

Chapter 110 ZONING¹

ARTICLE I. SHORT TITLE

Sec. 110-1. Short title.

This chapter shall be known and may be cited as the "City of Trenton Zoning Ordinance".
(Ord. No. 802, § 1, 12-14-2021)

Secs. 110-2—110-20. Reserved.

ARTICLE II. GENERAL STANDARDS

Sec. 110-21. Construction of language.

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

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) The words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes the whole or any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

¹Editor's note(s)—Ord. No. 802, § 1, adopted December 14, 2021, repealed former Ch. 110, in its entirety, and enacted a new Ch. 110 as set out herein. Former Ch. 110 pertained to similar subject matter. See the Code Comparative Table for the complete derivation of Ch. 110.

Cross reference(s)—Any ordinance rezoning property or amending the zoning map saved from repeal, § 1-12(16); compliance with zoning regulations for dances and dancehalls, § 10-73; zoning requirements for dog and cat kennels, § 14-173; fences, § 18-111 et seq.; swimming pools, § 18-221 et seq.; community development, ch. 26; environment, ch. 38; floods, ch. 46; manufactured homes, ch. 62; streets, sidewalks and other public places, ch. 82; subdivisions and other divisions of land, ch. 86; conformance with zoning requirements for off-street parking facilities, § 86-146; vegetation, ch. 102; waterways, ch. 106.

State law reference(s)—Zoning, MCL 125.581 et seq.

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- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events shall apply singly or, in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
 - (9) Terms not herein defined shall have the meaning assigned to them in the Webster's Standard Dictionary.

(Ord. No. 802, § 1, 12-14-2021)

Sec. 110-22. Compliance required.

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

(Ord. No. 802, § 1, 12-14-2021)

Sec. 110-23. Interpretation.

In its interpretation and application, the provisions of this chapter shall be held to be the minimum requirement, or in some instances, the maximum permitted limitation adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, or with any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. However, where this chapter imposes a greater restriction than is required by an existing ordinance, code or law, or by a rule, regulation or permit, the standards of this chapter shall prevail and control.

(Ord. No. 802, § 1, 12-14-2021)

Sec. 110-24. Vested rights.

Nothing in this chapter shall be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, use district or zoning classification, or any permissible activity therein, and such use, use district or zoning classification or activity is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.

(Ord. No. 802, § 1, 12-14-2021)

Sec. 110-25. Changes and amendments.

The Trenton City Council may, from time to time, and on the recommendation of the Trenton Planning Commission, or on its own initiation or on petition, amend, supplement, change or modify the zoning district boundaries or the provisions of this chapter pursuant to the authority and procedure set forth in the Michigan Zoning Enabling Act, Act 110 of the Michigan Public Acts of 2006.

(Ord. No. 802, § 1, 12-14-2021)

State law reference(s)—Amendment procedure, MCL 125.584.

Sec. 110-26. Submittal limitation.

When a petition to change or modify a zoning district boundary, or to change or modify any provision of this chapter, shall have been denied by city council, one year, commencing on the date of denial, shall pass before the same petition may again be presented for consideration.

(Ord. No. 802, § 1, 12-14-2021)

Sec. 110-27. Conflict of laws.

Whenever this chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other law or ordinance, the standards of this chapter shall govern. Whenever any other law, code or ordinance shall impose more stringent requirements than are imposed or required by this chapter, such other law, code, or ordinance shall govern.

(Ord. No. 802, § 1, 12-14-2021)

State law reference(s)—Conflicts between zoning and other ordinances, MCL 125.586.

Sec. 110-28. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

Access management: The process of providing and managing access to land development while preserving regional flow of traffic in terms of safety, capacity, and speed.

Accessory use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking or loading spaces) located on the same zoning lot with the principal use to which it is related.

Accessory: A use, activity, building, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site

When "accessory" is used in this text, it shall have 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 and private vehicle garages;
- (2) Swimming pools and tennis courts for the use of the occupants of a residence, and their guests;
- (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;

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- (4) A newsstand primarily for the use of the occupants of a building, when the newsstand is located on the same premises with the building;
 - (5) Storage of merchandise normally carried in stock and which is directly used in connection with a business use on the premises, unless such accessory storage is specifically prohibited as set forth in the regulations of the zoning lot on which the principal use is located;
 - (6) Storage of goods and materials used in the manufacture of a product made on the same premises, unless such storage is specifically prohibited as set forth in the regulations of the zoning lot on which the principal use is located;
 - (7) Accessory off-street parking spaces, open or enclosed, on the same premises as the use it is intended to serve, except as otherwise permitted in the P-1 Vehicle Parking District as set forth in this chapter;
 - (8) Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial use located on the same premises with the principal use;
 - (9) Accessory off-street loading and unloading on the same premises as the principal use; and
 - (10) Accessory signs located on the same premises as the principal use.

Accessory apartment (granny flat): A permitted independent, subordinated dwelling unit contained within a single-family detached dwelling or its accessory detached garage.

Accessory building: A subordinate building or a part of the main building, the use of which is clearly incidental to that of the main building or to the main use of the land.

Acid rain: Air pollution produced when acid chemicals are incorporated into rain, snow, fog, or mist.

Adolescent: For the purpose of this chapter shall mean a human being less than 18 years of age and shall have the same meaning as a "minor child" as defined in 722.111, section 1.(k), of the Child Care Organizations Act 116 of the Michigan Public Acts of 1973, as amended.

Adult: For the purposes of this chapter, shall mean a human being 18 years of age or older, as defined in 400.703, section 3.(1), (a) of the Adult Foster Care Licensing Act 218 of the Michigan Public Acts of 1979, as amended.

Adult oriented use: Adult oriented use shall include the following uses as herein defined:

- (1) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated, slug-operated, internet accessed, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing specified sexual activities or specified anatomical areas.
- (2) *Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other audio visual representations which depict or describe specified sexual activities or specified anatomical areas, and
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore or adult video store.

Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

- (3) *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- a. Persons who appear in a state of nudity;
 - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; and
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) *Adult motel* means a hotel, motel, or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; and
 - c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.
- (5) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (6) *Adult theater* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (7) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (8) *Escort agency* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (9) *Establishment* means and includes any of the following:
- a. The opening or commencement of any sexually oriented business as a new business.
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - c. The additions of any sexually oriented business to any other existing sexually oriented business.
 - d. The relocation of any sexually oriented business.
- (10) *Permittee and/or licensee* means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

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- (11) *Nude model studio* means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (12) *Nudity or a state of nudity* means the appearance of a human bare buttocks, anus, male genitals, female genitals, or full female breast.
- (13) *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (14) *Seminude* means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- (15) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- Physical contact in the form of wrestling or tumbling between persons of the opposite or the same sex; and
 - Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.
- (16) *Sexually oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (17) *Specified anatomical areas* means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- (18) *Specified sexual activities* means and includes any of the following:
- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy.
 - Masturbation, actual or simulated.
 - Excretory functions as part of or in connection with any of the activities set forth in subsections a. through c. above.
- (19) *Substantial enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date of enactment.
- (20) *Transfer of ownership or control* of a sexually oriented business means and includes any of the following:
- The sale, lease, or sublease of the business.
 - The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
 - The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Agricultural animals: Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

Agricultural use: The employment of land for the primary purpose of obtaining a profit in money by raising harvesting, and selling crops, or feeding (including grazing) breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lesson, training, clinics, and schooling shows.

Agriculture, home: The production, principally for use or consumption of the property owner, of plants, animals, or their products and for sale to others where such sales are incidental, including gardening and fruit production, but not poultry and livestock products.

Alley: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, any change 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."

Ambient: Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, noise, air, and other environments.

Animal, domestic (pet): An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

Apartment: A room or suite of rooms used as a dwelling for one or more families which has cooking facilities and sanitary facilities located therein.

Apartments: The dwelling units in a multiple dwelling building as defined herein:

- (1) *Efficiency apartment* means a dwelling unit containing not less than 450 square feet of floor area and consisting of not more than one room in addition to the kitchen-dining and necessary sanitary facilities.
- (2) *One-bedroom unit* means a dwelling unit containing a minimum floor area of at least 600 square feet per unit and containing not more than one bedroom in addition to kitchen, dining, and living room, and necessary sanitary facilities.
- (3) *Two-bedroom unit* means a dwelling unit containing a minimum floor area of at least 800 square feet per unit and containing not more than two bedrooms in addition to kitchen, dining, and living room, and necessary sanitary facilities.
- (4) *Three- or more bedroom unit* means a dwelling unit wherein each bedroom in addition to the two-bedroom unit, shall provide an additional area of 200 square feet to the minimum floor area of 800 square feet for each additional bedroom.

Apartment building: A building or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Apartment garden: See garden apartment.

Apartment hotel: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

Arcade: Any establishment or place of business containing five or more mechanical amusement devices. See definition of a mechanical amusement device.

Arcade, adult: See *Adult oriented use*.

