reference**— Performance guarantee, MCL 125.3505.

Sec. 25.09. - Public hearings.

In instances where a public hearing is required under this ordinance with the planning commission, the zoning board of appeals (ZBA) or the city council, written notice of the public hearing shall be as follows:

- (a) *Notice content.* The notice shall do all of the following:
  - (1) Describe the nature of the request.
  - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - (3) State when and where the request will be considered.
  - (4) Indicate when and where written comments will be received concerning the request.
- (b) *Notice publication and mailing.* Notice shall be published and mailed no less than 15 days prior to the public hearing as follows:
  - (1) Notice of the request shall be published in a newspaper of general circulation in the city.
  - (2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - (3) Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  - (4) The notice under subsection (b)(3) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service of other public or private delivery service.
- (c) *Ordinance amendments and the rezoning of more than ten properties.* Public hearings for an amendment to this ordinance, or the zoning map that affects more than ten properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under subsection (a)(2) above, and notice shall not be required to be mailed to individual properties under subsections (b)(2) and (3) above.
- (d) *ZBA interpretations and appeals.* Public hearings for ordinance interpretations and appeals of administrative decisions by the zoning board of appeals shall only require notice in a newspaper, as required in subsection (a)(2) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in subsection (b)(2) above. Variances shall require full notification under subsections (b)(1), (2) and (3) above.

(Ord. No. 09-434, § 25.09, 1-20-2009)

Sec. 25.10. - Violations and penalties.

- (a) *Nuisances.* Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation

of any of the provisions thereof is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

- (b) *Penalties.* Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a municipal civil infraction, and upon conviction thereof, shall be subject to a fine of not more than \$500.00 for each violation. Each day a violation continues to exist shall be a separate violation subject to an additional penalty of not more than \$500.00 for each such separate violation; provided, however, that a separate or addition ticket for each such separate violation shall not be required. All violations shall be processed in accordance with the city's municipal civil infraction ordinance.
- (c) *Separate offense.* The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this ordinance. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (d) *Remedies.* The city may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature. The rights and remedies provided in this ordinance are cumulative and are in addition to all other remedies provided by law.

(Ord. No. 09-434, § 25.10, 1-20-2009)

#### ARTICLE 26. - ZONING BOARD OF APPEALS (ZBA)<sup>[10]</sup>

Footnotes:

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**State Law reference—** Zoning board of appeals, MCL 125.3601 et seq.

Sec. 26.01. - Creation and membership.

- (a) *Established.* There is hereby established a zoning board appeals (ZBA) which shall perform its duties and exercise its powers as provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantial justice done.
- (b) *Membership and terms.*
  - (1) *Membership.* The ZBA shall consist of five members appointed by the city council, one of whom shall be a member of the planning commission, and two alternate members.
  - (2) *Terms.* Members shall be appointed for a term of three years, except that the terms for the planning commission or city council members shall be the same as that for their office. All vacancies for unexpired terms shall be filled for the remainder of the term.
  - (3) *Alternates.* The city council shall appoint two alternate members to serve on the ZBA, appointed by the city council to serve a three-year term. The alternate member shall:
    - a. Sit as regular members of the ZBA in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
    - b. Once an alternate has been called to serve in a particular case, they shall continue to participate in that case until a decision has been rendered.



- (4) *Removal.* Members of the ZBA or alternates shall be removable by the city council for nonperformance of duty or misconduct in office, upon filing of written charges and after public hearing.
- (5) *Conflict of interest.* A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any planning commission or city council member on the ZBA shall abstain from any vote on an issue which they have previously voted upon as a member of the planning commission or city council.

(Ord. No. 09-434, § 26.01, 1-20-2009)

Sec. 26.02. - Proceedings.

- (a) The ZBA shall establish rules and procedures in accordance with the provisions of this ordinance, and the applicable state law.
- (b) All meetings of the ZBA shall be held at the call of the chairperson, and at such times as the ZBA may determine.
- (c) The ZBA shall not conduct business unless a majority of its members are present.
- (d) All meetings conducted by the ZBA shall be open to the public, except those authorized to be conducted in closed sessions pursuant to the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). The public shall be afforded an opportunity to speak at any public hearing in accordance with the rules of procedure and bylaws of the ZBA.
- (e) The ZBA shall 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.
- (f) The ZBA shall have the power to subpoena and require the attendance or witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.
- (g) Applications submitted to the ZBA shall consist of the following, as applicable:
  - (1) A signed and dated application form, as provided by the city.
  - (2) A scaled drawing with sufficient detail to indicate the nature and necessity of the request.
  - (3) Payment of a fee, as may be prescribed from time to time by the city council, by resolution.
  - (4) The city or ZBA, in furtherance of decisions related to the application, may request other materials deemed necessary, including but not limited to, traffic impact studies, market studies or environmental assessments.

(Ord. No. 09-434, § 26.02, 1-20-2009)

Sec. 26.03. - Powers and duties.

The ZBA shall have jurisdiction and powers granted by the zoning act, jurisdiction and powers prescribed in other articles of this ordinance and the following specific jurisdiction and powers:

- (a) *Powers.*
  - (1) 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.
  - (2) The decision of the ZBA shall be final. However, a person having an interest affected by this ordinance may appeal to the circuit court for review pursuant to the zoning act.

- (3) In granting a variance the ZBA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance.
- (b) *Appeals of administrative decisions.*
- (1) *ZBA to hear appeals.* The ZBA shall hear and decide appeals where it is alleged by the appellant that there is error in any order, interpretation, requirement, permit, decision or refusal made by any administrative official or body in enforcing any provision of this ordinance. Appeals may be taken by a person aggrieved or by an officer, department, board or bureau of the state or city. In order to be aggrieved by a decision of the city, the person or other entity making the appeal must have a property interest and sufficient standing as recognized under the law to challenge the decision.
  - (2) *Filing and hearing of appeal.*
    - a. Appeals shall be filed within 30 days of the action being appealed.
    - b. The development services department and any person from whom the appeal is taken shall transmit to the ZBA all of the documents and records related to the appeal.
    - c. The ZBA shall fix a reasonable time for the hearing of the appeal and shall provide notice as required by section 25.09, public hearings.
    - d. The applicant, or their duly authorized agent, must appear in person at the hearing in order for the ZBA to take action. Failure to appear may result in tabling or denial of the application.
  - (3) *Decisions on appeal.*
    - a. An appeal to an administrative decision may be reversed by the ZBA only if it finds that the action or decision appealed meets one or more of the following requirements:
      1. Was arbitrary or capricious.
      2. Was based on an erroneous finding of a material fact.
      3. Constituted an abuse of discretion.
      4. Was based on erroneous interpretation of the zoning ordinance or zoning law.
    - b. If a determination is made that the administrative official or body making the decision did so improperly, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
- (c) *Interpretation.* Upon request of the planning commission, city council, development services department, or applicant the ZBA may interpret and clarify the meaning of ordinance text. The ZBA may also be requested to interpret boundaries of zoning districts where the zoning district classification can not be clearly discerned on the zoning map or as described in section 2.03, district boundaries interpreted.
- (d) *Special land uses and planned unit developments (PUDs).*
- (1) The ZBA may grant dimensional or other site plan related variances for special land uses; however, the ZBA shall not have the power to reverse or modify the planning commission's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.
  - (2) The ZBA shall not have the authority to grant variances to the PUD regulations of article 22, planned unit developments (PUDs), or any requirements placed on PUD approval. However, the ZBA shall have the authority to hear and decide appeal requests by individual lot owners for variances from other sections of this ordinance following final approval of the PUD,

provided such variances do not affect the terms or conditions of the original PUD approval or constitute a variance to the PUD regulations of article 22, planned unit developments (PUDs).

- (e) *Approvals.* To hear and decide requests for other decisions that this ordinance specifically authorizes the ZBA to pass.
- (f) *Dimensional variances.*
  - (1) The ZBA, after holding a public hearing in accordance with section 25.09, public hearings, shall have the power to grant requests for dimensional variances from the provisions of this ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of this ordinance relating to the construction, equipment, or alteration of buildings or structures, or of stormwater management requirements so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.
  - (2) A dimensional variance may be allowed by the ZBA only in cases where the applicant has shown a practical difficulty in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
    - a. *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
      - 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance.
      - 2. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure.
      - 3. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this ordinance would involve practical difficulties.
    - b. *Substantial justice.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
    - c. *Impact on surrounding neighborhood.* The variance will not be detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood as compared to other uses in the neighborhood.
    - d. *Public safety and welfare.* The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city.
    - e. *Not self-created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.
- (g) *Use variances.*
  - (1) *Application requirements.* In addition to the information required for other variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific

use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

- a. Applicant's property cannot be used for the purposes permitted in the zoning district;
- b. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
- c. Applicant's suggested use would not alter the essential character of the area;
- d. Applicant's problem has not been self-created;
- e. Unavailability of administrative relief which may afford reasonable use of applicant's property;
- f. At the end of each statement in subsections (g)(1)a through e above, identify all persons who will testify at the hearing with respect to each of the facts and, separately, identify all persons who will testify at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

(2) *Use variance, prehearing conference.*

- a. Prior to the scheduling of a hearing, the applicant shall contact the development services department for the purpose of scheduling a prehearing conference.
- b. The purposes of the pre-hearing conference shall be to:
  1. Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant;
  2. Attempt to secure a statement of agreed-upon facts to be used to narrow the matters of dispute and shorten the hearing;
  3. Explore a means of providing relief to the applicant by way of nonuse variance from the ZBA, or other relief which may require action by persons or bodies other than the ZBA which will afford an adequate remedy for the applicant;
  4. Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.
- c. The development services department shall determine who should be present at the prehearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
- d. The prehearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference stated above.

(3) *Use variance, hearing procedure.*

- a. The applicant will have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the five factors in subsection (g)(5) of this section.
- b. Manner of presentation.
  1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.

2. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the ZBA may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the ZBA may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the ZBA to ask questions of such witnesses.
  3. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
- c. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the ZBA for consideration as it relates to the specific application presented.
  - d. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal case.
  - e. At the hearing, the ZBA may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the board. When questions of procedure arise during the hearing, the chairperson of the ZBA may solicit the recommendation of the representatives of both the applicant and the community.
  - f. If a hearing is not completed at a given meeting within the time period allowed by the ZBA, the board shall adjourn the hearing to a date certain for continuation.
- (4) *Use variance, decision of the zoning board of appeals.*
- a. The ZBA may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
  - b. At the conclusion of the hearing, the ZBA may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
  - c. If the ZBA determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one or more nonuse variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.
  - d. If the ZBA adopts a motion to grant variance relief, such motion may be made as a tentative grant of relief, subject to review by the planning commission, planning director/consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If such a tentative grant of relief is approved, the ZBA shall request the

completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

- (5) *Use variance standards for review.* A use variance may be allowed by the ZBA only in cases where the applicant has shown a unnecessary hardship in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
- a. *Hardship.* The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require submission of documentation from professionals or certified experts to substantiate this finding.
  - b. *Unique circumstances.* That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:
    1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
    2. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
    3. The use or development of the property immediately adjoining the property in question.
    4. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
  - c. *Character of neighborhood.* The use variance will not alter the essential character of the neighborhood or the intent of the comprehensive development plan, or be a detriment to adjacent properties.
  - d. *Capacity of roads, infrastructure and public services.* The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
  - e. *Not self-created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.
- (h) *Sign variance.* Any party who has been refused a sign permit for a proposed sign may file an appeal with the ZBA. In determining whether a variance is appropriate, the ZBA shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards.
- (1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
  - (2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit.
  - (3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
  - (4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as removal of trees, alteration of the natural topography, filling of wetlands or obstruction of a natural drainage course.
  - (5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passersby.

- (6) Variance from certain sign regulations would be offset by increased building setback, increased landscaping or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
- (7) A sign which exceeds the permitted height or area standards of this ordinance would be more appropriate in scale because of the large setback of the building.

(Ord. No. 09-434, § 26.03, 1-20-2009)

Sec. 26.04. - Decisions.

- (a) *Voting.* A concurring vote of a majority of the members of the ZBA shall be required to decide any appeal, interpretation, variance or other ZBA decision.
- (b) *Conditions.* In authorizing an action within its authority, the ZBA may attach any conditions deemed necessary, provided any conditions comply with all of the following standards:
  - (1) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
  - (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed activity.
  - (3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
- (c) *Approval period.*
  - (1) Approval of a dimensional variance by the ZBA shall be valid for a period not longer than 18 months, unless a building permit for the construction or alteration is obtained and construction or alteration is started and proceeds to completion in accordance with the terms of the permit and the requirements of the ZBA.
  - (2) Any variance may be revoked and declared invalid, following notice and a public hearing, if any of the requirements of this ordinance or conditions attached to a variance by the ZBA are not complied with.
- (d) *One year to rehear decision.* When any application made under the provisions of this ordinance has been denied by the ZBA, not less than one year must intervene before a new application of the same tenor, and relating to the same property or proposed use, may be accepted or acted upon by the development services department or by any other city employee or authority, unless a positive finding is made by the development services department that the facts of the case have substantially changed since its previous consideration.
- (e) *Reconsideration.* The ZBA shall have the authority to rehear a prior decision on its own motion in instances where new information is presented that could change the findings of fact used to reach the original decision. Where the ZBA passes a motion to reconsider a decision based upon the new information provided, it shall set a new public hearing, noticed in the same manner as required for the original hearing.