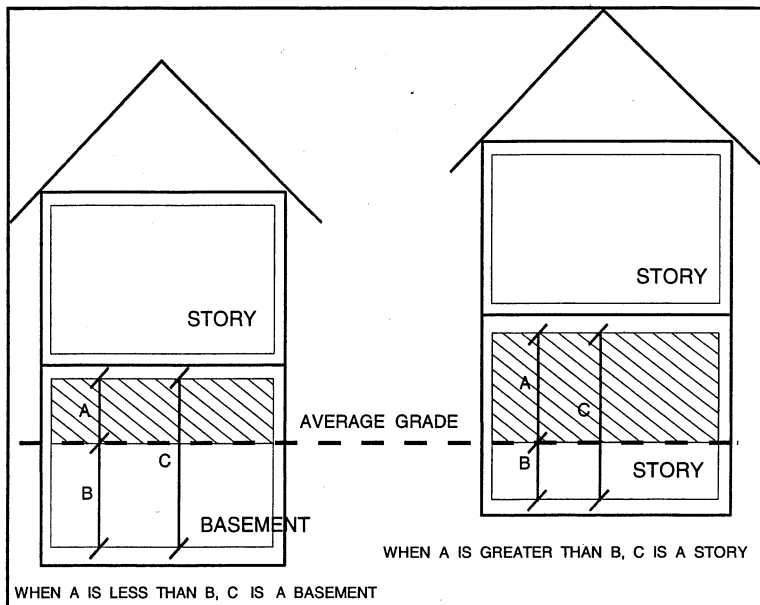
Automobile: Every vehicle, except motorcycles, designed for carrying ten passengers or less and used for the transportation of persons.

Automobile repair garage: See *Motor vehicle repair*.

Automobile repair services, major: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within a completely enclosed building.

Automobile repair services, minor: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, and tune ups provided it is conducted within a completely enclosed building.

Basement:



Cellar, Basement and Story

Bed and breakfast: An owner-occupied building at least 50 years old designed for and used as a single family or two family dwelling that provides four or fewer lodging rooms or accommodating no more than eight adults in which meals are provided to overnight guests, and that is open to the traveling public for a stay not to exceed 20 days.

Bicycle facilities, commuter: Shower(s) and changing room(s) provided in commercial and public buildings employing at least 20 people. Such facilities may be part of regular bathroom facilities.

Blight: Unsightly condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

Block: The property abutting one side of a street and lying between the two nearest such streets or railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

Boarding house: See *Rooming house*.

Brewpub: See *Microbrewery*

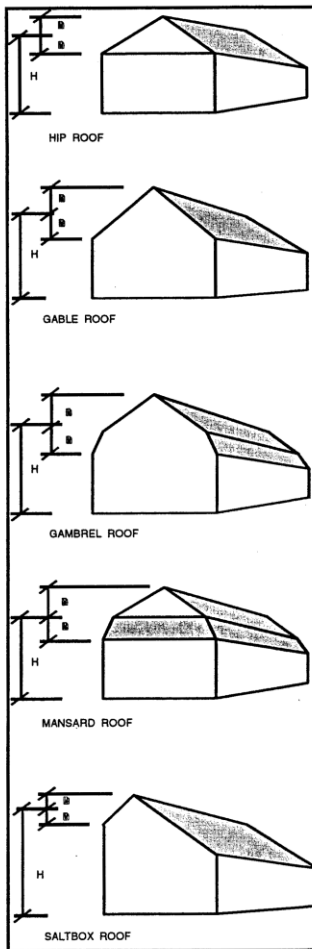
Brick: See *Face brick*.

Building: Any structure either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. Also, a structure erected on site, including a manufactured building brought to the site.

Building, accessory: See *accessory*.

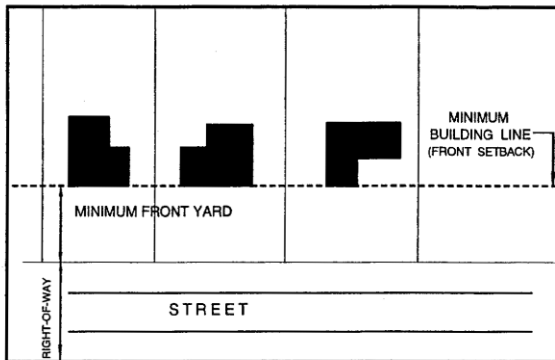
Building area: The space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

Building height:



Building Height

Building line:



Building Line

Building, main or principal: A building in which is conducted the principal purpose of the land on which it is situated.

Building, one-family: See *dwelling, single-family*.

Building, two-family: See *dwelling, two-family*.

Building, multiple-family: See *apartment building*.

Bylaws: Rules adopted by a board which govern its procedures.

Cellar: See *basement*.

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

Cemetery, pet: Land use or intended to be used solely for burial of nonhuman dead and dedicated to such purpose.

Child: See *adolescent*.

Child 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 and where the parents, guardians, family member, or court-appointed fiduciary or caregiver is not immediately available to the child or adult. 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. Child-care center or day-care center does not include any of the following:

- (1) 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 twelve-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 service.

- (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.

City: The City of Trenton, Wayne County, Michigan.

Clinic: 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.

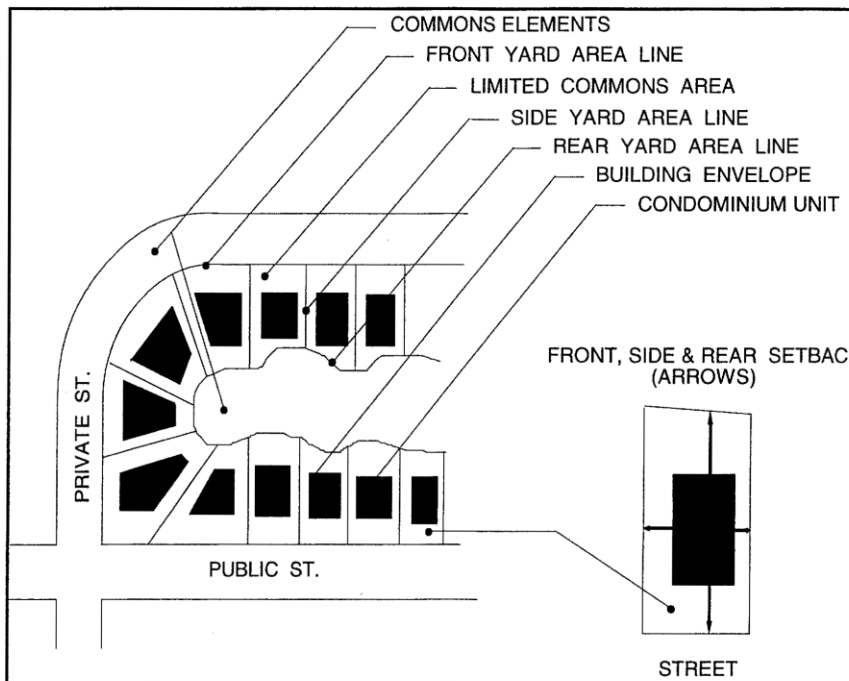
Club, lodge or fraternity: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, public and private service, patriotic, or the like.

Commercial, retail: An establishment primarily engaged in the sale of goods or materials to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Commercial, wholesale: An establishment or place of business primarily engaged in selling merchandise to retail commercial establishments, to industrial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or establishments.

Commission: See *planning commission*.

Condominium:



Condominium Terminology

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- (1) *Condominium Act* means Act 59 of the Michigan Public Acts of 1978, as amended.
 - (2) *Common elements* mean the portions of the condominium project other than the condominium.
 - (3) *Condominium bylaws* mean the required set of bylaws for the condominium project attached to the master deed.
 - (4) *Condominium site plan* means a scale drawing of a site, including a survey, utility layouts, floor plans and elevation sections, as appropriate, showing existing and proposed structures, improvements, parking, etc., as it is to be erected on the site.
 - (5) *Condominium unit* means that portion of the project designed and intended for separate ownership and use, as described in the master deed.
 - (6) *Consolidating master deed* means the final amended master deed for a contractible condominium project and expandable condominium project, or a condominium project containing convertible land, or convertible space which final amended master deed fully describes the condominium project as completed.
 - (7) *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.
 - (8) *Conversion condominium* means a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.
 - (9) *Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units, or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.
 - (10) *Co-owner* means a person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof, who owns a condominium unit within the condominium project. Co-owner may include a land contract lender if the condominium documents or the land contract so provides.
 - (11) *Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.
 - (12) *Limited common elements* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
 - (13) *Master deed* means the condominium document recording the condominium project as approved by the city, to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

Convalescent or nursing home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state law even though state law has different size regulations.

Density: The number of families residing on, or dwelling units developed on, an acre of land. As used in this chapter, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

Density bonus: The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.).

Design standards: A set of guidelines defining parameters to be followed in a site or building design and development.

Derrick: Any portable framework, tower mast, and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

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

Distance between buildings: The shortest horizontal distance between the vertical walls of two structures.

District: The various portions of the City of Trenton within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Diversity: Differences among otherwise similar elements that give them unique forms and qualities.

Dog day care facility: Any premises containing four or more dogs, which are five months or older, where these domestic animals are dropped off and picked up daily between the hours of 7:00 AM and 7:00 PM for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire.

Domestic violence shelter: A temporary shelter for individuals affected by domestic violence. Such use shall be operated by a public or nonprofit entity and may provide temporary boarding, lodging, counseling, and support services.

Donation collection bin: A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provide however, that the definition of donation collection bins shall not include trailers where personnel are present to accept donations.

Drilling pad: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Drive-in: See *restaurant, drive-in*.

Drive-through: A business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers receive service while in their motor vehicles.

Dumpster: A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck.

Dwelling: A place or unit of residence, an abode, a place of continued living. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, efficiency: See *apartments*.

Dwelling, manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling, multiple-family: See *apartments*.

Dwelling, one-family: A building designed exclusively for and occupied exclusively by one family.

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

Dwelling, two-family: A building designed exclusively for occupancy by two families living independently of each other.

Earth berm: See *landscaping*.

Earth berm, obscuring: See *landscaping*.

Earth tone colors: Whenever the term, earth tone colors, is applied to any standard or standards in this chapter, such colors shall be limited to various muted shades of brown, beige, orange, and red color tones. Other possible earth tone colors such as brighter shades of red, orange, and any shade of blue or green shall not be considered as earth tone colors for the purposes of their application to the earth tone color requirements of this code.