(Ord. No. 09-434, § 26.04, 1-20-2009)

ARTICLE 27. - AMENDMENTS TO ORDINANCE<sup>[11]</sup>

Footnotes:

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**State Law reference—** Zoning adoption and enforcement, MCL 125.3401 et seq.

Sec. 27.01. - Initiation of rezoning and text amendments.

The city may, from time to time, amend, modify, supplement, or delete any provision of this ordinance (text amendment) or change the zoning district boundaries shown on the zoning map (rezoning) pursuant to the provisions of the zoning act.

- (a) *Initiation of rezonings.* An amendments to the zoning district boundaries contained on the zoning map (rezoning) may be initiated by the city or the owner, or owners of property, or with permission of the owner which is the subject of the proposed amendment.
- (b) *Initiation of text amendment.* Amendments to the text provisions of this ordinance may be initiated by the city or by petition of one or more residents or property owners of the city.

(Ord. No. 09-434, § 27.01, 1-20-2009)

Sec. 27.02. - Application procedure.

- (a) *Initiation by application unless initiated by the city.* A rezoning or text amendment request, except those initiated by the city, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs, and fees for any consultant reviews. Such fee and escrow shall be established by resolution of the city council.
- (b) *Application for rezoning.*
  - (1) *Application information.* The following information shall accompany the rezoning application form:
    - a. Legal description and street address of the subject property.
    - b. Map identifying the subject property in relation to surrounding properties.
    - c. Name, signature, and address of the owner of the subject property; a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
    - d. Existing and proposed zoning district designation of the subject property.
    - e. Existing zoning district designation of all adjacent property.
    - f. Site analysis at a scale not less than one inch equals 100 feet, or aerial photograph illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations, and access points on both sides of the streets within 200 feet of the subject site.
    - g. Conceptual plan at a scale not less than one inch equals 100 feet, demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, lot coverage, building spacing, parking, loading, drainage, general landscaping, and other site design factors; while the anticipated use can be shown, an illustration of the maximum development permitted under current zoning shall also be provided.
    - h. Traffic impact analysis.

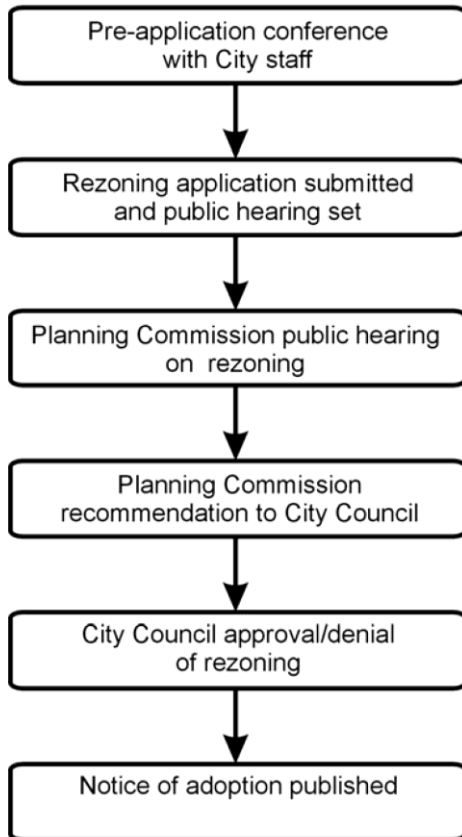


- i. Written description of how the requested rezoning meets section 27.04, criteria for amendment of the official zoning map (rezoning).
  - j. The planning commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this article including, but not limited to, market studies, environmental assessments or utility capacity analysis.
- (2) *Site requirements.* In the case of an amendment to the official zoning map (rezoning), the applicant is required to do all of the following:
- a. The site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
  - b. A sign shall be posted on the property by the applicant indicating that the property is proposed to be rezoned. The sign shall:
    - 1. Be four feet by eight feet in size with minimum three-inch tall lettering.
    - 2. Be erected in full public view along the street frontage.
      - i. If the property to be rezoned is located at an intersection, a sign for each street frontage must be provided.
      - ii. If the property exceeds 80 acres in area, two signs must be provided.
    - 3. State "This Property Proposed To Be Rezoned."
    - 4. Include the current and proposed zoning, area in acres of the property and a generalized map of the property.
    - 5. Indicate the date, time, and location of the planning commission public hearing where the proposal will be reviewed.
    - 6. Be erected and maintained by the applicant at least 15 days prior to the scheduled planning commission public hearing and removed within 15 days after the public hearing.
    - 7. Be exempt from the regulations of article 18, signs, provided a temporary sign permit be obtained from the development services department in accordance with city requirements.
- (3) *Exemptions.* Any rezoning initiated by the city for updates to the zoning ordinance or zoning map or a city initiated rezoning consistent with the master plan shall be exempt from subsection (b)(1) and (2) of this section.
- (c) *Application for text amendment.* An application for a text amendment to this ordinance shall include a general description of the proposed amendment.

(Ord. No. 09-434, § 27.02, 1-20-2009)

Sec. 27.03. - Rezoning and text amendment procedure.

## Rezoning Process



- (a) *Preapplication conference.* A preapplicant conference with city staff to review the amendments, discuss the level of environmental information, concept plan uses market studies, utility capacity analysis, and type of traffic study required including intersections to be evaluated, background traffic, and data availability, may be requested by the applicant.
- (b) *Public hearing.* Upon initiation of a rezoning or a text amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission in accordance with the standards set forth in section 25.09, public hearings.
- (c) *Planning commission review and recommendation.* Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council. In the case of a rezoning request, the planning commission shall consider the criteria contained in section 27.04, criteria for amendment of the official zoning map (rezoning) in making its finding and recommendation.
- (d) *City council review and action.* Following receipt of the findings and recommendation of the planning commission, the city council shall consider the proposed amendment to be adopted following two readings.
  - (1) In the case of a rezoning request, the city council shall approve or deny the request based on the consideration of the criteria contained in section 27.04, criteria for amendment of the official zoning map (rezoning).
  - (2) In the case of a text amendment, the city council may modify or revise the proposed amendment, prior to adoption.

- (e) *Notice of adoption.* Following adoption of a zoning map amendment (rezoning) or text amendment by the city council, a notice will be published in accordance with the provisions of the zoning act.
- (f) *Resubmittal.* No petition for rezoning or zoning ordinance text amendment that has been denied by the city council shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

(Ord. No. 09-434, § 27.02, 1-20-2009)

Sec. 27.04. - Criteria for amendment of the zoning map (rezoning).

- (a) In considering any rezoning application, the planning commission and the city council shall consider the following criteria in making its findings, recommendations, and decisions:
  - (1) Consistency with the City of Taylor master plan, including any subarea or corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area.
  - (2) Capability of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
  - (3) Whether development under current zoning is impractical or less reasonable than the requested zoning district given factors such as development trends and other factors.
  - (4) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on ability to develop adjacent properties under existing zoning, and potential influence on property values.
  - (5) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.
  - (6) 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 to accommodate the demand.
  - (7) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
- (b) A determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(Ord. No. 09-434, § 27.04, 1-20-2009)

Sec. 27.05. - Conditional rezoning.

- (a) *Applicant may volunteer for conditional rezoning.* An applicant requesting a rezoning may voluntarily offer a conditional rezoning along with an application for rezoning. An election to submit a conditional rezoning agreement shall be pursuant to the zoning act and this section.
  - (1) The conditional rezoning shall be in writing, executed by the applicant and the city and recorded with the Wayne County Register of Deeds. All costs associated with the review and approval of the conditional rezoning agreement shall be the responsibility of the applicant.
  - (2) The conditional rezoning may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictions on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.

- (3) The conditional rezoning shall not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a conditional rezoning agreement permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district.
- (4) The conditional rezoning may include conditions related to the use and development of the property that are necessary to:
  - a. Serve the property with improvements, including but not limited to, the extension, widening, or realignment of streets; construction, or extension of utilities, or other infrastructure improvements serving the site; or the construction of recreational facilities.
  - b. Minimize the impact of the development on surrounding properties and the city overall.
  - c. Preserve natural features and open space beyond what is normally required.
- (b) *Content of agreement.* In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the conditional rezoning agreement shall also include the following:
  - (1) An acknowledgement that the conditional rezoning agreement was proposed voluntarily by the applicant.
  - (2) A statement that the property shall not be developed or used in any manner that is not consistent with the conditional rezoning agreement.
  - (3) A statement that the approval of the rezoning and the conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and the city, and also their respective heirs, successors, assigns, receivers or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement.
  - (4) A statement that, if a rezoning with a conditional rezoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued.
  - (5) A statement that no part of the conditional rezoning agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
  - (6) A legal description of the land to which the agreement pertains.
  - (7) Any other provisions as are agreed upon by the city and applicant.
- (c) *Process.* The conditional rezoning agreement shall be reviewed concurrently with the petition for rezoning following the process in section 27.02, application procedure, and the following:

## Conditional Rezoning Process



- (1) The conditional rezoning agreement may be submitted prior to planning commission making its recommendation on the rezoning to the city council. The conditional rezoning agreement shall be reviewed by the city attorney, at the expense of the applicant, to determine that the conditional rezoning agreement conforms to the requirements of this section and the zoning act and shall

confirm that the conditional rezoning agreement is in a form acceptable for recording with the Wayne County Register of Deeds.

- (2) Following the public hearing for a proposed zoning amendment, the planning commission shall make a recommendation to the city council based upon the criteria listed in section 27.04, criteria for amendment of the official zoning map (rezoning). In addition, the planning commission shall consider whether the proposed conditional rezoning agreement:
    - a. Is consistent with the intent of this ordinance.
    - b. Bears a reasonable and rational connection or benefit to the property being proposed for rezoning.
    - c. Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
    - d. Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional rezoning agreement.
    - e. Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional rezoning agreement, or if the property were left to develop under the existing zoning classification.
    - f. Is in the public interest and is consistent with the recommendations of the master plan.
  - (3) If a conditional rezoning agreement has been offered by the applicant and recommended for approval by the planning commission, the city council may approve the conditional rezoning agreement as a condition to the rezoning if it meets all requirements of subsection (c) above. The conditional rezoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested rezoning.
  - (4) If the rezoning and conditional rezoning agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, and a reference to the conditional rezoning agreement. The zoning map shall specify the new district, plus the acronym "C" to indicate that the property is subject to a conditional rezoning agreement (i.e., R-1A through C). The city clerk shall maintain a listing of all properties subject to conditional rezoning agreements and shall provide copies of the agreements upon request.
  - (5) The approved conditional rezoning agreement shall be recorded with the Wayne County Register of Deeds.
  - (6) Any uses proposed as part of a conditional rezoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of article 19, site plan review, and article 21, special land use review.
- (d) *Expiration.*
- (1) The rezoning and conditional rezoning agreement shall expire 18 months after adoption of the rezoning and conditional rezoning agreement, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the city commences within the 18 month period and proceeds diligently to completion, unless extended by the city council for good cause.
  - (2) In the event that substantial construction on the approved development has not commenced within the aforementioned 18 months, the conditional rezoning agreement shall be void and of no effect.
  - (3) Should the conditional rezoning agreement become void, all development on the property shall cease, and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with the conditional rezoning agreement, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke

permits and certificates. This shall be in addition to or in lieu of any other lawful action to achieve compliance, including rezoning.

- (4) Notwithstanding the above, if the property owner applies in writing for an extension of the conditional rezoning agreement at least 30 days prior to the expiration date, the city council may grant an extension of up to one year where the city council determines that the landowner has made diligent effort towards completing the conditions of the agreement.
- (e) *Reversion of zoning.* If the rezoning and conditional rezoning agreement becomes void as outlined above, then the land shall automatically revert back to its original zoning classification as set forth in the zoning act. The development services department will advise the landowner and/or developer, by registered letter, of the reversion of zoning. The city shall take affirmative action to rezone the property.
- (f) *Continuation.* Provided that all development and/or use of the property in question is in compliance with the conditional rezoning agreement, a use or development authorized there under may continue indefinitely, provided that all terms of the conditional rezoning agreement continue to be met.
- (g) *Amendment.* The conditional rezoning agreement may be amended by the city council with the landowner's consent in the same manner as was prescribed for the original rezoning and conditional rezoning agreement.
- (h) *Violation of agreement.* Failure to comply with the conditional rezoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance and further use of the property may be subject to legal remedies available to the city.
- (i) *Subsequent rezoning of land.* Nothing in the conditional rezoning agreement, nor any statement or other provision, shall prohibit the city from later rezoning all or any portion of the property that is the subject of the conditional rezoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the zoning act.
- (j) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this ordinance.
- (k) *City not obligated.* The city is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional rezoning agreement the basis for requiring the city to approve a rezoning application.

(Ord. No. 09-434, § 27.05, 1-20-2009)

## ARTICLE 28. - DEFINITIONS

### Sec. 28.01. - Construction of language.

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

- (a) *Interpretations.*
  - (1) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
  - (2) If the meaning of this ordinance is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the ordinance shall construe the provision to carry out the intent of the ordinance, if the intent can be discerned from other provisions of the ordinance or law.
  - (3) All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
  - (4) The definitions contained in this article are for the purposes of this ordinance.