Easement or corridor: For the purposes of this chapter, an easement or corridor shall mean the area within which a public transmission line is located, either above or below ground. The term corridor shall apply when the designated area within which the transmission line is located is owned in fee interest by a utility company.

Egress: An exit.

Elderly housing: A housing unit specifically designed for the needs of an elderly person or persons and conforming to the requirements of state and federal programs providing housing for the elderly.

Elderly housing, assisted living facility: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Elderly housing, congregate care facility: Any building or portion thereof which contains facilities for living, sleeping, and sanitation as required by code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity, or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging facilities.

Elderly housing, lifecare or continuing care services: Nursing homes, rest homes, and convalescent houses which include individual dwelling units for the elderly as an integral part of the facility where the total floor area devoted to individual dwelling units does not exceed 70 percent of the total floor area of the entire facility.

Elderly housing, residential care facility: Housing that provides residents with a program of assisted living services to deal with the activities and instrumental activities of daily living.

Elderly housing, retirement housing: Any age restricted development which may be in any housing form, offering private and semiprivate rooms.

Engineer: The city engineer for the City of Trenton or the city engineer's authorized representative.

Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service to the city such utilities or municipal departments for the general health, safety or welfare. Essential services shall be permitted as authorized and regulated by law and the applicable standards of this chapter and other ordinances of the City of Trenton.

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

Exception: A use permitted only after review of an application by the board of zoning appeals or legislative body or a modification in the standards of this chapter specifically permitted after review by the board of zoning appeals, planning commission or legislative body; such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

Face brick: Face brick means whenever face brick is called for as an exterior building wall material for a building, the brick shall consist of kiln-baked clay or shale masonry units the thickness of which shall not be less than three inches deep, measured from the front face of the unit to the rear face of the unit (necessary if city wishes to regulate building materials).

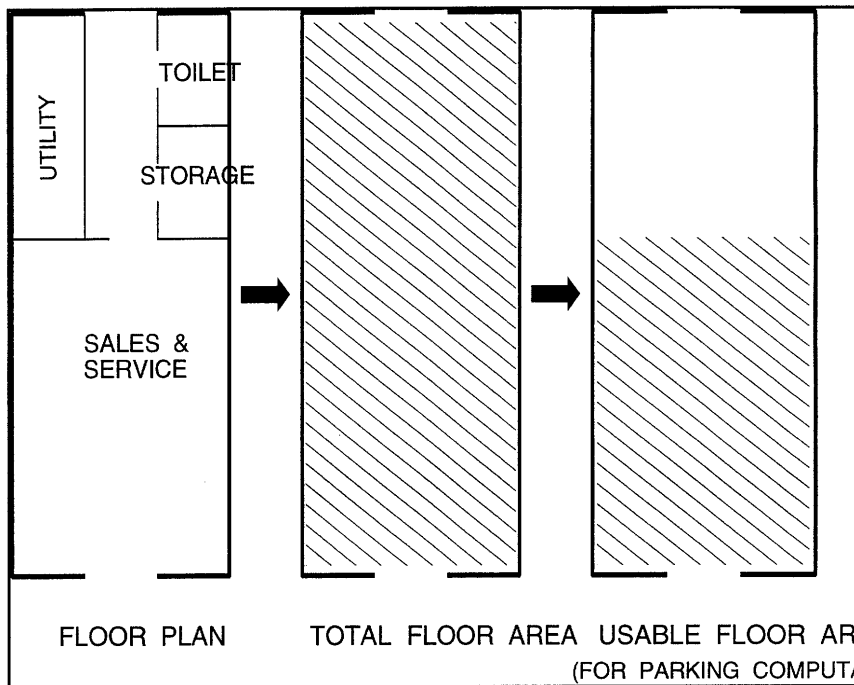
Family: A single individual or a number of individuals domiciled together whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Fast food restaurant: See *Restaurant (fast food)*.

Fence: See Chapter 9, Article V, Fences, section 9-86, Definitions, definition (e), Fences, in the City Code of Ordinances, as amended.

Fence height: The vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence, excluding ornamental projections at no closer than five-foot intervals.

Floor area, gross:



Usable Floor Area

Floor area, useable, residential: The sum of the horizontal area of the first story measured to the interior face of exterior walls; plus, similarly measured, that area of all other stories having more than 84 inches of headroom which may be made useable for human habitation; but excluding the floor area of basements, attics, attached or unattached garages, breeze ways, unenclosed porches and accessory buildings (also, see *Story* and *Story, half*, and *Basement*.)

Floor area, usable, nonresidential: The sum of the horizontal area of the first story measured to the interior face of exterior walls; plus, similarly measured, that area of all other stories, including mezzanines, which may be made fit for occupancy, including the floor area of all accessory buildings measured similarly and the floor area of basements when used or activities related to the principal use, but excluding storage, furnace and utility rooms. Parking space located within a building shall not be considered useable floor space.

Floor, ground: That portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

Fulfillment center: A building in which inventory is stored for distribution to customers, typically operated by a third party logistics provider and hosting a combination of functions such as freight transportation, cross-docking, order picking and shipping, and customer service.

Gasoline service station: See *motor vehicle service station*.

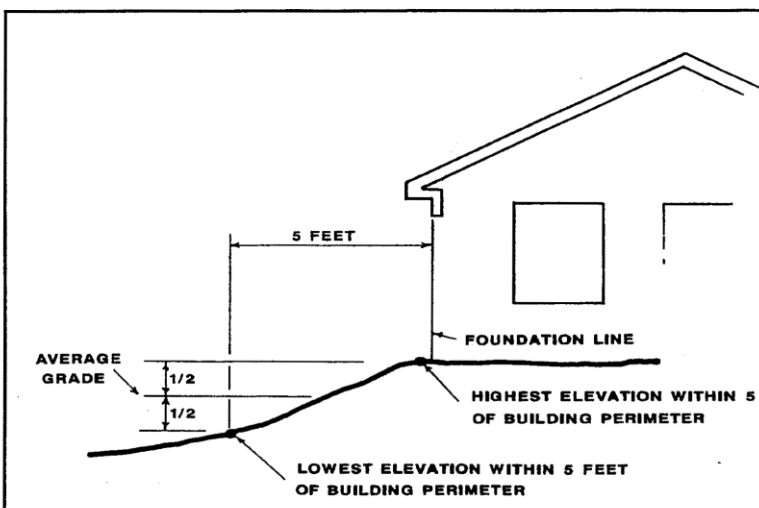
Garage, repair: See *motor vehicle repair*.

Garage, commercial parking: A building or structure which is used by the public for the parking of motor vehicles and for the purposes of this chapter may be the principal use of the property or may be accessory to a principal use.

Garage, private: An accessory building or integral 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.

Garden apartment: An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units.

Grade:



Average Grade

Greenbelt, aesthetic: See landscaping.

Greenbelt, obscuring: See landscaping.

Historic building: Any building that is historically or architecturally significant.

Homeless shelter: A structure used as a day facility or temporary dwelling for transient or homeless individual but not including orphanages or foster homes, operated by a non-profit religious, educational, or philanthropic institution.

Home occupation: A gainful occupation, activity, hobby or profession that is traditionally or customarily carried on entirely within the walls of a residential dwelling and which is carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Horizontal drilling: The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the health department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and within which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and bell boy service. A hotel may include a restaurant in cocktail lounge, banquet halls, ballrooms, or meeting rooms.

House trailers: For the purpose of this chapter, the term "house trailer" shall mean any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies. The following restrictions shall be applicable to house trailers:

- (1) No person shall park overnight or permit the parking overnight of any house trailer upon any public highway, street, alley, park, or other public place within the city.
- (2) No person shall park or permit the parking of a house trailer for occupancy on any private property within the city, except in an authorized trailer camp licensed under the provisions of Act 143, Public Acts of 1939, State of Michigan, as amended.

Hydraulic fracturing or fracking: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Impervious cover: Impervious cover refers only to strictly impervious surfaces including roofs of buildings, specifically impervious asphalt and concrete pavements, and other specifically impervious pavement materials such as mortared masonry and gravel.

Impervious surface: An impervious surface area includes and hard-surfaced, manmade area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, and paved recreational facilities. The Impervious Surface Ratio (ISR) equals the total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

Ingress: Access or entry point of entrance.

Irrigation system: A permanent artificial watering system designed to transport and distribute water to plants.

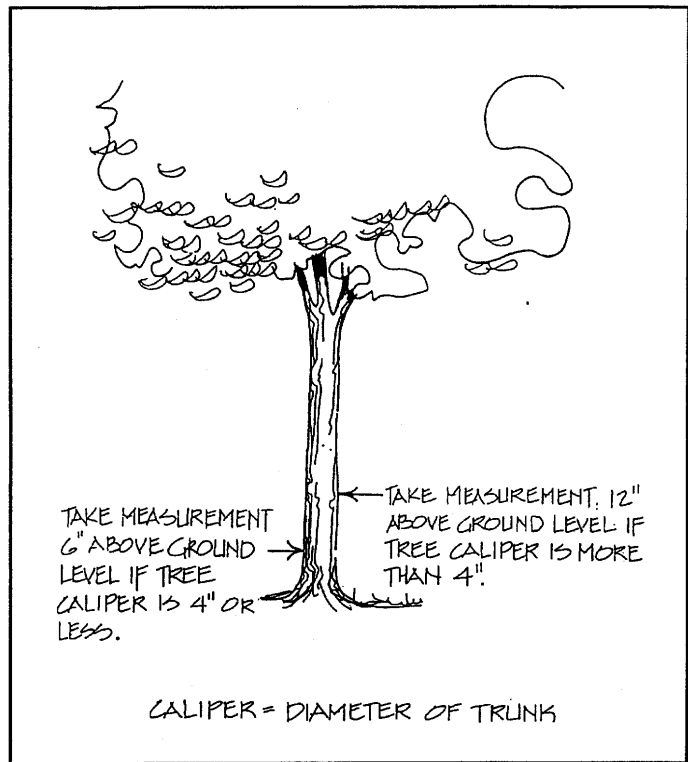
Junk: For the purpose of this chapter, the term junk shall mean any motor vehicles, machinery, appliances, signs, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

Junk yard: The term *junk yard* includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof except for the normal household refuse which is stored only between regular pickup and disposal of household refuse, provided the same is not left for a period of over 30 days in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

Kenel, commercial: Any lot or premises on which three or more dogs, and/or cats, or other household pets, over six months of age are either permanently or temporarily boarded. Kenel shall also include any lot or premises where household pets are bred or sold.