(b) *Terms.*

- (1) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (2) The terms "ordinance" and "act" shall be understood to include the term "as amended" where the context is appropriate.
- (3) The particular shall control the general. For terms used in this ordinance the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "pharmacy," as used in this ordinance, shall not be interpreted to be the same as a "retail business" since each is listed as a separate and distinct use.
- (4) Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates otherwise.
- (5) A "building" or "structure" includes any part thereof.
- (6) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a street right-of-way.
- (7) The phrase "used for" includes "arranged for," "intended for," "occupied for" and "maintained for."
- (8) The word "build" includes to "erect" or "construct."
- (9) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- (10) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
  - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - b. "Or," indicates that the connected items, conditions, provisions or events may apply separately or in combination.
  - c. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply separately, not in combination.
- (11) Computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the city or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- (12) All measurements shall be to the nearest integer, unless otherwise specified herein.
- (13) Words or terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 09-434, § 28.01, 1-20-2009)

Sec. 28.02. - Definitions A-B.

- (a) *Abandon.* To cease or discontinue a use or activity, excluding temporary or shortterm interruptions during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, during normal periods of vacation or seasonal closure, during labor-related shutdowns, and similar events.
- (b) *Abutting.* Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.
- (c) *Access management.* A technique to improve traffic operations and safety along a major street through the control of driveway locations and design; consideration of the relationship of traffic activity



for properties adjacent to, and across from, one another, and the promotion of alternatives to direct access.

- (d) *Accessory building.* A detached building on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples may include: detached garages, sheds and storage buildings.
- (e) *Accessory structure.* A detached building or other type of structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples include: accessory buildings, fences, decks and swimming pools.
- (f) *Accessory use.* A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When accessory is used in this text, it has the same meaning as accessory use. An accessory use includes, but is not limited to, the following:
  - (1) Residential accommodations for servants and/or caretakers.
  - (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.
  - (3) Fences when constructed and located in accordance with the requirements of this ordinance.
  - (4) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
  - (5) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
  - (6) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - (7) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - (8) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - (9) Uses clearly incidental to a principal use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
  - (10) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
  - (11) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
  - (12) Solar panels, wind generators, television reception antenna and air conditioning units.
- (g) *Addition.* An extension or increase in floor area or height of a building or structure.
- (h) *Administrative review committee (ARC).* A committee composed of members of the city's development services department, fire and police departments, and city engineer, whose responsibility is to review and comment on site plan submittals prior to forwarding to the planning commission.
- (i) *Adult foster care facilities.* A facility for the care of adults, over 18 years of age, as licensed and regulated by the state under Public Act No. 218 of 1979 (MCL 400.701 et seq.), and rules promulgated by the state department of human services, providing 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 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 center, or a residential center for persons released from or assigned to a correctional facility. Such organizations shall be defined as follows.

- (1) *Adult day care.* A facility other than a private residence, which provides care for more than six adults for less than 24-hour period.
  - (2) *Adult foster care congregate facility.* An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
  - (3) *Adult foster care family home.* A private home with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. This may include adult day care for six or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
  - (4) *Adult foster care large group home.* An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. This may include adult day care for 20 or fewer adults.
  - (5) *Adult foster care small group home.* A private home with the approved capacity to receive more than six but not more than 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. This may include adult day care for 12 or fewer adults.
- (j) *Adult regulated uses.* A parlor, nude body painting or modeling studio, adult bookstore, adult novelty store, adult video store, cabaret, adult motion picture theater, adult outdoor motion picture theater, adult mini motion picture theater, escort services, massage. For the purpose of this ordinance, the following uses shall be classified as adult regulated uses:
- (1) *Adult arcade.* Any place to which the public is permitted or invited wherein cash-operated, credit-operated, coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of sexually explicit activities or specified anatomical areas."
  - (2) *Adult book, novelty, retail or video store.* A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
    - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes, compact discs or video reproductions, slides or other visual representation, recordings, other audio matter which depict or describe sexually explicit activities or specified anatomical areas; or
    - b. Instruments, devices novelties or paraphernalia which are designed for use in connection with sexually explicit activities; or
    - c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as sexually explicit activities or depict or describe specified anatomical areas;
    - d. For purposes of this ordinance, the term "principal business purpose" means:
      1. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least 30 percent of the floor area.
      2. The receipt of 30 percent or more of its revenues from the sale of the items listed above.
      3. Other business purposes shall not exempt an establishment from being categorized as an adult book retail, novelty store or video store so long as more than 30 percent of its business includes the offering for sale or rental for consideration of the specified materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein;

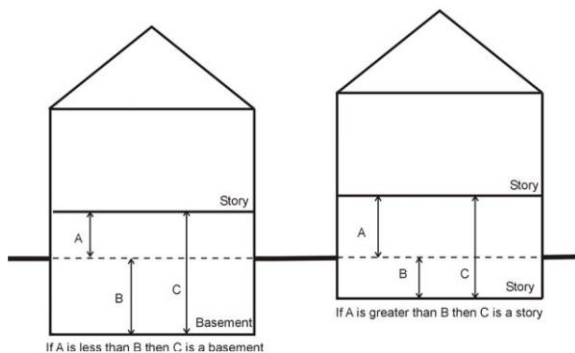
- e. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing sexually explicit activities or specified anatomical areas, and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- (3) *Adult cabaret.* A nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, which regularly features:
- a. Persons who appear in a state of restricted nudity.
  - b. Live performance which are characterized by the partial exposure of specified anatomical areas.
  - c. Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.
- (4) *Adult massage parlor.* Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. An adult massage parlor is considered an adult regulated use for purposes of these regulations.
- (5) *Adult mini-motion picture theater.* An enclosed building with a capacity for fewer than 20 persons used for presenting more than ten percent of its 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.
- (6) *Adult motel.* A hotel, motel or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of sexually explicit activities or specified anatomical areas; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television.
  - b. Permits patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electric transmission over the World Wide Web.
  - c. Offers a sleeping room for rent for a period of time that is less than ten hours.
  - d. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- (7) *Adult motion picture theater.* An enclosed building with a capacity of 20 or more persons used for presenting more than ten percent of its 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.
- (8) *Adult outdoor theater.* An open space, area or premises principally devoted to the presentation of motion picture films, videos, tape recordings or live performances which are characterized by

an emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas, as defined herein.

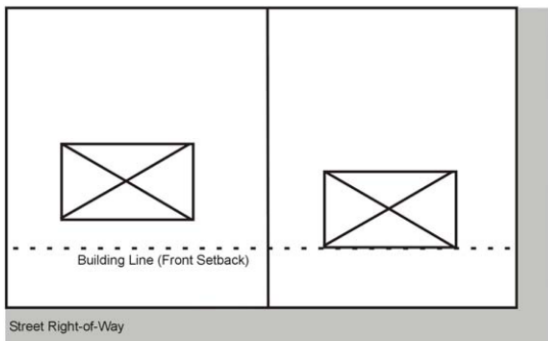
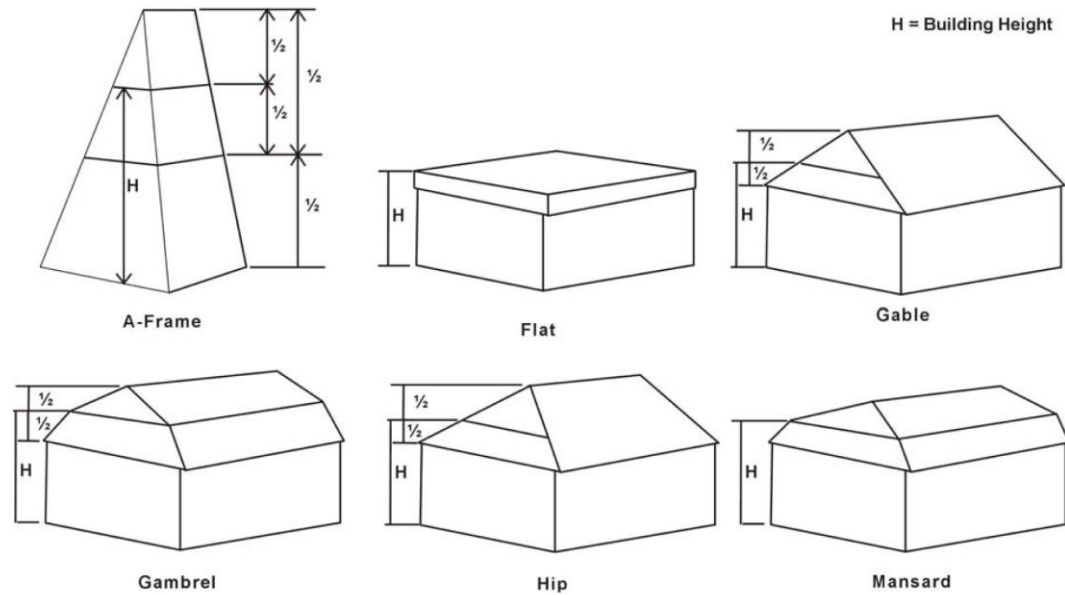
- (9) *Adult personal service establishment.* Any business, agency or service which arranges, solicits or provides, for the benefit of its customers or clients, escorts, dates, models, therapists, companions or entertainers, either on or off the premises, for the purpose of engaging in specified sexual activities, or displaying specified anatomical areas.
- (10) *Adult physical culture establishment.* Any establishment, club or business by whatever name designated, which provides, offers or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, body painting, tattooing, body piercing, physical stimulation, baths or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
  - a. Establishments which routinely provide such services by licensed physician, a licensed chiropractor, a licensed osteopath, a state certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional.
  - b. Electrolysis treatment by a licensed operator of electrolysis equipment.
  - c. Continuing instruction in martial or performing arts or in organized athletic activities.
  - d. Hospitals, nursing homes, medical clinics or medical offices.
  - e. Barbershops or beauty parlors operated by licensed practitioners, health spas and/or salons which offer massage to the scalp, face, the neck or shoulders only.
- (11) *Entertainer.* A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.
- (12) *Escort.* A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing, and the performance of a dance or skit. Under this definition, the term "privately" shall mean a performance for an individual or that individual's guests.
- (13) *Escort agency.* A person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (14) *Massage.* The treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this ordinance, the term "bodywork" shall mean massage.
- (15) *Nude model studio.* Any place where a person appears in a state of nudity or displays specific anatomical areas, and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
- (16) *Nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- (17) *Obscene.* Objectionable or offensive to accepted community standards of decency.
- (18) *Seminude.* A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

- (19) *Sexual encounter center.* A business or commercial enterprise that, as one of its primary business purposes, offers a place where two or more persons may congregate, associate or consort for the purpose of sexually explicit activities or the exposure of specified anatomical areas for any form of consideration, including, but not limited to:
- a. Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex.
  - b. Activities when one or more of the persons is in a state of nudity or semi-nudity.
  - c. Permits patrons to display or be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for recording or transmission over the World Wide Web or any other media.
- (20) *Specified anatomical areas.* Less than completely and opaquely covered human genitals, pubic regions, buttock, or female breast below a point immediately above the top of the areola; and male genitals in a discernible turgid state, even if completely and opaquely covered.
- (21) *Specified sexual activities.* Human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (k) *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."
- (l) *Amusement device.* Any device, machine or apparatus activated or operated upon payment by a patron or patrons for the purpose of playing, exhibiting, emitting videos, auto recordings, live performances or similar types of entertainment. The term shall not apply to devices commonly referred to as kiddie rides, vending machines used to dispense foodstuffs, toys or other products for use and consumption, billiard or pool tables, bowling alley apparatus, juke boxes, shuffleboard, or dart board games.
- (m) *Animals.*
- (1) *Domestic.* An animal that has, through a long association with humans, lived in a state of dependence upon humans and has been traditionally kept as a household pet; such as dogs, cats, hamsters, gerbils, mice, nonbreeding (under human control) rabbits, parakeets, birds, noncarnivorous fish, nonpoisonous and nonconstricting reptiles under three feet in length, nonpoisonous amphibians and nonpoisonous spiders.
  - (2) *Livestock.* Horses, ponies, jackasses, equine, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Wild, vicious or exotic animals shall not be considered livestock.
  - (3) *Wild or exotic.* Any animal not domesticated and being incapable by its nature of being domesticated normally found in the wild, including, but not limited to: alligators, badgers, bears, beavers, bobcats, chinchilla, chipmunk, cougars, coyotes, crows, deer, doves, dog-wolves, eagles, elk, foxes, gophers, grouse, hares, hawks, jaguars, kangaroos, lions, lynx, mink, muskrats, opossums, owls, partridges, peacocks, pheasants, porcupines, prairie dogs, quails, raccoons, skunks, squirrels, tigers, weasels, wild turkeys, wolverines, wolves and woodchucks, wild hybrids, or the offspring of any animals that have been bred to a wild animal. Poisonous, predatory animals and endangered species are included.
- (n) *Antique and collectible shop.* A place offering antiques and collectibles for sale. An antique or collectible, for the purpose of this ordinance, shall be a work of art, a piece of furniture, decorative object, or the like, of or belonging to the past at least 30 years old. Used clothing shall not be considered antiques or collectibles, for the purpose of this ordinance. A specialty retail store that sells used merchandise, not donated for sale, including but not limited to record stores, furniture stores and sports trading card stores, listed in a bona fide published collectible guidebook, with price guides, with a maximum square footage of 1,500 square feet.

- (o) *Antique mall.* A building or part of a building that is partitioned to provide spaces for the sale of antiques by antique dealers, for items such as clocks, lamps, rugs, furniture and collectibles, such as sports trading cards, records and the like, listed in a bona fide published collectible guidebook, with price guides.
- (p) *Arcade.* Any place of business or establishment containing five or more mechanical or electrical devices which provide amusement or entertainment, and which may be operated or set in motion upon the insertion of a coin or token.
- (q) *Architectural features.* Architectural features of a building or structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornaments.
- (r) *Attached building/structure.* A building or structure that is attached to a principal building by connection of walls, a foundation, and a roof.
- (s) *Automobile uses.* See section 28.08(f), motor vehicle uses.
- (t) *Bars.* See section 28.04(o), food and beverage service.



- (u) *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. A basement shall not be counted as a story.
- (v) *Block.* The property, abutting one side of a street lying between the two nearest intersecting streets or between an intersecting street and a railroad right-of-way; unsubdivided acreage, river or stream; or between any of the foregoing and any other barrier to the continuity of development.
- (w) *Boardinghouse.* Dwellings with rooms rented or leased to persons outside of the immediate family. Such dwellings shall have only one set of kitchen facilities.
- (x) *Building.*
  - (1) *Building.* A structure, either temporary or permanent, having a roof supported by columns, or walls, for the shelter, support or enclosure of persons, animals or chattels, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings allowing ingress or egress of persons, each separated portion of the building shall be deemed a separate building.
  - (2) *Building envelope (buildable area).* The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal and any attached accessory structures (such as a garage) is permitted by the ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.
  - (3) *Building height.* The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



- (4) **Building line.** A line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line.
- (5) **Building permit.** An authorization issued by the development services department to move, erect or alter a structure within the city.
- (y) **Bulk.** The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space, and, the amount of lot area required for each dwelling unit.
- (z) **Business service establishment.** A business which provides business type services to patrons including but not limited to copy centers, postal centers, data centers and computer repair establishments.

(Ord. No. 09-434, § 28.02, 1-20-2009)

Sec. 28.03. - Definitions C-D.

- (a) **Caretaker living quarters.** An independent residential dwelling unit designed for and occupied by no more than two persons, where at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

- (b) *Carport*. A shelter for vehicles consisting of a roof extended from a wall or a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to private garages.
- (c) *Cemetery*. A parcel of land intended for the burial of deceased humans (or pets within pet cemeteries). A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Cemeteries may include columbariums and mausoleums.
- (d) *Change of tenancy*. A change in tenant occupying a building or portion thereof.
- (e) *Change of use*. A use that changes which affects any of the usual elements involved with site plan review, e.g., parking, drainage, circulation, landscaping, signage, and building arrangements.
- (f) *Child care facilities*. Facilities for the care of children under 18 years of age, as licensed and regulated by the state under Public Act No. 116 of 1973 (MCL 722.111 et seq.) and the associated rules promulgated by the state department of human services. Such organizations shall be further defined as follows:
  - (1) *Child care center or day care center*. A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" or "day care center" includes a facility that provides care for not less than two 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, before- or after-school program, or drop-in center. The term "child care center" or "day care center" does not include any of the following:
    - (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
    - (2) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
    - (3) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
    - (4) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
  - (2) *Family child care home*. A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
  - (3) *Foster family home*. a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21 et seq.), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.
  - (4) *Foster family group home*. A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who



are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21 et seq.), are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

- (5) *Group child care home.* A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (g) *Churches, temples and other places of worship.* A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith. Such accessory uses may include rectories, living quarters for ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities, religious office space, youth centers and other similar activities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
- (h) *Church, temples and other places of worship, large-scale.* A religious institution with a seating capacity of 1,500 people or more in its sanctuary or main area of assembly or more than 500 parking spaces. A large-scale church may also be characterized by any one or more of the following features: region-serving accessory facilities such as high schools, colleges, and seminaries; one or more buildings 100,000 square feet in floor area or greater; retreat and conference centers or other features. Large-scale churches have negative impacts on single-family residential areas because of scale of buildings, large off-street parking lots, large size of assemblies and resultant traffic surges and frequency of use, which are different from smaller churches which have traditionally been compatible with single-family areas. Because of these impacts, large-scale churches are more compatible with nonresidential districts, subject to conditions, which minimize the impacts.
- (i) *City council.* The city council of the City of Taylor.
- (j) *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 professions. 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.
- (k) *Club or fraternal organization.* A nonprofit organization of persons for charitable, fraternal or social purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not operated to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances.
- (l) *Cluster residential development.* A form of residential subdivision that permits housing units to be grouped on lots with dimensions, frontages, and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not be greater than the density allowed by the zoning district under existing regulations and the remaining land area is devoted to common open space.
- (m) *Commercial nursery/tree farm.* Any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes.
- (n) *Commercial use.* The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this ordinance, the term "commercial use" shall not include industrial, manufacturing, or wholesale businesses.
- (o) *Commercial vehicle.* Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the following categories:
  - (1) Truck tractor.
  - (2) Semitrailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

- (3) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or deliver trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors.
  - (4) Tow trucks.
  - (5) Commercial hauling trucks.
  - (6) Vehicle repair service trucks.
  - (7) Snow plowing trucks.
  - (8) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds.
- (p) *Compatibility.* The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.
- (q) *Composting.* A controlled process of degrading organic matter by microorganisms.
- (r) *Condominium.* A system of separate ownership of individual units and/or multiple-unit projects according to the condominium act. The following definitions are related to condominiums:
- (1) *Building area.* The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
  - (2) *Condominium act.* Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended.
  - (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 the condominium act.
  - (4) *Condominium unit.* That portion of a condominium project designed and intended for separate ownership and use, as described in master deed.
  - (5) *Contractible condominium.* A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this ordinance and the condominium act.
  - (6) *Conversion condominium.* A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the condominium act.
  - (7) *Expandable condominium.* A condominium project to which additional land may be added in accordance with this ordinance and the condominium act.
  - (8) *General common element.* Area of common elements other than the limited common elements intended for the common use of all co-owners including:
    - a. The land in the condominium project.
    - b. The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits, or communication ways.
    - c. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated.
    - d. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.
    - e. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks, and pumps and the like.

- f. The elevators, incinerators and, in general, all devices or installations existing for common use.
  - g. All other elements of the condominium project intended for common use or necessary to the existence, upkeep, and safety of the project.
- (9) *Limited common element.* Area of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (10) *Master deed.* The condominium document recording the condominium project as approved by the city including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- (11) *Site condominium.* A development concept for a condominium development containing residential, commercial, office, industrial or other structure for uses permitted in the zoning district in which located; in which each co-owner owns exclusive rights in a condominium unit as described in the master deed.
- (s) *Contractor's yard.* A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.
- (t) *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.
- (u) *Construction.* Any act or process that is carried out under a current and valid building permit consisting of on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facilities or addition thereto, including related activities. The term "construction" implies a diligent continuance of action toward completion, and any construction that has ceased due to expiration of a permit shall be considered inactive.
- (v) *Corner clearance.* An area of each lot near any street intersection or commercial driveway which shall remain clear of obstructions to ensure safe sight distance for motorists.
- (w) *Curb cut.* An opening from the public street to a private driveway or public drive serving an individual site or group of sites.
- (x) *Deck.* An accessory platform structure that is open, unenclosed by a roof or walls, either freestanding or attached to the principal structure that is supported by pillars or posts.
- (y) *Deep well injection or underground injection well.* A well used for pumping hazardous or nonhazardous waste or substances into deep wells, where it is intended that it be contained in the pores of permeable subsurface rock.
- (z) *Density.* The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:
- (1) The acreage exclusive of subsections (z)(2) and (3) below shall be calculated at 100 percent toward the total site acreage.
  - (2) The acreage comprised of land within the 100-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at 25 percent toward the total site acreage.
  - (3) All open bodies of water and public rights-of-way are excluded from density calculation.
- (aa) *Development.* The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or a new use of open land.
- (bb) *Development services department.* The city department charged with the enforcement of this ordinance which includes the planning and building departments. The managerial staff, department head, or anyone authorized by such supervisor has the ability to enforce this ordinance.

- (cc) *Disposal*. The final placement or destruction of either hazardous or nonhazardous substances or waste. Disposal includes placing the above substances in landfills, surface impoundments, land farms, deep wall injection or underground injection wells or incineration.
- (dd) *Distribution center*. A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.
- (ee) *District*. A portion of the city within which, on a uniform basis, certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance. Districts in the City of Taylor include:
- (1) *Business district*. A zoning district with one of the following zoning designations on the zoning map: B-1, B-2, B-3, O-1 or O-2.
  - (2) *Industrial district*. A zoning district with one of the following zoning designations on the zoning map: TRO, I-1 or I-2.
  - (3) *Mixed use district*. A zoning district with one of the following zoning designations on the zoning map: MT-1 or MT-2.
  - (4) *Nonresidential district*. A zoning district with one of the following zoning designations on the zoning map: B-1, B-2, B-3, O-1, O-2, TRO, I-1, I-2 or P-1.
  - (5) *Parking district*. A zoning district with a P-1 zoning designation on the zoning map.
  - (6) *Residential district*. A zoning district with one of the following zoning designations on the zoning map: R-1A, R-1B, R-1C, R-2, RM-1, RM-2 or R-3.
  - (7) *Zoning district*. A portion of the city where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.
- (ff) *Drive-in*. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.
- (gg) *Drive-through*. A business establishment so developed that its retail or service character is wholly or at least ten percent dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.
- (hh) *Dwellings*. A structure or portion thereof which is used exclusively for human habitation. A dwelling may consist of any of the following:
- (1) *Apartment*. An attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants, but may be condominiums. Apartment buildings often may have a central heating system 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) *Live/work*. A multistory dwelling unit wherein the first floor is designed as a storefront for retail, service, office or artisan studio and a dwelling unit on the upper floors. The live/work unit shall be designed as an integral unit with interior stairway connections between floors and the first floor storefront shall be owned and operated by the occupant of the upper floor dwelling. The type of use allowed in the first floor shall be subject to uses permitted in the district, which may be limited to the list of permitted home occupations in residential districts or allowable commercial used in mixed use districts. Live/work dwellings may be attached to a similar single dwelling unit with

party or common walls, each with a separate entryway with direct access to the outdoors at ground level.

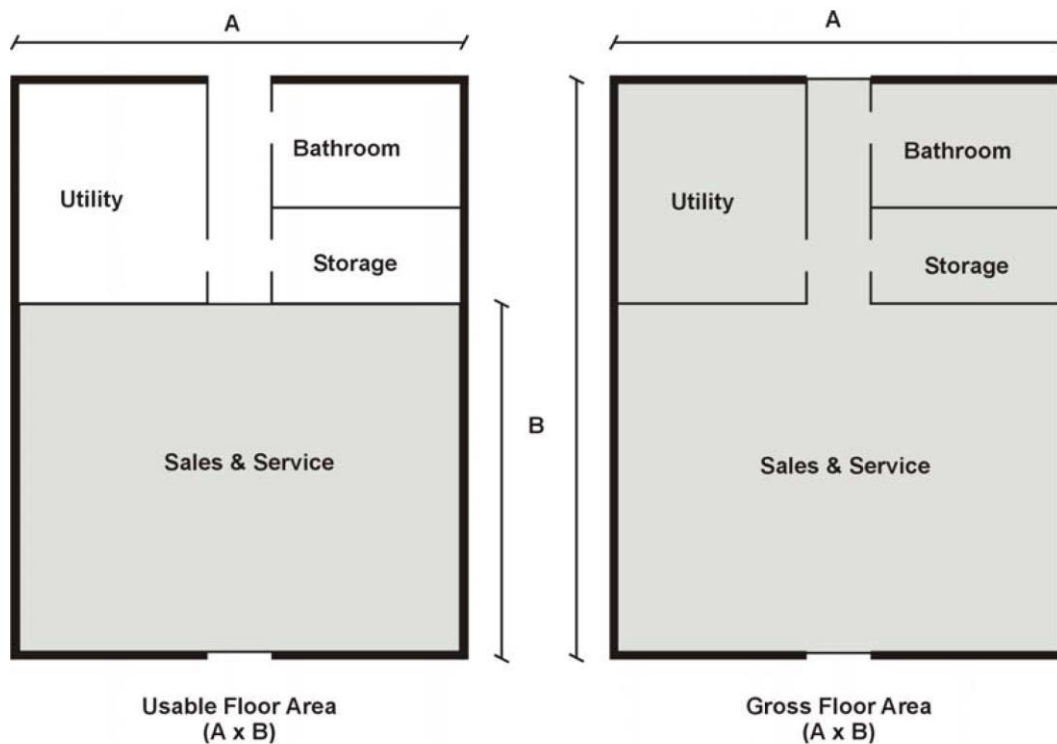
- (3) *Manufactured.* A dwelling which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located and constructed in conformance with appropriate state construction code and/or HUD code. The unit shall also be affixed with a state and model code sticker.
  - (4) *Multiple-family.* A building, or portion thereof, used or designed as residences for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided.
  - (5) *Single-family.* A detached building or manufactured home designed exclusively for the complete living accommodations of one family, and containing one dwelling unit only.
  - (6) *Single-family attached.* A single-family dwelling erected side by side to another similar unit as a single building, each unit being separated from the adjoining unit by an uninterrupted wall extending from the basement floor to the roof. Units may be attached to each other only by one or more of the following methods:
    - a. Through a common party wall which does not have over 80 percent of its area in common with an abutting dwelling wall.
    - b. By means of an architectural wall detail which does not form interior room space.
    - c. Through a common party wall in only the garage portion of an abutting structure.
  - (7) *Single-family detached.* A building containing not more than one dwelling unit entirely surrounded by open space on the same lot.
  - (8) *Site built.* A dwelling which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwellings include those constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
  - (9) *Stacked.* A dwelling where units are stacked above each other such as lofts.
  - (10) *Townhouse.* A self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three or more dwelling units, each with: a separate entryway with direct access to the outdoors at ground level, a separate basement, a separate garage, separate utility connections and defined front yards. Townhouses may also be known as attached single-family dwelling units, row houses, clustered single-family dwellings or stack ranches. Any three or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.
  - (11) *Two-family.* A detached building, designed for or occupied exclusively by two families living independently of each other, also called as a duplex.
- (ii) *Dwelling unit.*
- (1) *Dwelling unit.* A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
  - (2) *Efficiency unit.* A dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove located directly off the principal room.
  - (3) *Substandard.* A dwelling of any class which is not so equipped as to have each of the following items: running water, inside toilets; or a dwelling which has either inadequate cellar drainage, defective plumbing, inside habitable room having no windows, or improper exits or defective stairways so as to make such dwelling a fire hazard.