Landscaping: The art or science of placing live planting materials in specific or in specified areas with the intent of improving the appearance of an area, or for the purpose of creating a screen to obscure vision beyond the screen. For the purpose of this chapter, landscaping shall also include the following terms:

- (1) *Buffers for conflicting land use:* A device or an area that is used for the purpose of shielding the view of one use of land from another, and for the protection of an adjoining property. A buffering device could include a wall, fence earth berm or landscape planting screen, or an area containing sufficient natural tree cover to serve as a buffer, or an area of sufficient distance to effectuate a buffer, or land containing sufficiently abrupt changes in topography to serve as a buffer.
- (2) *Caliper:* The diameter of a tree measured six inches above the root ball up to trees four inches and larger in caliper, and measured 12 inches above the root ball for larger caliper trees.



Tree Caliper Measurement

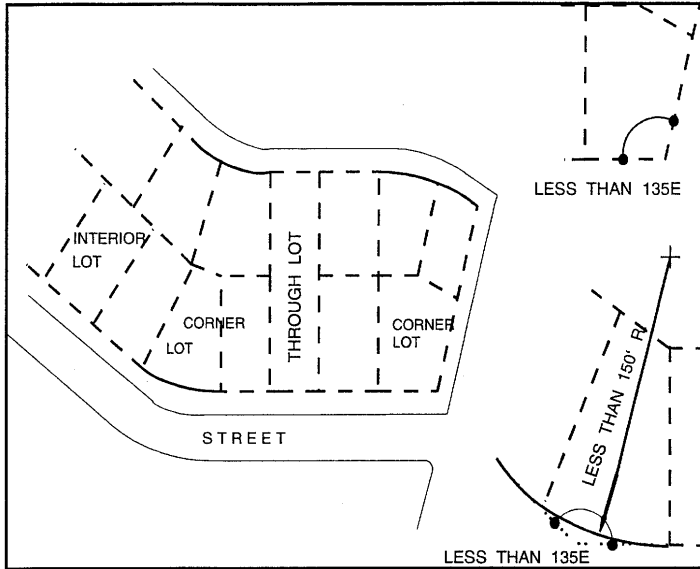
- (3) *Earth berm, artistic*: An aesthetically designed landscaping feature, which may also serve to create a landscaped swale for the purpose of temporarily detaining stormwater run-off.
- (4) *Earth berm, obscuring*: An earthen mound of definite height, length, location, and appearance, which is designed and intended to serve as an obscuring device.
- (5) *Greenbelt, aesthetic*: A landscaped area or lawn panel in which live landscape planting materials are placed for aesthetic purposes and not for the purpose of screening.
- (6) *Greenbelt, obscuring*: A landscaped area of definite width, height and location containing live planting materials of definite spacing or grouping which is designed to serve as an obscuring device.
- (7) *Interior landscaped areas*: Includes all landscaped areas between the walls of a building and any off-street parking spaces, service drives or vehicle maneuvering lanes, or loading and unloading areas, that comply with the minimum applicable size (planting area) requirements of this section and which are contained within an imaginary line that squares off the outer limits of an off-street parking lot.
- (8) *Obscure*: To make not readily visible, to hide or screen from view. For the purpose of this chapter, obscure shall mean to obscure the view of one use of land from another (see definition of buffers for conflicting land use).
- (9) *Parking lot tree*: A large deciduous tree placed within an off-street parking area.
- (10) *Peripheral landscaped areas*: Includes all landscaping that lies between any off-street parking spaces, service drives and vehicle maneuvering lanes, or loading and unloading area, and any peripheral property line, or where no parking, service drives and vehicle maneuvering lanes, or loading and unloading areas exist, any landscaped areas lying between any minimum required building setback line and a peripheral property line.
- (11) *Shrubs, large*: Shrubs which will be four feet six inches in height or greater at maturity.
- (12) *Shrubs, small*: Shrubs that will be less than four feet six inches in height at maturity.
- (13) *Tree, large deciduous*: Shall be a minimum of two and one-half inches in caliper measured six inches up the tree from the ground.
- (14) *Tree, small deciduous*: Shall be a minimum of one and one-half inches in caliper measured six inches up the tree from the ground.
- (15) *Vehicle use area*: Includes all off-street parking lots, drive aisles, loading, unloading areas, service drives and landscaped islands.

Land, vacant: Lands or buildings that are not actively used for any purpose.

Loading space: See *Off-street loading space*.

Local street: A street of limited continuity which is to be used to gain immediate access to abutting residential properties.

Logistics park:



Interior, Through and Corner Lots

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 chapter. A lot may or may not be specifically designated as such on public records.

Lot area: The total horizontal area within the lot lines of the lot.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

Lot coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot, depth: The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

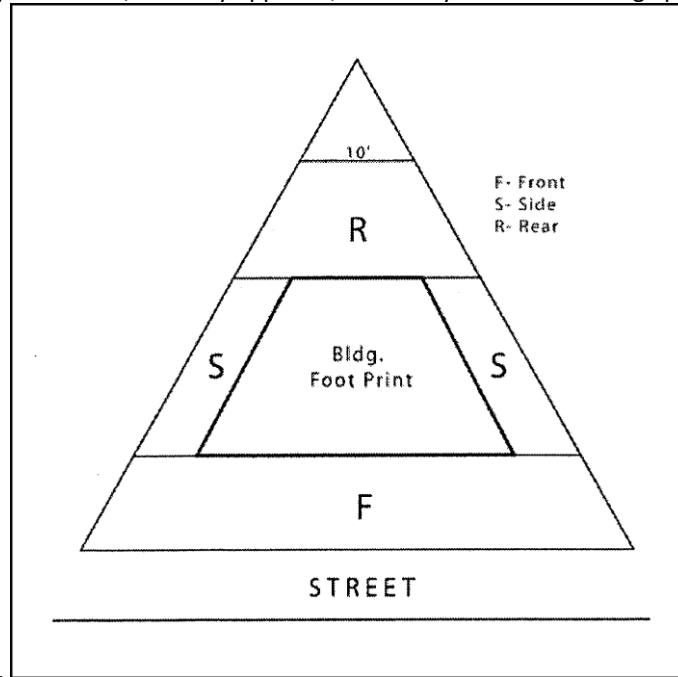
Lot, interior: Any lot other than a corner lot.

Lot, through (double frontage): Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot lines: The property lines bounding the lot as defined herein.

- (1) *Front lot line* means in the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner lot the front lot line shall be the narrower of the two frontage lines, except in the case where both street frontages are at equal dimension, the front shall be the one assigned a street address. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is

designated as the front street by the owner, with city approval, or the city's board of zoning appeals



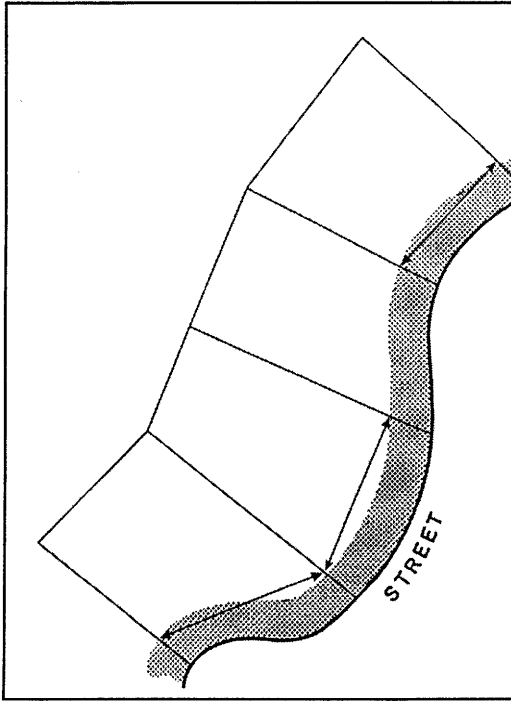
shall designate the front lot line.

Rear Lot Line

- (2) *Rear lot line* means the lot line that is opposite and most distant from the front lot line of the lot. In the case of a lot that is pointed at the rear, the rear lot line shall be an imaginary line not less than ten feet in length extending across the full width of the lot, with the minimum required rear yard setback being measured from the rear wall of the principal building to said imaginary line. In cases where none of these definitions are applicable the property owner, with city approval, may designate the rear lot line, or the Trenton Zoning Board of Appeals and Adjustments shall designate the rear lot line.
- (3) *Side lot line* means any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record: A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot width:



Lot Width

Lot width, required: For the purpose of this chapter shall be the minimum required horizontal straight line distance between the side lot lines, measured between the two points where the minimum required front setback line intersects the side lot lines.

Lot, zoning:



Zoning Lot

Main building: A building in which is conducted the principal use of the lot upon which it is situated.

Main use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major thoroughfare: An arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway freeway, expressway, or equivalent terms on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

Marihuana establishment:

- (1) *Administrator* shall mean the Administrator of Trenton or his/her designee. The city council may authorize another individual to exercise the duties given to the administrator under this ordinance. If there is no administrator and no other boar authorized individual, then the administrator shall exercise the duties of this ordinance.
- (2) *Application* means an application for a permit under this ordinance and includes all supplemental documentation attached or required to be attached thereto; the person filing the application shall be known as the "applicant."
- (3) *Co-location* means the operation of separate establishments or separate MMFLA Facilities at the same location, permitted premises, or permitted property.
- (4) *Clerk* means the Trenton Clerk or his/her designee.
- (5) *Cultivate* means as that term is defined in Initiated Act 1 of 2018, MCL 333.27951, et seq, Michigan Regulation and Taxation of Marihuana Act ("MRTMA").

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- (6) *Marihuana establishment or establishment* means a marihuana grower and/or marihuana processor. This definition does not include marihuana retail or provisioning.
- (7) *Marihuana grower*, as that term is defined in the MRTMA.
- a. Class A grower, which is a maximum of 500 plants under the MMFLA and 100 plants under the MRTMA.
 - b. Class B grower, which is a maximum of 1,000 plants under the MMFLA and 500 plants under the MRTMA.
 - c. Class C grower, which is a maximum of 1,500 plants under the MMFLA and 2,000 plants under the MRTMA.
- (8) *Marihuana processor*, as that term is defined in the MRTMA.
- (9) *Department* means the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.
- (10) *License* means a current and valid license for a marihuana establishment issued by the State of Michigan.
- (11) *Licensee* means a person holding a current and valid michigan license for a marihuana establishment.
- (12) *Permit holder* means the person that holds a current and valid permit issued under this ordinance.
- (13) *Permitted premises* means the particular building or buildings within which the permit holder will be authorized to conduct the establishment's activities pursuant to the permit.
- (14) *Permitted property* means the real property comprised of a lot, parcel, or other designated unit of real property upon which the permitted premises is situated.
- (15) *Marihuana* means that term as defined Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106 and as defined in the MRTMA.
- (16) *Permit* means an approval issued by the city pursuant to the MRTMA that allows a person to operate an establishment in the city under this ordinance, which permit may be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property.
- (17) *Person* means a natural person, company, partnership, trust, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
- (18) *Process or processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- (19) *Public place* means any area to which the public is invited or generally permitted in the usual course of business.

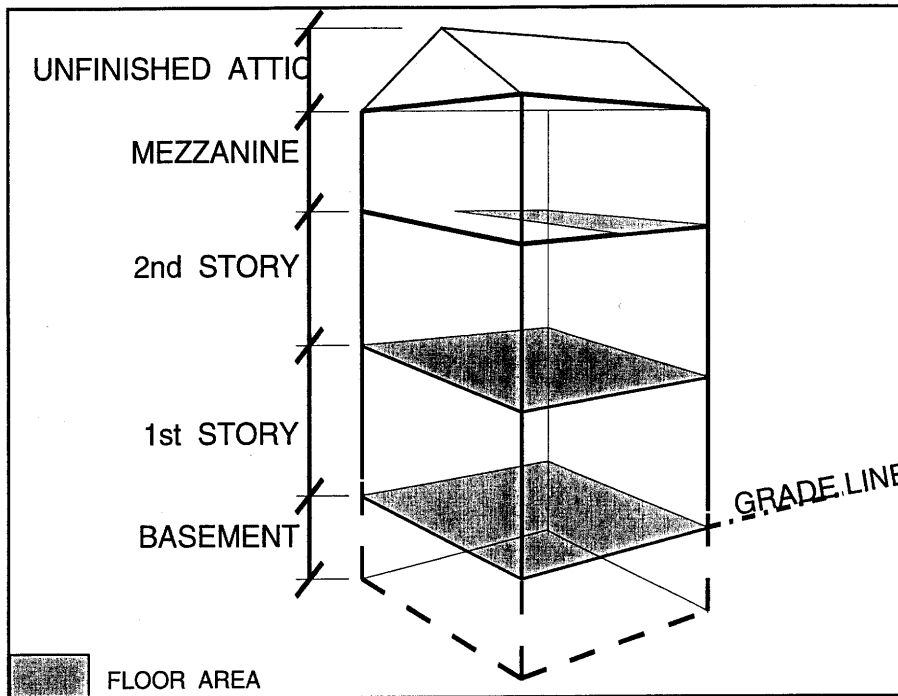
Marina, private: A water basin providing boat slips for docking or mooring boats and other watercraft with no other boat or boat related facilities or services.

Marina, public: A water basin providing boat slips for docking or mooring boats and other watercraft and which may provide boat and boat-related services that may be available by membership only or which may be available to the general public.

Master plan: A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public building and all physical development of the city and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

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

Mechanical amusement device:



Basic Structural Terms

Medical marihuana, caregiver: As defined in MCL 333.26423(h).

Mezzanine: An intermediate or fractional story between the floor and ceiling of a full story and occupying not more than one-third of the floor area of the full story.

Microbrewery: An establishment where beer, ale, etc. are brewed, typically in conjunction with a bar, tavern, or restaurant use. The maximum brewing capacity shall not exceed 60,000 gallons per year.

Mixed use: A single building containing more than one type of use, or a single development of more than one building and use, where different land use types are in close proximity, and which are planned of shared vehicle and pedestrian access and parking areas.

Mobile home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile home park: Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

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

Motor vehicle, commercial: Commercial vehicle as defined in the 1995 Michigan Uniform Traffic Code for Cities, Villages and Townships means every vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise. The term also means a motor vehicle which is designated and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

Motor vehicle service center: A use which is accessory to a designated retail commercial outlet located within a shopping center or which is within a building composed of the same construction material and of the same design as the shopping center, wherein automobile products such as motor oils, lubricants and various automobile mechanical parts that are retailed directly to the public by said retail commercial outlet are installed.

Motor vehicle service station (gasoline station): A place where gasoline or other motor fuel and lubricants for operating motor vehicles are offered for sale at retail to the public including sale of accessories, lubricating and light motor service on the premises, but not including collision services such as body, frame or fender straightening or repair, painting or undercoating.

Motor vehicle repair (general): The general mechanical repair, including overhaul and reconditioning of motor vehicle engines, transmissions, and other mechanical repairs, but not including collision services such as body, frame or fender straightening and repair, painting or undercoating.

Motor vehicle repair (major): The general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, painting, or undercoating.

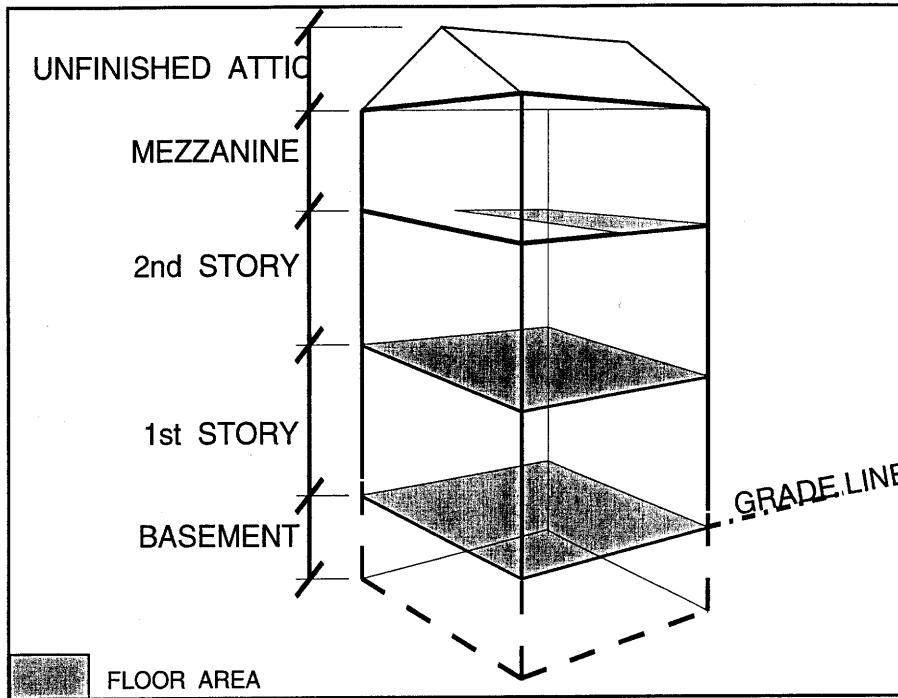
Mulch: Any material such as leaves, bark, straw, or other materials left loose and applied to the soil surface to reduce evaporation.

Multiplex: A building designed exclusively for occupancy by two, three or four families, living independently of each other with at least one main entrance directly from the outside for each living unit.

Municipality: See city.