(Ord. No. 09-434, § 28.03, 1-20-2009)

Sec. 28.04. - Definitions E-F.

- (a) *Easement.* A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.
- (b) *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.
- (c) *Essential services.* The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, communication, collection, 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, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Wireless communication towers, devices and facilities are not defined as an essential service.
- (d) *Excavation.* Any breaking of ground, except common household gardening and ground care.
- (e) *Facade.* The exterior wall of a building exposed to public view. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.
- (f) *Family.* Any of the following:
  - (1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
  - (2) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.
  - (3) 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.
- (g) *Farm.* The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- (h) *Fence.* An artificially constructed barrier of 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.
  - (1) *Decorative fence.* A fence, ornamental in nature, that is more than 50 percent open to the free passage of air and light, not intended to provide a barrier to passage or for screening, including but not limited to: picket fences, wrought iron fences, and split rail fences. Decorative fencing does not include chainlink or privacy fencing and may not be used as pool, protective or security fencing.
  - (2) *Privacy fence.* A fence or wall that is designed to be used as a visual barrier to inhibit or prevent observation of an area and which is less than 50 percent open to the free passage of air and light.
- (i) *Filling.* The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming and general ground care.

- (j) *Flood hazard.* A hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.
- (k) *Floodplain.* The channel and the relatively flat area adjoining the channel of a stream or river that has been or may be covered by floodwater with a rainfall or flood of 100-year recurrence frequency after total development of the watershed.
- (l) *Floodplain area.* The area defined by the 100-year flood boundary in the FEMA (Federal Emergency Management Agency) flood insurance rate map for the City of Taylor, as amended.
- (m) *Flood insurance rate map.* The official map on which the Federal Emergency Management Agency has delineated both areas of special flood hazards and the risk premium zones applicable to the community.
- (n) *Floor area.*
  - (1) *Floor area ratio.* The gross floor area of all buildings on a lot divided by the lot area.
  - (2) *Gross floor area (GFA).* The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features, but excluding any space where the floor-to-ceiling is less than six feet.
  - (3) *Gross leasable area (GLA).* The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use, not including public or common areas, such as utility rooms, stairwells, halls, and so on.



- (4) *Residential floor area.* For the purposes 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 wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

- (5) *Usable floor area (UFA)*. 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, or areas such as hallways, stairways, elevator shafts, utilities space or sanitary facilities, shall be excluded from the UFA. Measurement of UFA shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls. When a detailed floor plan is not available, a factor of floor area 80 percent shall be used to estimate the useable floor area for purposes of calculating parking requirements and other standards based on useable floor area.
- (o) *Food and beverage service*.
- (1) *Cocktail lounge, nightclub or bar*. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.
- (2) *Carryout restaurant*. A business establishment 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 business establishment 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. A drive-in restaurant may also have interior seating.
- (4) *Drive-through restaurant*. A business establishment 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 the premises. A drive-in restaurant may also have interior seating.
- (5) *Microbrewery*. A brewer licensed by the State of Michigan which produces and manufactures barrels of beer, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. A microbrewery may be considered a tavern or a bar depending on the percent of floor area dedicated to the bar as defined in subsection (o)(1) of this definition above.
- (6) *Open front restaurant*. A food and beverage service establishment so developed that service to the patron is extended beyond the walls of the structure by means of a walk-up window, not requiring the patron to enter the structure. The term open front restaurant shall not include a drive-in restaurant, a drive-through restaurant or a restaurant with outdoor seating accessory where seating for food/beverage service is also available indoors.
- (7) *Restaurant*. 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 carryout, drive-in, drive-through, fast-food, standard restaurant, and which may include up to 30 percent of the floor area as part of a bar (see subsection (o)(1) of this definition above).
- (8) *Standard sitdown restaurant*. A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or 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. Restaurants may also include a portion of their seating outdoors as a seasonal use.
- (9) *Tavern or pub*. A restaurant licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.



Sec. 28.05. - Definitions G-H.

- (a) *Garage*. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (b) *Garage sale*. A temporary, short term sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of a residential dwelling by the owner or occupant.
- (c) *Glare*. The effect, measured at the lot line, of excessive brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- (d) *Grade*. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The established grade elevation shall be the grade at the centerline of the street in front of the lot, or the grade determined by the city engineer when the centerline of the street provides an impractical grade.
- (e) *Habitable space*. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- (f) *Hazardous substance or waste*. Any material or substance:
  - (1) Which is or becomes defined as a "hazardous substance," "pollutant" or "contaminant," pursuant to the comprehensive environmental response compensation and liability act (CERCLA) (42 USC 9601 et seq.) and amendments thereto and regulations promulgated thereunder.
  - (2) Containing gasoline, oil, diesel fuel or other petroleum products.
  - (3) Which is or becomes defined as "hazardous waste" pursuant to the resource conservation and recovery act (RCRA) (42 USC 6901 et seq.) and amendments thereto and regulations promulgated thereunder.
  - (4) Containing polychlorinated biphenyls (PCBs).
  - (5) Containing asbestos.
  - (6) Which is radioactive.
  - (7) The presence of which requires investigation or remediation under any environmental law which means any law, regulation, rule or similar requirement which governs or protects the environment enacted by the United States, State of Michigan, Wayne County or any agency or subdivision thereof.
  - (8) Which is or becomes defined or identified as a "hazardous waste," "hazardous substance," "pollutant," "contaminant" or "biologically hazardous material" under any environmental law.
- (g) *Health care facility*. A facility or institution, whether public or private, principally engaged in providing services for human health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital.
- (h) *Home occupation*. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Activities not deemed to be home occupations include among others, medical clinics, barbershops, nurseries, day medical clinics, child care centers, beauty parlors, tea rooms, veterinarian's offices, animal hospitals, kennels, professional offices where clients visit the premises (e.g., insurance, real estate, lawyer).

- (i) *Hospital*. An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are integral parts of the facility. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.
- (j) *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 or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk services, and bellboy service. A hotel shall include tourists cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

(Ord. No. 09-434, § 28.05, 1-20-2009)

Sec. 28.06. - Definitions I-J.

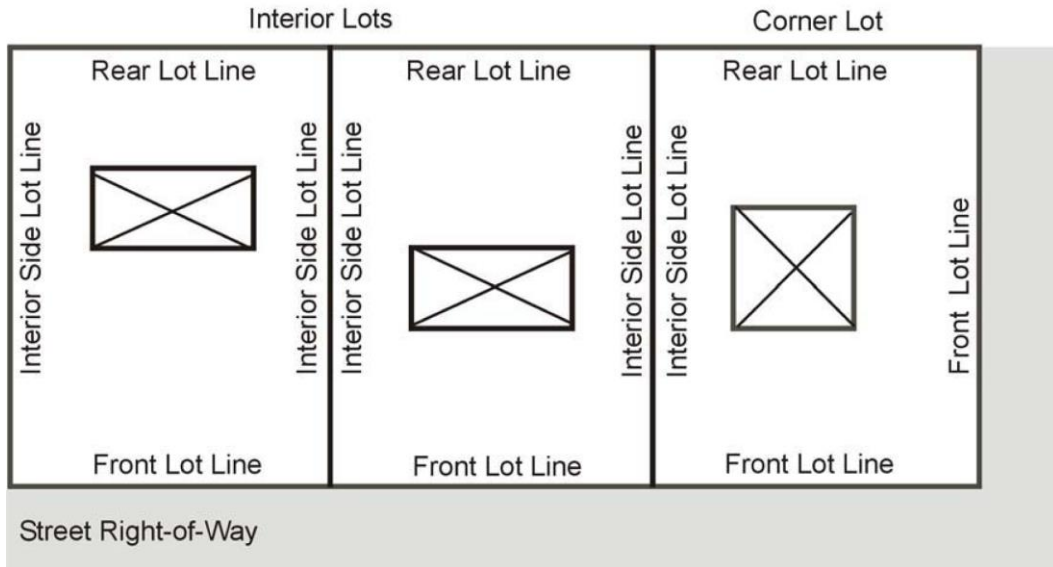
- (a) *Impervious surface*. Manmade material which covers the surface of land and substantially reduces the infiltration of stormwater to a rate of five percent or less. Impervious surfaces include but are not limited to pavement, buildings, and structures.
- (b) *Indoor recreation facility*. An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls and bowling alleys. Auditoriums and stadiums are not included.
- (c) *Industrial uses*. Uses relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.
  - (1) *Industrial park*. A planned, coordinated development of a tract of land with two or more separate industrial buildings that is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, stormwater and utility needs, building design and orientation, screening and open space.
  - (2) *Heavy industrial*. 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 or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
  - (3) *Light industrial*. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- (d) *Junk*. For the purpose of this ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.
- (e) *Junkyard*. An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

(Ord. No. 09-434, § 28.06, 1-20-2009)

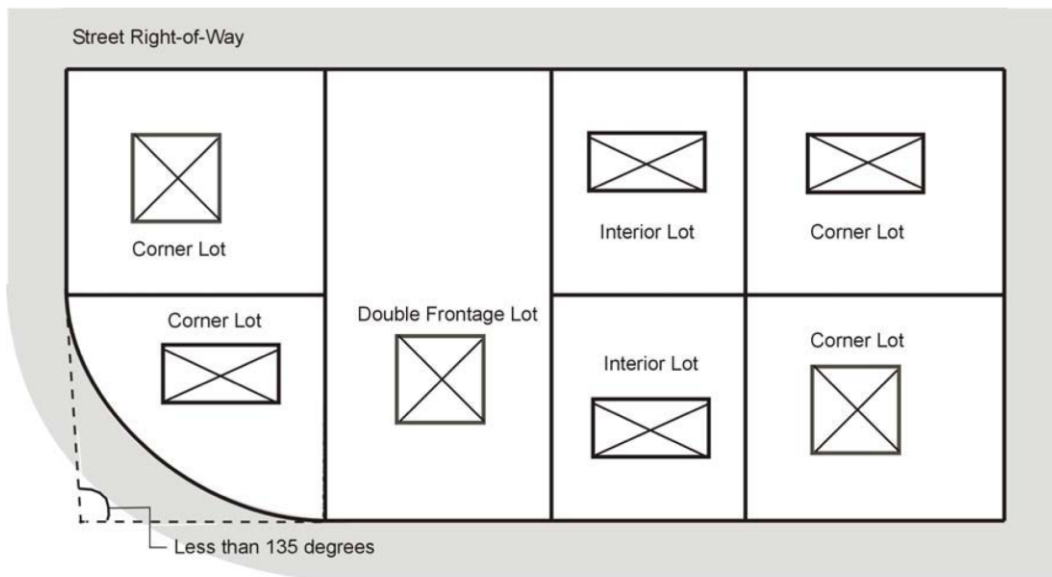
Sec. 28.07. - Definitions K-L.

- (a)  *kennel*. Any lot or premises on which more than three dogs, cats or other domestic animals age four months or older are kept, either permanently or temporarily, for hobby, sporting activity, protection or pets, and are not kept for breeding or sale.
- (b)  *Land division act*. Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (c)  *Landscaping*. The treatment of the ground surface with live plant materials normally grown in Wayne County such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material.
  - (1)  *Berm*. A manmade mound of earth that is graded and shaped to a specified height and slope and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.
  - (2)  *Buffer zone*. A strip of land with landscaping, berms or walls singularly or in combination required between certain zoning districts based on the landscaping standards of this ordinance to lessen visual and noise impacts.
  - (3)  *Caliper*. The diameter of a tree trunk measured as follows:
    - a. Existing trees are measured at 4.5 feet above the average surrounding grade.
    - b. Trees which are to be planted shall be measured 12 inches above the base of the tree if the tree caliper is more than four inches, or if the tree caliper is less than four inches, it shall be measured at six inches above the base of the tree.
  - (4)  *City tree replacement fund*. A fund established for maintenance and preservation of forest areas and the planting and maintenance of trees within the city.
  - (5)  *Clear cutting*. The complete clearing, cutting or removal of trees and vegetation.
  - (6)  *Diameter at breast height (DBH)*. The diameter in inches of a tree measured at 4½ feet above the existing grade. on multistemmed trees, the largest diameter stem shall be measured.
  - (7)  *Drip line*. An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
  - (8)  *Greenbelt*. A strip of land, from property line to property line, located between the property line and the front yard building or parking setback line dedicated to the planting of shrubs, trees or grasses to serve as an obscuring screen or buffer between the property and the adjacent street.
  - (9)  *Ground cover*. Low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.
  - (10)  *Grubbing*. The effective removal of under story vegetation, ground cover, or shrubs from a site, not including the removal of any trees.
  - (11)  *Hedge row*. A two to three-foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.
  - (12)  *Landmark/historic tree*. Any tree which stands apart from neighboring trees by size, form or species, as specified in the landmark tree list in section 16.03, tree preservation and replacement, or any tree, except box elder, catalpa, ash, poplar, silver maple, tree of heaven, elm or willow, which has a DBH of 24 inches or more.
  - (13)  *Landscape screening*. A method of visually shielding or obscuring one abutting or nearby structure or use from another by means of berms or vegetation.
  - (14)  *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 25 feet or less.

- (15) *Shrub*. A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- (16) *Tree*. A woody plant with an erect perennial trunk, which at maturity is 13 feet or more in height and which has a more or less definite crown of foliage.
- (d) *Loading space*. An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (e) *Lot*. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this ordinance, a lot does not include public rights-of-way or private street easements, but does include access easements for a service drive. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds. The following definitions relate to lots:
  - (1) *Lot (or parcel) of record*. A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. A lot may also mean a portion of a condominium project, as regulated by the condominium act, designed and intended for separate ownership and use.
  - (2) *Lot area*. The total horizontal area within the lot lines of a lot excluding public or private street rights-of-way or street easements.
  - (3) *Lot coverage*. The part or percent of the lot occupied by buildings, including accessory buildings or structures.
  - (4) *Lot coverage, impervious surface*. The part or percent of a lot occupied by building, structures, uses, accessory buildings, accessory structures and paved areas.
  - (5) *Lot depth*. The mean horizontal distance from the front street line to the rear lot line.
  - (6) *Lot frontage*. A straight line connecting the points where the side lot lines intersect the street right-of-way or private street easement.
  - (7) *Lot lines*. The lines bounding a lot as defined as follows:
    - a. *Front lot line*. In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating the lot from the street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating the lot from the street designated as the front street in the plat or in the request for a building permit.
    - b. *Rear lot line*. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, the rear lot line shall be that assumed line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot.
    - c. *Side lot line*. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



- (8) *Lot types.* All lots shall be classified as one of the following:
- a. *Corner lot.* A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less. The point of intersection of the street lot lines is the corner. For 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. *Double frontage lot.* An interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be maintained along both street frontages.
  - c. *Flag lot.* A lot not having the required frontage on or abutting a public right-of-way, and where access to the public street is by a narrow, private right-of-way.
  - d. *Interior lot.* A lot other than a corner lot with only one lot line fronting on a street.
  - e. *Stacked lot.* A lot located behind another lot and not having any frontage on a public right-of-way, where access to the public street is by an easement across the front lot.



- (9) *Lot width.* The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

(Ord. No. 09-434, § 28.07, 1-20-2009)

Sec. 28.08. - Definitions M-N.

(a) *Manufactured homes.*

- (1) *Manufactured home.* Any vehicle or structure constructed to permit occupancy as sleeping or living quarters for one or more persons, containing living, cooking, sleeping, heating, lighting, toilet and bathing facilities, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn or carried to and installed on a lot (site). This definition does not include a vehicle such as a tent trailer, travel trailer, self-contained trailer, motor home or camp trailer 24 feet or less.
  - (2) *Manufactured home lot.* A parcel of ground or a lot within a manufactured home park designed for the accommodation of one manufactured home.
  - (3) *Manufactured home park.* A parcel of land which has been designed and/or improved for the placement of manufactured homes for residential use, approved under Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (b) *Master plan.* The comprehensive longrange plan, adopted by the planning commission and city council, intended to guide growth and development within the City of Taylor and that includes analysis, recommendation, and proposals for the community's population, economy, housing, transportation, community facilities and land use.
  - (c) *Mezzanine.* An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.
  - (d) *Mini- or self-storage warehouse or facility.* A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

- (e) *Motel*. A series of attached, semidetached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.
- (f) *Motor vehicle uses*.
- (1) *Automobile filling station*. A building or structure designed or used for the retail sale or provision of fuels (which must be stored only in underground tanks), lubricants, air, batteries, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of these commodities on or in vehicles, and including space for facilities for the temporary shortterm storage, minor repair, or servicing. The definition shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing whether a principal or accessory use, nor shall it be construed as automobile repair or body shop. A filling station may also include other uses such as a convenience store or carryout restaurant.
  - (2) *Automobile pawn facility*. Any shop, store, building, facility, or other location at which a pawn broker loans money on deposit of an automobile on the condition of selling the same back again at a stipulated price.
  - (3) *Motor vehicle maintenance and minor repair*. A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, and windshield wipers; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; auto detailing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, undercoating or painting. An automobile maintenance/service establishment may be located in the same building and be a part of a vehicle service station.
  - (4) *Motor vehicle major engine and body repair*. An automotive repair establishment which may conduct in addition to activities defined below as "minor repairs" one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.
  - (5) *Motor vehicle wash (automatic)*. A structure that is completely enclosed in a building containing facilities for washing of automobiles with automatic, semiautomatic or touchless applications of cleaner, brushes, rinse water and with air, heat or towel drying.
  - (6) *Motor vehicle wash (self-service or coin-operated)*. A structure containing individual washing stalls whereby the customer, through use of a timed mechanical wand, applies cleaner, rinse water, car wax and similar agents directly to their personal vehicle.
  - (7) *Vehicle dealership*. A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, recreational vehicles or other similar methods of transportation. Such a dealership may include outdoor display and accessory indoor maintenance and repair.
- (g) *Municipality*. The City of Taylor, Wayne County, State of Michigan.
- (h) *Nonconforming*.
- (1) *Nonconforming building or structure*. A building or structure portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located.
  - (2) *Nonconforming lot*. A lot of record, lawfully in existence on the effective date of this ordinance and any amendments thereto, which no longer meets the dimensional requirements of this ordinance for the district in which it is located.

- (3) *Nonconforming site.* A site that lawfully occupied land on the effective date of this ordinance or any amendments thereto, that does not conform to the site regulations of the district in which it is located, including landscaping, lighting, and parking requirements.
- (4) *Nonconforming use.* A use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
- (i) *Nuisance.* An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of nonabutting street frontage by traffic, a burned-out structure, a condemned structure.
- (j) *Nuisance per se.* Any violation of this ordinance.

(Ord. No. 09-434, § 28.08, 1-20-2009)

Sec. 28.09. - Definitions O-P.

- (a) *Occupied.* Includes any land or structure arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited or used.
- (b) *Off-street parking lot.* A facility providing off-street vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.
- (c) *Open space.* An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. The term "open space" may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and watercourses. The term "open space" shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.
- (d) *Open space, usable.* An area that is intended for recreational use. The term "usable open space" may include, lawns, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, but shall not include wetlands, watercourses or submerged land.
- (e) *Outdoor display, sales or storage.* Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and yearround farmer's markets, roadside stands, and auctions.
- (f) *Outdoor recreation.* Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (g) *Overhead door.* Any at-grade door in excess of 64 square feet.
- (h) *Park.* A tract of land, designated and used by the public for active and/or passive recreation.
- (i) *Parking garage.* A multilevel building that is designed for the purpose of providing parking spaces for automobiles.
- (j) *Parking space.* An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the parking of permitted vehicles.



- (k) *Paved*. An impervious surface constructed out of asphalt or concrete, placed on the land to facilitate passage.
- (l) *Pawn shop*. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
- (m) *Performance guarantee*. A security, in the form of cash deposit, certified check, or irrevocable bank letter of credit in an amount sufficient to cover the estimated cost of improvements required as part of an application for development that is deposited with the city to ensure that said improvements are satisfactorily completed.
- (n) *Personal service establishment*. A use that performs services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair shops; tailor photographic studios; locksmiths; and similar establishments requiring some minor retail activity.
- (o) *Planned unit development*. An area of land in which a variety of residential, commercial, industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.
- (p) *Planning commission*. The planning commission of the City of Taylor as established under provisions of the Michigan planning enabling act (MCL 125.3801 et seq.).
- (q) *Pond*. A natural or manmade body of water used to provide water for fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.
- (r) *Pond, detention/retention*. An artificially created pond or basin that holds collected stormwater that has run off the surrounding landscape of lawns, streets, and rooftops. A detention pond has an outlet that releases water at a controlled rate. Detention basins are designed to reduce how quickly runoff enters our natural waterways to protect downstream areas from flooding and erosion. Retention ponds are designed to hold water until it infiltrates the soil or evaporates without an outlet to a drainageway, except emergency overflows. Where this ordinance specifies requirements or restrictions on detention ponds, these regulations shall also apply to retention ponds.
- (s) *Pool or billiard hall*. An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.
- (t) *Porch*.
  - (1) *Porch, enclosed*. A covered projection from the main wall of a building, enclosed on three sides by permanent or detachable glass sash, but not used as general living space. A porch shall become general living space when the enclosed space is heated or air-conditioned and when the percentage of window area to wall is less than 50 percent.
  - (2) *Porch, open*. A covered projection from the main wall of a building, open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.
- (u) *Principal*.
  - (1) *Principal building*. A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which the building is situated.
  - (2) *Principal use*. The primary use to which the premises are devoted and the primary purpose for which the premises exist.
- (v) *Property line*. See section 28.07(e)(7), lot lines.
- (w) *Public building*. A building that is open to the general public, including meeting halls, libraries, clubhouses, religious buildings, museums, cultural societies, visual and performance arts buildings,

municipal buildings, and community buildings that are administered by nonprofit cultural, educational or religious organizations.

- (x) *Public utility.* A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or city regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communication towers, devices and facilities are not defined as a public utility.

(Ord. No. 09-434, § 28.09, 1-20-2009)

Sec. 28.10. - Definitions Q-R.

- (a) *Recreation area.* A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
- (b) *Recreational facility.* Any publicly or privately owned property that is utilized for active and passive, indoor and outdoor recreational activities and uses such as, but not limited to: camping, swimming, ball sports, picnicking, hiking, natural and historical sites and/or structures, community recreation centers, golfing, boating, fishing, and other related sports and leisure time activities.
  - (1) *Commercial recreational facility.* A recreational facility operated as a for profit business and open to the public for a fee.
  - (2) *Private recreational facility.* A recreational facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.
  - (3) *Public recreational facility.* A recreational facility that is open to the general public, which may or may not charge a fee.
- (c) *Recreational vehicle.* A vehicle which moves one or more persons over the ground, water, ice, or snow, and which is either self propelled or connects to a vehicle which is self propelled and all associate trailers and equipment. Recreational vehicles include, but are not limited to:
  - (1) *Boats and boat trailers.* Boats, personal watercrafts, canoes and rafts, and the normal equipment to transport the same on the highway.
  - (2) *Folding tent trailer.* A canvas folding structure mounted on wheels and designed for travel and vacation use.
  - (3) *Motorized home.* 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) *Snow mobile and all-terrain vehicles.* Snow mobile and all terrain vehicles and the normal equipment to transport them on the highway.
  - (6) *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.
- (d) *Recycling collection center.* A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.
- (e) *Recycling facility.* A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence

of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables such as food and beverage containers and paper.

- (f) *Recycling plant.* A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- (g) *Resale shop.* Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.
- (h) *Restaurant.* See section 28.04(o), food and beverage service.
- (i) *Retail business.* Any business in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.
- (j) *Right-of-way.* A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.
- (k) *Roadside stand.* A structure erected for the display and sale of agricultural products produced on the premises upon which such roadside stand is located.

(Ord. No. 09-434, § 28.10, 1-20-2009)

Sec. 28.11. - Definitions S-T.

- (a) *Satellite television antenna or dish.* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.
- (b) *School.* An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.
  - (1) *Charter.* A public school established by a contract with a district governing board, the state board of education or the state board for charter schools pursuant to state law to provide learning that will improve pupil achievement.
  - (2) *Parochial.* Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education, offers instruction in the several branches of learning and study required to be taught in the public schools.
  - (3) *Private or business.* Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education, offers instruction in the several branches of learning and study required to be taught in the public schools and which does not secure the major part of its funding from any governmental agency.
  - (4) *Business, trade, technical, industrial or vocational.* A school established to provide for the teaching of industrial, aviation, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).
- (c) *Secondhand goods drop box.* An outdoor receptacle made available to the public to allow the drop-off of second hand goods such as clothing.

- (d) *Self-storage facility.* A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use.
- (e) *Semitrailer.* 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.
- (f) *Senior housing.*
  - (1) *Convalescent home or nursing home.* A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Public Act No. 152 of 1885 (MCL 36.1 et seq.), which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.
  - (2) *Senior assisted living.* A type of semi independent housing facility for senior citizens containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
  - (3) *Senior independent living.* Typically multiple-family dwelling units occupied by persons 55 years of age or older. Units will include individual kitchen facilities; however, common dining and community facilities may be provided.
  - (4) *Housing for the elderly/senior apartments.* A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older, or couples where either spouse is 62 years of age or older. This does not include an adult foster care facility, home for the aged, or nursing home.
- (g) *Setback.* The distance required to obtain minimum front, side or rear yard open space provisions of this ordinance.
- (h) *Shopping center.* A structure or group of structures located on the same lot or parcel which is developed in accordance to an overall plan and designed and built as an interrelated project that provides a variety of commercial uses and also provides for common off-street parking, pedestrian access and vehicular movements. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.
- (i) *Signs.* Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. The term "signs" includes, but is not limited to: figures, devices, balloons pennants, emblems and pictures and any similar device of any kind whether bearing lettering or not. The following definitions are related to signs:
  - (1) *Animated sign.* A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.
  - (2) *Awning sign.* A sign which is painted on, printed on, or attached flat against the surface of an awning.
  - (3) *Banner sign.* A sign made of fabric, cloth, paper, or other nonrigid material that is typically not enclosed in a frame.
  - (4) *Billboard.* A sign other than an off-premises directional sign or political sign, which does not pertain to the principal use of the premises and which is regulated in accordance with the highway advertising act, Public Act No. 106 of 1972 (MCL 252.301 et seq.), as amended, and this ordinance.
  - (5) *Canopy sign.* A sign which is painted on, printed on, or attached flat against the surface of a canopy constructed of rigid material such as plastic or metal.