Natural gas compressor station: A facility designed and constructed to compress natural gas originating from a gas well, or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural gas processing plant:



Basic Structural Terms

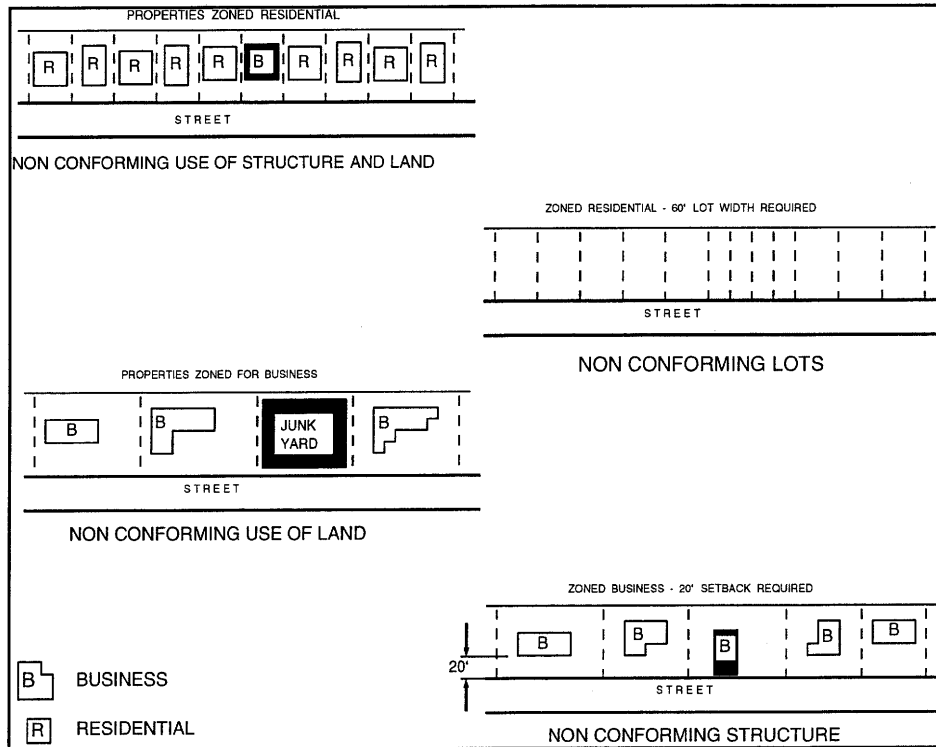
Node: An identifiable grouping of uses subsidiary and dependent upon a large urban grouping of similar or related uses.

Nonconforming building: A building or structure, or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto and that does not conform to the provisions of the ordinance in the district in which it is located.

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this chapter or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nonconforming use or structure—Class A: A nonconforming use or structure that has been designated to be allowed to be perpetuated and improved under the provisions of this chapter.

Nonconforming use or structure—Class B:



Nonconformities

Nonconforming use and building: A use and a building lawfully existing at the time of adoption of this chapter or subsequent amendment thereto which does not conform to the use and height, bulk, placement or/and provisions for the zoning district in which it is located.

Nuisance factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of 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: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic.

Nursery: An area for the growing of plant materials, not offered for sale on the premises.

Nursery, commercial: A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping.

Nursery school: See *child-care institution*.

Nursing home: See *convalescent care*.

Occupancy load: The number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

Occupied: Used in any way at the time in question.

Off-street loading space: A facility or space specifically intended to permit the standing, loading or unloading of trucks and other vehicles outside of a public right-of-way.

Off-street parking lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of motor vehicles out of a public street right-of-way.

Oil and gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

Oil and gas development: The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or gas well: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal or being drilled for an exploration for such purposes.

Oil or gas well site: The location of facilities, structures, materials and equipment whether temporary or permanent, that are used for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, or exploration for a potential oil or gas well.

Open air business uses: Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

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

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

Open space: An area of land that remains primarily undeveloped and in its natural state. For the purpose of this chapter, open space may include park lands and park facilities so long as they are provided as a part of an open space area.

Open storage (motor vehicle): The outdoor standing or placement of motor vehicles including truck trailers for more than 18 hours, including new or used motor vehicles on display for lease or sale.

Open storage (nonresidential): The outdoor standing or placement of any material which is man-made, assembled, fabricated or treated in any manner and which may or may not be used directly in the processing or fabrication of a product manufactured on the premises.

Open storage (residential): The outdoor placement or keeping of material which is owned and possessed by the resident occupying the dwelling unit on the premises or by the owner of the premises where open storage is to take place.

Out lot: A lot in a subdivision which is restricted from use for building purpose, whether or not deeded to the city, but which is not dedicated as a street or public reservation or public park.

Park and ride facility: A publicly owned, short-term, parking facility for commuters.

Parking: The parking of a motor vehicle for short duration and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms temporarily or shortly for the purpose of this definition shall mean and be measured by hours, or at most, up to a maximum of 18 hours.

Parking lot: See *off-street parking lot*.

Parking space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of vehicles.

Pet: See *animal, domestic*.

Place of worship: A building used primarily for religious worship or services.

Planned commercial center: A retail commercial center the size and design of which is generally characterized by more than one use in a group of buildings served by a common parking area, and whose architecture is of a uniform design and appearance.

Planning commission: The Trenton Planning Commission.

Planned development: A proposed use of the land which requires the submission of a site plan for more than one building or structure to be approved as to requirements of this chapter including special relationships and vehicular and pedestrian circulation.

Principal use: See *main use*.

Property line: The boundary lines that define and identify the extent of a lot, parcel, or property by ownership.

Public utility: A person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Quasi-public use: Essentially a public use, although under private ownership or control.

Recreation land: Any public or private owned property that is utilized for recreation activities including such active recreation as camping, swimming, picnicking, hiking, walking, nature study and various organized or unorganized sports, and inactive recreation such as reading, sitting and table games.

Recreation vehicles or equipment: For the purpose of this chapter shall include the following:

- (1) *Travel trailer* is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified travel trailer by the manufacturer.
- (2) *Pickup camper* is 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.
- (3) *Motorized home* is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (4) *Folding tent trailer* is a folding structure, mounted on wheels and designed for travel and vacation use.

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- (5) *Boats and boat trailers* shall include boats, floats, ski jets and rafts, plus the normal equipment to transport the same on the highway.
 - (6) *Snowmobile and all-terrain vehicle* plus the normal equipment to transport the same on the highway.
 - (7) *Utility trailer* for the purpose of this chapter, a utility trailer shall mean any wheeled vehicle designed and intended to be towed behind another vehicle.

Recycling: The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling plant: A facility where previously used products or materials are transformed into new and often different products. For the purposes of this chapter, a recycling center shall be other than a junk yard as defined herein.

Recycling processing facility (materials recovery facility): A facility designed and operated solely for receiving, storing, processing, or transferring source separated recyclables materials. Processing shall mean the preparation of material for efficient shipment by such means a baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Restaurant, drive-in: A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on premises.

Restaurant, fast food carry out: A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant, fast food drive-through: A business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers shall receive food or nonalcoholic beverage service from a window or booth while in their motor vehicles.

Restaurant, fast food sit-down: A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

Restaurant, sit-down: A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Retail commercial: See *commercial, retail*.

Right-of-way: The right-of-way line shall be the line established by the Road Commission of Wayne County (RCWC), Michigan Department of Transportation (MDOT), or the City of Trenton in their right-of-way requirements established for Trenton in the city's adopted master plan.

Roadside stands: A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

Rooming house: A building other than a hotel where for compensation, meals, or lodging and meals are provided for not more than ten persons in addition to the members of the family occupying the premises.

Rooming unit: A room or group of rooms forming a single habitable unit used for living and sleeping but not containing kitchen or eating facilities.

Salvage yards: An open area where 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.

Screen: See landscaping.

Secondary thoroughfare: A street of limited continuity designed and intended to collect and distribute traffic to and from local streets and to and from major thoroughfares.

Service establishment: An establishment primarily engaged in providing services to individuals, business, industry, institutions and government establishments; other organizations, including hotels and other lodging places; establishments providing personal business, repair and amusements services; health, legal, engineering, design, communication and other professional services; educational institutions, membership organizations and other like or similar services.

Setback: The minimum horizontal distance between any side of the main building and any adjoining property boundaries, such as the front of the building, excluding only the steps, and the front lot line or street right-of-way line.

Shoreline: The zone of contact of a body of water with the land or with a man-made barrier.

Sign: Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon in a building, structure, or piece of land. The definition does not include goods displayed in a window.

Sign area: The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

Site plan: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of the Trenton Code of Ordinances, including this chapter.

Soil sheltered: The design and creation of living space by means of cut-and-cover construction in the near-surface or shallow soil environment. Such approved construction is exempt from the definition of a basement.

Special land use: A use of land which requires compliance with certain development or location conditions as set forth for the use in the various zoning districts of the ordinance.

Stacking space: An off-street space in which a motor vehicle may temporarily stand.

State licensed residential facility: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, Public Act 116 of 1973, or Public Act 218 of 1979. These Acts provide for the following types of residential structures:

- (1) *Adult foster care facility.* A home or facility that provides foster care to adults. Subject to section 26a(1) of Public Act 218 of 1979, an adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:
 - a. A nursing home licensed under part 217 of the public health code, 1978 PA 368, MCL 333.21701 to 333.21799e.
 - b. A home for the aged licensed under part 213 of the public health code, 1978 PA 368, MCL 333.21301 to 333.21335.
 - c. A hospital licensed under part 215 of the public health code, 1978 PA 368, MCL 333-21501 to 333.21571.

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- d. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of health and human services under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106
 - e. A county infirmary operated by a county department of health and human services under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
 - f. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - 1. Two, if the total number of residents is ten or fewer.
 - 2. Three, if the total number of residents is not less than 11 and not more than 14.
 - 3. Four, if the total number of residents is not less than 15 and not more than 20.
 - 4. Five, if the total number of residents is 21 or more.
 - g. A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
 - h. An establishment commonly described as an alcohol or a substance use disorder rehabilitation center, except if licensed as both a substance use disorder program and an adult foster care facility and approved as a co-occurring enhanced crisis residential program, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
 - i. A facility created by 1885 PA 152, MCL 36.1 to 36.12.
 - j. An area excluded from the definition of adult foster care facility under section 17(3) of the continuing care community disclosure act, 2014 PA 448, MCL 554.917.
 - k. A private residence with the capacity to receive at least one but not more than four adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.
- (2) *Adult foster care family home.* A private residence with the approved capacity to receive at least three but not more than six adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence. Under Public Act 116 of 1973, a foster family home does not require local zoning approval before being licensed by the department of social services.
- (3) *Adult foster care large group home.* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- (4) *Adult foster care small group home.* An adult foster care facility with the approved capacity to receive at least three but not more than 12 adults to be provided with foster care.
- (5) *Foster care.* The provision of 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.
- (6) *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, 1939 PA 288,

MCL 710.21 to 710.70, 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.