- (6) *Changeable message sign.* A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs.
- (7) *Community special event sign.* Signs, banners, decorations or displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.
- (8) *Construction sign.* A sign which identifies the pertinent facts regarding the construction of the building and site improvements.
- (9) *Directional sign.* A sign installed to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Device.
- (10) *Entranceway sign.* A sign which marks the entrance to a subdivision, apartment complex, condominium development, industrial park or other development complex.
- (11) *Flashing sign.* A sign which contains an intermittent or sequential flashing light source.
- (12) *Freestanding sign (ground or monument).* A three dimensional, base-mounted freestanding sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- (13) *Illegal sign.* A sign which does not meet the requirements of this ordinance and which has not received legal nonconforming status.
- (14) *Incidental sign.* A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations money order, postal services and lottery sales.
- (15) *Marquee sign.* A display sign attached to or hung from a theater, performing arts or other similar use marquee, canopy or other covered structure projected from and supported by the building and extending beyond the building wall, or street lot line.
- (16) *Moving sign.* A sign in which the sign itself or any portion of the sign moves or revolves. A rotating sign is a type of moving sign. Such motion does not refer to the method of changing the message on the sign. Moving signs include any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
- (17) *Nameplate.* An on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (18) *Nonconforming sign.*
  - a. A sign which is prohibited under the terms of this ordinance, but was erected lawfully and was in use on the date of enactment of this ordinance, or amendment thereto.
  - b. A sign which does not conform to the requirements of this ordinance, but for which a variance has been granted.
- (19) *Obsolete sign.* A sign that advertises a product that is no longer made or that advertises a business that has closed.
- (20) *Pennant.* A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (21) *Political sign.* A temporary sign expressing a political opinion or message or relating to matters to be voted on in a local, state, or national election or referendum.
- (22) *Portable sign.* A sign and sign structure which is designed to facilitate the movement of the sign from one lot to another. The sign may or may not have wheels, changeable lettering and/or hitches

for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one lot to another.

- (23) *Poster panel sign.* A sign that is used to draw attention to matters that are temporary in nature, such as price changes, menus, or sales. A-frame or sandwich signs are types of poster panel signs.
  - (24) *Projecting sign.* A sign other than a flat wall sign that is affixed to a building or structure, other than a marquee, and any part of which extends more than 12 inches beyond the building wall.
  - (25) *Real estate sign.* An on-premises temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.
  - (26) *Real estate development sign.* A temporary sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located. The sign may also be placed on a site that is undergoing redevelopment. The sign may also identify the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.
  - (27) *Roof sign.* A display sign which is erected, constructed and maintained above the roof of the building.
  - (28) *Sign face.* The area of display surface used for the sign message.
  - (29) *Surface.* That part of the sign upon, against, or through which the message is displayed or illustrated.
  - (30) *Temporary sign.* A display sign, banner or other advertising device not constructed or intended for long term use, with or without a structural frame, intended for a limited period of display.
  - (31) *Vehicle sign.* A sign painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.
  - (32) *Wall sign.* A display sign attached parallel to the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or parapet shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.
  - (33) *Window sign.* A sign located in or on a window or glass door which is intended to be viewed from the outside.
- (j) *Site plan.* A scaled drawing, containing all required information and drawn in compliance with this ordinance, illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions. Site plans must be prepared, signed and sealed by a licensed engineer or registered land surveyor registered in the State of Michigan.
  - (k) *Sketch plan.* A drawing, containing less information than a site plan, drawn in compliance with this ordinance, development to ensure compliance with zoning provisions. A sketch plan need not be prepared by a licensed engineer or registered land surveyor.
  - (l) *Special event.* A temporary use on private property that extends beyond the normal uses and standards allowed by this ordinance including but is not limited to, art shows, sidewalk sales, haunted houses, carnivals, special auto sales, grand openings, festivals, home exhibitions and church bazaars.
  - (m) *Small package and overnight delivery distribution facility.* A facility designed and equipped to provide for the receipt, temporary storage (under 24 hours), and distribution of small packages and parcels under 150 pounds primarily by means of small trucks and/or vans.
  - (n) *Special land use.* A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted

without jeopardy to uses permitted within such district. A special land use requires that a special land use approval be obtained.

- (o) *Stable*. The structure, building or use on the premises of an owner wherein horses, ponies or other equine are kept for boarding purposes for a fee or for sale.
- (p) *Story*.
  - (1) *Full story*. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.
  - (2) *Half story*. The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed 50 percent of the floor area of the story immediately below. Trilevel shall be considered as 1½ stories.
- (q) *Street*. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property. Various types of streets are further defined below:
  - (1) *Alley*. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
  - (2) *Arterial street*. A main traffic artery, designated on the functional classification map of the master plan as a principal arterial or minor arterial or having a planned right-of-way of at least 120 feet in the Wayne County Right-of-Way Master Plan. The following streets are arterial streets in the city: Allen, Beech Daly, Ecorse, Eureka, Goddard, Inkster, Northline, Pelham, Pennsylvania, Racho, Telegraph, Van Born and Wick.
  - (3) *Collector street*. A street used to carry traffic from local streets to arterials, including principal entrance streets of large residential developments or having a planned right-of-way of at least 86 feet in the county right-of-way master plan. The following streets are collector streets in the city: Monroe, Mortenvew, Pardee Road and Superior.
  - (4) *Cul-de-sac*. A local street of short length, having one end permanently terminated by a vehicular turnaround.
  - (5) *Local streets*. Local streets provide access primarily to individual properties and homes. All streets that are not classified as major streets are considered local streets.
  - (6) *Major streets*. An arterial or collector street which is intended to serve large volumes of traffic for both the immediate municipal area and the region beyond. Streets considered major streets in the city include:
    - a. Allen Road.
    - b. Beech Daly Road.
    - c. Ecorse Road.
    - d. Eureka Road.
    - e. Goddard Road.
    - f. Inkster Road.
    - g. Northline Road.
    - h. Pelham Road.
    - i. Pennsylvania Road.
    - j. Racho Road.
    - k. Telegraph Road.
    - l. Van Born Road.

m. Wick Road.

- (7) *Marginal access road.* A local street that is parallel and adjacent to major streets and which provides access to abutting properties and protection from through traffic.
- (8) *Private road/street.* A street that is owned, and maintained by the landowners served and has not been dedicated to the city, county or state as a public street.
- (9) *Public street.* A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, alley, and other thoroughfare.
- (10) *Service drive.* A street, typically private, that provides for cross circulation between adjacent properties. Service drives may be parallel to and follow the frontage along a major street allowing travel between adjacent commercial businesses without the need to travel on the thoroughfare, located behind businesses, or shared along common side lot lines.
- (r) *Structure.* Anything constructed or erected, the use of which requires location above the ground or attached to something having location on the ground. A structure will include buildings, fences, walls, decks, towers, pools, gazebos, play structures, tree house, and other similar above ground structures.
- (s) *Structural alteration.* Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, girders, or any change in the width or number of exits, or any substantial change in the roof.
- (t) *Supermarket/grocery store.* A retail store with more than 20,000 square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.
- (u) *Swimming pool.* A permanent, structure or container located either above or below grade designed to allow holding of water to a depth of greater than two feet, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.
- (v) *Tattoo parlor.* A business operation which performs the service of marking permanent marks or designs on the skin (tattoos) by puncturing it and inserting indelible colors.
- (w) *Temporary use or building.* A temporary use or building permitted to exist during a specified period of time.
- (x) *Therapeutic massage.* Massage provided in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. The term "therapeutic massage" shall not include an adult massage parlor, as defined, which is considered an adult regulated use for purposes of these regulations.
- (y) *Traffic impact assessment/study.* The analysis of the potential traffic impacts at site access points and intersections in the vicinity of a proposed project or rezoning. The following definitions are related to traffic impact assessments and studies:
  - (1) *Average day.* A Tuesday, Wednesday or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than midweek.
  - (2) *Background traffic.* Traffic anticipated to occur regardless of the decision on the subject application based on overall trends as demonstrated by, annual traffic increases and associated with specific approved projects for the opening year of a project. Data such as historic counts and long-range traffic projections shall be considered as part of the background traffic calculation.
  - (3) *Level of service (LoS).* A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience and safety.



- a. *Level of service A.* Operations with very low control delay occurring with favorable progression and/or short cycle lengths.
  - b. *Level of service B.* Operations with low control delay occurring with good progression and/or short cycle lengths.
  - c. *Level of service C.* Operations with average control delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear. Typically determined to be acceptable for signalized intersections.
  - d. *Level of service D.* Operations with longer control delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable. Typically determined to be acceptable for unsignalized intersections.
  - e. *Level of service E.* Operations with high control delays due to a combination of poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are a frequent occurrence. This is considered to be the limit of acceptable delay.
  - f. *Level of service F.* Operation with control delays unacceptable to most drivers occurring due to oversaturation where arrival rates exceed the capacity of the intersection, poor progression, or very long cycle lengths.
- (4) *Peak hour.* A one-hour period representing the highest hourly volume of traffic flow in the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).
- (5) *Trip (directional trip).* A single or one direction vehicle movement with either the origin of the destination (existing or entering) inside a study site.
- (z) *Truck terminal.* A structure to which goods, except raw or unprocessed agricultural products, natural minerals, equipment or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.
- (aa) *Truck repair garage.* A repair garage designed and operated to provide repair services to commercial trucks and/or vans.
- (bb) *Truck stop.* Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include overnight accommodations and restaurant facilities.

(Ord. No. 09-434, § 28.11, 1-20-2009)

Sec. 28.12. - Definitions U-V.

- (a) *Unbuildable area.* For cluster residential development, unbuildable area is land which includes bodies of water, wetlands, ponds, lakes, streams, culverts, and existing easements.
- (b) *Use.* The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- (c) *Underground storage tank system.* A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in part 213 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.21301a et seq.).
- (d) *Urgent care center or emergency medical station.* A facility offering immediate or emergency health care treatment and can be considered either a principal or accessory use.

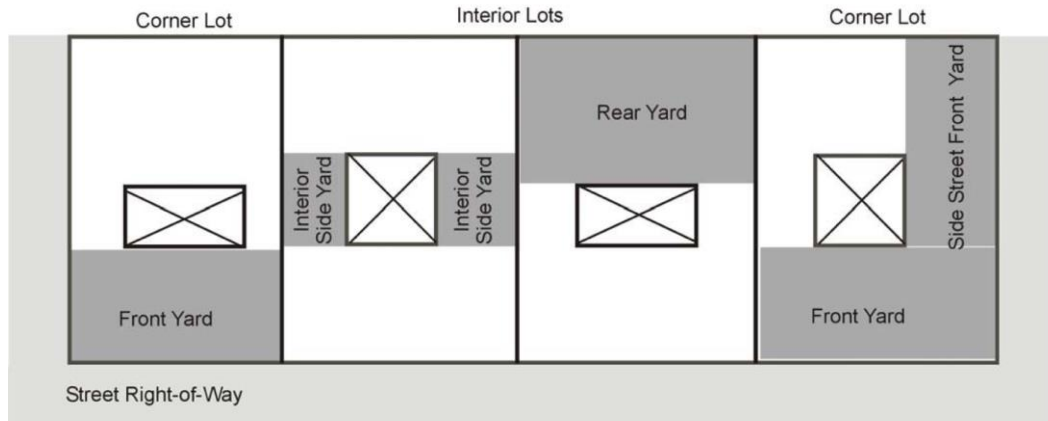
- (e) *Variance*.
  - (1) *Variance*. A relaxation or modification of the requirements of this ordinance as authorized by the zoning board of appeals (ZBA) under the provisions of this ordinance.
  - (2) *Dimensional variance*. A variance approved by the ZBA relaxing one or more requirements of this ordinance related to buildings, lots, and other dimensional requirements.
  - (3) *Use variance*. A variance approved by the ZBA which allows a use of property not otherwise permitted by this ordinance.
- (f) *Veterinary clinic or hospital*. 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 or hospital may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

(Ord. No. 09-434, § 28.12, 1-20-2009)

Sec. 28.13. - Definitions W-Z.

- (a) *Wall*. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.
- (b) *Wall, obscuring*. An artificially constructed upright barrier of any material or combination of materials erected to enclose, buffer, divide, screen, or protect areas of land.
- (c) *Warehouse*. A building used for longterm and shortterm storage and wholesale of manufactured products, supplies, and equipment related to the operation of a single business and material for "just in time" delivery to a manufacturing facility. The use will include truck loading and unloading, provided the area dedicated to the outdoor storage of trucks and trailers is no more than the area of the warehouse building. Where the area dedicated to the outdoor storage of trucks and trailers exceeds the area of the warehouse building or the number of truck parking spaces exceeds the number of dock doors, the use shall be considered a truck terminal.
- (d) *Waste receptacle (dumpster)*. Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be dumpsters or waste receptacles for the purposes of screening regulations.
- (e) *Watercourses*. Any waterway or other body of water having reasonably well-defined banks, including rivers, streams, creeks, drains and brooks, whether continually or intermittently flowing, and lakes and ponds.
- (f) *Wetlands*.
  - (1) *Wetlands*. Lands generally or intermittently covered with water which, by nature of their surface and/or subsurface soil characteristics either contribute to the replenishment of subsurface water supply, or are self-contained water resources, including marshes, swamps and bogs.
  - (2) *Wetlands, state regulated*. Lands generally or intermittently covered with water which, by nature of their surface and/or subsurface soil characteristics either contribute to the replenishment of subsurface water supply, or are self-contained water resources,
    - a. Contiguous to any lake, pond, river, or stream.
    - b. Not contiguous to any lake, pond, river, or stream; and more than five acres in size.
    - c. Not contiguous to any lake, pond, river or stream; and five acres or less in size if the Michigan Department of Natural Resources and Environment (MDNRE) 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 (MDNRE) has so notified the owner.