- (7) *Foster family group home.* A private residence that houses more than four but less than seven minor children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the department of social services.
- (8) *Family child care home.* A private home in which one but fewer than seven minor children are received for care and supervision for compensation 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 household 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. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services
- (9) *Group child care home.* A private home in which more than six but not more than 12 minor 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 household by blood, marriage, or adoption. Group 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.

Storage: See *open storage*.

Storage well: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Story: That part of a building, except a mezzanine as defined herein, 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 story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street, public: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, private: A street which provides the principal means of access to abutting land use, portions of which may be owned and controlled by the abutting property owners and which may or may not be open to public use.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including parking lots, access drives and parking spaces.

Structural alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

Swimming pool: Any structure located above or below grade designed to hold water to a depth greater than 24 inches to be used for swimming.

Telecommunications: (See wireless telecommunications)

Temporary use: The use of land or building or structure permitted with approval from the planning commission to exist for a limited period of time as set forth and regulated in the chapter.

Textile recycling and donation bins (bins): A publicly accessible bin or container placed on private property by a private company or on-profit organization with permission of the property owner, for the purpose of collecting donation of items such as textiles, shoes, toys, books, and other non-perishables in order to reuse or recycle these items.

Thrift store: A shop that deals primarily in second hand wearing apparel. All such merchandise shall be displayed and stored in an enclosed building.

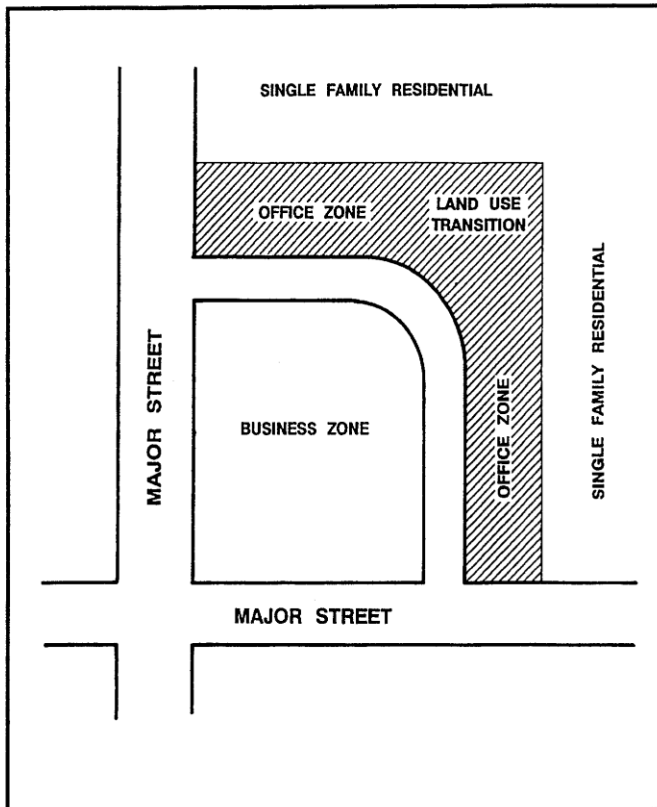
Townhouse: A building occupied by three or more families, where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties and utilities and service facilities are independent for each property.

Traffic calming: Reducing motorist speed, decreasing motor vehicle volumes, and increasing safety for pedestrians and nonmotorized vehicles.

Trailer coach: See mobile home.

Trailer court or park:

mobile home park.



Transition Through Zoning

Transition: For the purposes of this chapter, the word or term transition, or transitional, shall mean a zoning district, a landscaped area, arrangement of lots, wall or other means which may serve as a district or area of transition, i.e., a buffer zone between various land use districts and/or land use and thoroughfares.

Travel trailer park (overnight camping facility): A place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for year-round occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

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.

Variance: See zoning variance.

Vehicle dealer: A person, firm, corporation, etc., licensed by the state to sell cars, trucks, motorcycles, recreational vehicles, boats, and related parts, supplies and services.

Vehicle mixing center: An establishment where finished vehicles are received from the manufacturer and sorted for shipment to distribution and retail establishments.

Veterinary clinic: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages. A veterinary clinic may also be known as veterinary hospital.

Video store: A commercial establishment whose principal function is the renting or sale of video materials such as tapes, electronic video disks and any other format capable of transmitting a picture, except those materials that would categorize the use as an adult video store as defined in this chapter.

Viewshed: A visually sensitive area that is visible from a defined observation point.

Wall: For the purposes of this chapter, shall mean an outdoor structure consisting of solid masonry, stone, or like materials, but not including wood, and which is designed to retain, screen and/or partition land. A wall so defined is not a fence.

Wall, obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter. For the purposes of this chapter, a wall is not a fence.

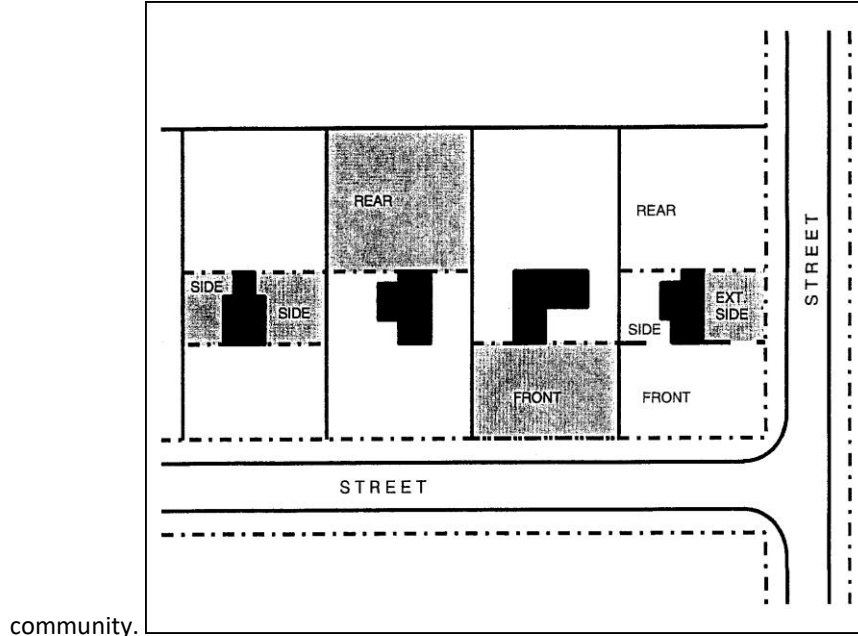
Wholesale commercial: See commercial, wholesale.

Wireless telecommunications:

- (1) *Wireless communication facilities:* shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham: amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- (2) *Attached wireless communications facilities:* shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (3) *Wireless communication support structures:* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be

limited to, monopole, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- (4) *Collocation*: shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the



Yards

Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

- (1) *Front yard*: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear yard*: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the assigned street frontage.
- (3) *Side yard, exterior*: An open space between a main building and the street right-of-way line extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the main building.
- (4) *Side yard, interior*: An open space between a main building and the interior side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the interior side lot line to the nearest point of the main building.

Zoning: See title and preamble.

Zoning board of appeals: The board of zoning appeals of the City of Trenton, which is also known as the ZBA.

Zoning code: Means ordinance officially adopted and codified herein as of their codified ordinances.

Zoning district: See district.

Zoning lot: See *lot, zoning*.

Zoning map: An official map of the City of Trenton which visually depicts by area and identifies by name, various zoning districts throughout the city.

Zoning variance: A modification of the literal provisions of the chapter granted when strict enforcement of the chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. The exception differs from the variance in several respects. An exception does not require undue hardship in order to be allowable. The exceptions that are found in this chapter appear as special approval or review by planning commission, legislative body, or board of appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (1) They require large areas.
- (2) They are infrequent.
- (3) They sometimes create an unusual amount of traffic.
- (4) They are sometimes obnoxious or hazardous.
- (5) They are required for public safety and convenience.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-1, § 1, 9-20-2021; Ord. No. 802-2, § 1, 4-18-2022)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 110-29—110-50. Reserved.

ARTICLE III. ZONING DISTRICTS AND ZONING MAP

Sec. 110-51. Districts established.

For the purpose of this chapter, the City of Trenton is hereby divided into the following zoning districts:

- (1) *Residential Districts*
 - a. R-1—One-Family Residential District
 - b. R-2—One-Family Residential District
 - c. R-3—One-Family Residential District
 - d. R-4—One-Family Residential District
 - e. MH—Manufactured Housing District
 - f. RT—Two-Family Residential District
 - g. RM-1—Multiple-Family Residential District
 - h. RM-2—Multiple-Family Residential District
- (2) *Business Districts*

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- a. B-1—Local Business District
 - b. B-2—Planned Community Business District
 - c. B-3—General Business District
 - d. CBD—Central Business District
- (3) *Industrial Districts*
- a. I-1—Light Industrial District
 - b. I-2—Heavy Industrial District
- (4) *Special Districts*
- a. WM—Waterfront Marina District
 - b. W-R Waterfront Revitalization District
 - c. P-1—Vehicular Parking District
 - d. PD—Planned Development District, and its overlay districts

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-52. Zoning district requirements.

All buildings and uses permitted in any zoning district shall be subject to the applicable standards of this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-53. Zoning district boundaries.