- (g) *Wholesale establishment.* An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.
- (h) *Wind energy conversion system (WECS).*
- (1) *Wind energy conversion system (WECS).* A device used to convert wind energy into useful form, such as electricity, using wind turbines. These systems will include a surface area (typically a blade or rotor), a shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device and a tower and other support structures.
  - (2) *WECS height.* The distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
- (i) *Wireless communication.*
- (1) *Attached wireless communication facilities (antennas).* Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.
  - (2) *Collocation.* The location by two or more wireless communications providers, public authority or other dually authorized party of wireless communications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures.
  - (3) *Wireless communication facilities (WCF).* 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 antenna, television broadcasting antenna, telephone devices, personal communication transmission equipment and exchanges, microwave relay, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include reception antenna for an individual lot as otherwise regulated in the applicable zoning district.
  - (4) *Wireless communication support structure (WCSS).* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, and guyed towers, or other structures that are erected for the purpose of supporting WCFs.
- (j) *Yards.* An open space, unoccupied and unobstructed from the ground upward and not including stormwater detention/retention facilities, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. Yards are defined as:
- (1) *Front yard.* The open space between the front line of the building and the front lot line, extending from one side lot line to the other side lot line. A corner lot will be considered to have two front yards: a front yard and a side street front yard.
  - (2) *Nonrequired yard.* The open space between the minimum setback line and the main building. The nonrequired yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.
  - (3) *Rear yard.* The open space between the rear line of the building and the rear lot line, extending from one side lot line to the other side lot line. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.



- (4) *Required yard.* The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.
- (5) *Side yard.* The open space on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear to the front yard. A side yard will also be referred to as an interior side yard where it adjoins another lot. The exterior side yard is a side yard on a corner lot that faces a side street and will be considered a side street front yard, as noted above under front yard.
- (k) *Zoning district.* A zoning district is a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which, certain yards, open spaces, lot areas, and other requirements are established by this ordinance.
- (l) *Zoning act.* The Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended.
- (m) *Zoning board of appeals (ZBA).* The zoning board of appeals for the City of Taylor.

(Ord. No. 09-434, § 28.13, 1-20-2009)

#### ARTICLE 29. - ENACTMENT PROVISIONS

##### Sec. 29.01. - Repeal of ordinances.

- (a) The zoning ordinance adopted by the City of Taylor, known as Ordinance No. 00-342, adopted on March 21, 2000, and all amendments thereto, are hereby repealed.
- (b) All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.
- (c) The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

(Ord. No. 09-434, § 29.01, 1-20-2009)

##### Sec. 29.02. - Severability.

This ordinance and its various articles, sections, paragraphs, and clauses are hereby declared to be severable. If any article, section, paragraph or clause is declared by the courts to be unconstitutional or invalid, the remainder of the ordinance shall not be affected.

(Ord. No. 09-434, § 29.02, 1-20-2009)

Sec. 29.03. - Enactment and effective date.

The City of Taylor ordains that:

Public hearings having been held hereon by the planning commission and city council, the provisions of this ordinance are hereby effective, pursuant to the provisions of the zoning act. This ordinance shall become effective seven days from the date of publication of notice of adoption.

Made and passed by the city council of the City of Taylor, Wayne County, Michigan on this 20th day of January, 2009.

- (a) Date of public hearings: November 19, 2008.
- (b) Date of publication: January 25, 2009.
- (c) Date of adoption by city council: January 20, 2009.
- (d) Date ordinance shall take effect: February 1, 2009.

_____ Cameron G. Pribe, Mayor	
Date: January 20, 2009	
_____ Mary Ann Rilley, City Clerk	
Date: January 20, 2009.	

(Ord. No. 09-434, § 29.03, 1-20-2009)

APPENDIX A. - TABLE OF USES

**TABLE A.1. TABLE OF USES BY DISTRICT**

Use	R-1A	R-1B	R-1C	R-2	R M-1	R M-2	R-3	O-1	O-2	B-1	B-2	B-3	M T-1	M T-2	TR O	I-1	I-2
<b>Residential uses</b>																	
Home occupations	P	P	P	P	P	—	P	—	—	—	—	—	P	P	—	—	—
Live/work dwelling units	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Loft apartments	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—
Manufactured home parks and manufacture home subdivisions	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—
Manufactured homes located in a manufactured home park	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—
Multiple-family dwellings	—	—	—	—	P	P	—	—	—	—	—	—	—	P	—	—	—
Residential apartments on upper floor above a retail, personal service or office use on the ground floor	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Single-family detached dwellings	P	P	P	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Single-family detached dwellings, when occupied by the caretaker or manager of the multiple-family rental complex	—	—	—	—	SL U	SL U	—	—	—	—	—	—	—	—	—	—	—
Stacked dwelling units	—	—	—	P	P	P	—	—	—	—	—	—	P	P	—	—	—
Townhouse dwellings	—	—	—	P	P	P	—	—	—	—	—	—	P	P	—	—	—

Two-family dwellings	—	—	—	P	—	—	—	—	—	—	—	—	P	P	—	—	—
<b>Animal and agricultural uses</b>																	
Commercial kennels	—	—	—	—	—	—	—	—	—	—	—	SL U	—	—	—	SL U	SL U
Farms and accessory roadside stands	SL U	SL U	SL U	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Greenhouses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Pet daycare	—	—	—	—	—	—	—	—	—	SL U	SL U	SL U	—	—	P	P	P
Pet grooming and obedience training with no boarding	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—
Processing and refining of animal products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U
Stables, livestock barns and boarding stables	SL U	SL U	SL U	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
Veterinary clinics and hospitals, not including outdoor kennels and runs	—	—	—	—	—	—	—	P	P	—	—	P	SL U	P	—	—	—
<b>Public and institutional uses</b>																	
Business or technical colleges	—	—	—	—	—	—	—	—	P	—	SL U	SL U	SL U	—	P	P	P
Cemeteries	SL U	SL U	SL U	SL U	SL U	—	—	—	—	—	—	—	—	—	—	—	—
Colleges, universities, and other institutions of higher learning, offering courses in general,	SL U	SL U	SL U	SL U	SL U	—	—	SL U	P	—	SL U	SL U	—	—	P	P	—





Trade or industrial schools and uses with the principal function of technical training	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Union halls	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P
<b>Retail uses</b>																	
Antique and collectible shop	-	-	-	-	-	-	-	-	-	-	SL U	-	-	-	-	-	-
Firearms dealers, distributors and repair shops	-	-	-	-	-	-	-	-	-	-	SL U and RL U	SL U and RL U	-	-	-	-	-
Liquor stores with more than 30% of floor area dedicated to the sales of alcoholic beverages	-	-	-	-	-	-	-	-	-	SL U	SL U	SL U	-	-	-	-	-
Lumber and building material sales and storage yards and/or nonindustrial rental equipment centers	-	-	-	-	-	-	-	-	-	-	SL U	-	-	-	-	-	-
Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies, and equipment and similar uses	-	-	-	-	-	-	-	-	-	-	SL U	SL U	-	-	P	P	P

Outdoor display, sales and storage		—	—	—	—	—	—	—	—	—	—	SL U	—	—	—	—	—	
Pawn shops, excluding automobile pawn facilities		—	—	—	—	—	—	—	—	—	—	SL U and RL U	SL U and RL U	—	—	—	—	—
Precious metal and gem dealers purchasing from the general public		—	—	—	—	—	—	—	—	—	—	SL U and RL U	SL U	—	—	—	—	—
Replacement parts sales (new or reconditioned only)		—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	
Resale shops		—	—	—	—	—	—	—	—	—	—	SL U and RL U	SL U	—	—	—	—	—
Retail and personal service uses on the first floor of a multiple story building. not exceeding 10,000 sq. ft. in O-2		—	—	—	—	—	—	—	—	SL U	P	P	P	—	P	—	—	—
Retail businesses whose principal	Uses up to 12,000 sq. ft. net floor area	—	—	—	—	—	—	—	—	—	P	P	P	—	P	—	—	—

activity is the sale or rental of merchandise within a completely enclosed building	Uses between 12,000 and 60,000 sq. ft. net floor area	—	—	—	—	—	—	—	—	—	P	P	P	—	SL U	—	—	—
	Uses 60,000 sq. ft. of net floor area or more	—	—	—	—	—	—	—	—	—	SL U	SL U	SL U	—	—	—	—	—
Retail business offering a drive-through service		—	—	—	—	—	—	—	—	—	—	SL U	SL U	—	—	—	—	—
<b>Motor vehicle uses</b>																		
Automobile filling stations		—	—	—	—	—	—	—	—	—	—	SL U	SL U	—	—	—	—	—
Automobile impound facilities and towing companies		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U
Automobile pawn facilities		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
Automobile rental establishments		—	—	—	—	—	—	—	—	—	—	—	SL U	—	—	—	—	—
Automobile storage		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
Bus passenger stations		—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—
Motor vehicle maintenance and minor repair		—	—	—	—	—	—	—	—	—	—	—	SL U	—	—	—	P	P









laboratory, experimental, development technical, or testing services																		
Insurance offices, brokerage houses and real estate offices	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	—	
Newspaper offices	—	—	—	—	—	—	—	P	P	—	P	P	P	P	P	P	—	
Office buildings, providing for uses such as corporate offices in accordance with the purpose of this district, including any of the following occupations: executive, administrative, professional, accounting, engineering, drafting, legal, writing and clerical	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	
<b>Health care and social assistance</b>																		
Adult day care centers	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—	—	
Adult foster care family homes (up to six adults, 24 hours per day)	P	P	P	P	P	P	P	—	—	—	—	—	—	P	—	—	—	
Adult foster care large group homes (13 to 20 adults)	—	—	—	P	P	P	P	—	—	—	—	—	SL U	SL U	—	—	—	
Adult foster care small group homes (seven to 12 adults)	—	—	—	P	P	P	P	—	—	—	—	—	P	P	—	—	—	
Child care centers and day care centers	SL U	SL U	SL U	SL U	SL U	—	SL U	SL U	SL U	P	P	P	P	P	SL U	SL U	SL U	





medical, optical, pharmaceutical and dental laboratories																	
<b>Entertainment and recreation uses</b>																	
Adult regulated uses including: adult personal service establishment, adult supply (book) store, adult theater, adult physical culture establishment and group A cabarets	—	—	—	—	—	—	—	—	—	—	—	SL U and RL U	—	—	—	—	—
Arcades	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U	—	—	—	—
Assembly halls and concert halls when conducted completely within enclosed buildings	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U	—	—	—	—
Bowling alleys	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—
Drive-in outdoor theaters	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
Golf courses and country clubs	SL U	SL U	SL U	SL U	SL U	—	SL U	—	—	—	—	—	—	—	—	—	—
Indoor recreation uses such as gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, rock climbing facilities, and similar recreational uses	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	SL U

Outdoor recreation uses, such as golf driving range, or court sports facilities, miniature golf, tennis and similar recreation uses, excluding gun ranges	-	-	-	-	-	-	-	-	-	-	SL U	SL U	-	-	-	-	-
Outdoor theater, plazas, parks, and public gathering places.	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Pool and billiard halls	-	-	-	-	-	-	-	-	-	-	SL U	SL U	-	-	-	-	-
Private club, fraternal organizations, and lodge halls	-	-	-	-	-	-	-	-	-	P	P	P	SL U	P	-	-	-
Private open space and neighborhood parks	P	P	P	P	P	P	P	-	-	-	-	-	P	P	-	-	-
Private recreational facilities, public recreational facilities, and nonprofit swimming pool clubs	SL U	SL U	SL U	SL U	SL U	-	SL U	-	-	-	-	-	-	-	-	-	-
Public parks and recreational facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Racetracks including mini auto, carting, motorcycles, dirt bikes, and snow mobile	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SL U
Recreational equipment storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SL U	SL U
Recreational, health services and related uses including health clubs or	-	-	-	-	-	-	-	SL U	-	-	P	P	P	P	-	-	-









	ion support structure																	
<b>Construction uses</b>																		
Asphalt, concrete mortar, plaster or mixing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U
Brick, tile, cement block and pipe manufacturing and storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U
Contractors equipment storage and storage yards	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
Landscape contractor supply yard, including retail sales	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P
Service establishments of an office, showroom or workshop nature within a completely enclosed building of a contractor, including carpentry, electrical, glazing, heating, painting, paper hanging, plastering, plumbing, roofing, and ventilating, exterminator and similar establishments that require a retail adjunct; but excluding outside storage yards	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	P	P
Wholesale lumber yards, building material, planing mills	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SL U	SL U
<b>Manufacturing uses</b>																		















Footnotes:

--- (12) ---

**Editor's note—** The official zoning map for the city is on file in the city clerk's office.