The boundaries of the zoning districts are hereby established as shown on the zoning map of the City of Trenton, a copy of which is attached hereto and made a part thereof. The official zoning map and copies of the map are on file at the office of the building department, which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-54. Zoning district boundaries interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed to be the midway between the main tracks.
- (3) Boundaries indicated as approximately following city limits shall be construed to be the midway between the main tracks.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

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- (5) Boundaries indicated as following shorelines shall be constructed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines; provided further that lot area and density requirements shall be determined on the basis of the horizontal area within the lot lines and the shoreline of the lot as defined in this chapter. Thus, the subaqueous lands between the shoreline of the lot and the established harbor line shall not be computed in determining lot area or density.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in subsection (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) above, the zoning board of appeals shall interpret the district boundaries.
 - (8) Insofar as some or all of the various districts may be indicated on the zoning map by patterns, which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public rights-of-way.
 - (9) Where, due to the scale, lack of detail or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion, by the planning commission.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-55. Zoning of vacated areas.

Whenever any park, commons, outlet, or any street, alley or other public way, or portion thereof in the City of Trenton shall be vacated, such park, commons, outlet, or any street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches, unless otherwise recommended by the planning commission.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-56—110-80. Reserved.

ARTICLE IV. R-1—R-3 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 110-81. Intent.

The R-1 through R-3 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district. Whenever possible, developers should attempt to increase the share of affordable housing and/or break up the socioeconomic and/or racial segregation of development within the city.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-82. Principal uses permitted.

In an R-1 through R-3 One-Family Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family residential dwellings.
- (2) Family day care home and group day care home, as defined in this chapter and regulated by state statute.
- (3) Foster family home and foster family group home, as defined in this chapter and regulated by state statute that are not within 1,500 feet of any other such facility.
- (4) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (5) Cemeteries, which lawfully occupied land at the time of adoption of this chapter.
- (6) Public, parochial, and other private elementary schools offering courses in general education, and not operated for profit.
- (7) Solar power (roof and ground mounted) is allowed throughout residential districts as a permitted use if it rises no more than 42 inches from the roof surface.
- (8) Accessory buildings and structures, customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-83. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) One-family cluster housing developments as permitted and regulated in Article XXIV, Schedule of Regulations, in this chapter.
- (2) Places of worship and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Article XXIV, Schedule of Regulations, and as otherwise permitted in Article XXXIII, General Exceptions, in this chapter may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - b. All access to the site shall be in accordance with Article XXIX, General Provisions, in this chapter.
- (3) Day care center as defined in this chapter and regulated by state statute, when accessory to public or quasi-public use permitted in the district, and:
 - a. When adequate off-street drop off and pick up areas, and off-street parking area is provided; and
 - b. When outdoor play area is provided on site, it is securely fenced and fully supervised when in use.
- (4) Public, parochial and private intermediate and/or secondary schools offering courses in general education, but not operated for profit. Access to the site shall be in accordance with Article XXIX, General Provisions, in this chapter.

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- (5) Utility substations and public service buildings without exterior storage yards, when it can be shown that operating requirements necessitate locating such facilities within the district in order to serve the immediate vicinity, and:
- a. Provided that such uses comply with all applicable building setback requirements and height limitations of the district, and;
 - b. Provided that such uses are fully screened from view by the use of architectural masonry screen walls, or heavy evergreen planting screens, or combinations of both, or are placed inside of structures or buildings the appearance of which shall be like or directly similar to the appearance of the buildings around the substation.
- (6) Home occupations, subject to the following conditions:
- a. They are conducted wholly and entirely within the principal dwelling building.
 - b. They are located either in the basement of the principal dwelling building, or when they will not be located on the basement, they shall not occupy more than 25 percent of the floor area of the principal dwelling building, excluding the basement.
 - c. They are conducted only by the inhabitants thereof as defined in this chapter, there being no other employees or assistants employed in connection with the home occupation.
 - d. No article shall be made or sold or offered for sale except for the item or items that may be produced in the principal dwelling building by the inhabitants thereof.
 - e. There shall be no equipment or machinery used in connection with a home occupation that is of an industrial nature, or which may have a negative impact on adjacent residential dwellings.
 - f. They will not change the character or the appearance of the principal dwelling building nor diminish its principal function as a residential dwelling.
 - g. They will not require internal or external alterations or construction to be made to the principal dwelling building other than that which may be required to meet local or state safety or construction codes, as authorized by the city.
 - h. No home occupation shall be carried on to an extent that will require parking in excess of that required for a residential building as set forth and regulated in this chapter.
 - i. They shall have no signs, advertising devices or other manifestation located on any building on the property or within any yard area that suggests or implies the existence of a home occupation.
 - j. A home occupation shall not include clinics, hospitals, barber or beauty shops, tearooms, tourist homes, kennels, millinery shops, landscape or lawn care business (including equipment) or a use similar to the above uses or which does not meet the requirements of this subsection.
 - k. The home occupation complies with any applicable licensing requirements of the city.
 - l. Home occupations shall be reviewed by the building department. The building department at its discretion, may forward the request to the planning commission for its review. When the building department or the planning commission has determined that the above conditions are met, the building department shall issue a special occupancy permit with any conditions of approval set forth thereon. Once established no home occupation shall deviate from the requirements of this subsection. No home occupation shall be continued when the same shall be found by the building department to be a nuisance or to be in violation of any of the required conditions set forth in this subsection, or due to noise, electrical interference, dust, smoke, odor, vibration, traffic congestion, reduction of parking, or reduction in the overall living environment of the dwelling or the surrounding area.

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- (7) Private swimming pools when they are accessory to a principal permitted use and when they are located within the rear yard only, and provided further, that they meet the following requirements:
- a. Private pools shall not require planning commission approval.
 - b. The outside edge of the pool shall be set back from any side or rear lot line a distance at least equal to the side yard setback requirement of the district in which the pool is located, as set forth in Article XXIV, Schedule of Regulations, of this chapter. In no instance shall this setback be less than ten feet from any side street or alley right-of-way.
 - c. A minimum distance of four feet shall be provided between the outside edge of the pool and any building.
 - d. No swimming pool may be located less than 35 feet from any front lot line and no swimming pool shall be located in an easement.
 - e. For the protection of the inhabitants of the lot and the general public, all premises containing a swimming pool shall be completely fenced not less than four feet in height. The gates shall be a self-closing and latching type with the latch on the inside of the gate and not readily available to children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods of times. Fences of four to six feet in height may be permitted provided they meet the setback requirements of a main building.
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses. An accessory use may include a private boat marina as defined in this chapter, so long as the following conditions are met:
- a. The marina must be accessory to a principal permitted use.
 - b. Only boats or other forms of watercraft that are owned by, and registered to an occupant of the residential establishment that the private marina is accessory to shall be docked or moored at the marina.
 - c. No other boat or boat-related services beyond the keeping of a boat or other watercraft in an approved boat slip shall be allowed in a private marina.
 - d. The numerical off-street parking requirements for a private marina are met in addition to any other off-street parking requirements that may be applicable to the principal use.
 - e. The person, corporation, association or other private entity in control of the residential establishment to which the marina is associated shall be responsible for the maintenance, overall appearance, security, safety and general management of the marina, including limiting use of the marina only to the residents of the establishment.
- (9) Accessory dwelling units are allowed in certain situations to create new housing units while respecting the look and scale of single-dwelling development; support more efficient use of existing housing stock and infrastructure; offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints; provide housing that responds to changing family needs, smaller households, and increasing housing costs; and provide accessible housing for seniors and persons with disabilities.
- a. One ADU is permitted per residentially zoned lot.
 - b. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure.
 - c. ADUs are exempt from the residential density standards of this code.
 - d. Applications for ADUs must meet the following criteria.

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1. The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 2. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.
 3. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- e. All ADUs must meet the following requirements:
1. Size. An ADU may be no more than 800 square feet or the half the size of the primary dwelling, whichever is less.
 2. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
 3. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 4. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
 5. Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
 6. Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-84. Required conditions.

The following conditions where applicable shall apply to all uses permitted in the district:

- (1) No accessory building or structure shall be permitted except in conjunction with a principal permitted use.
- (2) All new single-family detached dwelling structures shall comply with the following standards:
 - a. All dwelling buildings shall comply with all applicable local, state, or federal codes and ordinances.
 - b. All single-family dwellings shall be permanently attached to an approved foundation which shall be or shall include a perimeter foundation in addition to any other required supporting foundation, the minimum width of which shall 12 inches wide and the depth of which shall be at least 42 inches deep. In no instance shall concrete piers, cement blocks without proper footing, or the like be permitted as a foundation or system of foundations.
 - c. All dwelling units shall meet the minimum floor area requirements of the district and no single-family dwelling shall exceed four times its front width. Any subsequent structural additions to any dwelling building shall fully comply with the applicable standards of this subsection.
 - d. All dwelling buildings shall be compatible with nearby single-family dwelling buildings by demonstrating a similarity in at least the following features:
 1. Total square feet of floor area.

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2. Width to length proportions established in this article.
 3. The value and overall quality of the construction.
 4. The use of exterior materials.
 5. The overall style and design of the building.
 6. The provision of storage space such as but not limited to, attic, basement, utility room or similar area, but not including a garage for the parking of motor vehicles.
- e. For the purpose of this subsection, nearby single-family dwelling buildings shall mean all such buildings within 300 feet of the new dwelling building, measured from the nearest wall of the proposed building to the nearest wall of the next residential dwelling building. When no dwelling buildings are located within the specified distance, nearby dwelling buildings shall mean the nearest single-family dwelling buildings in all directions from the subject parcel boundaries.
 - f. The review and approval of plans pertaining to the above requirements shall be the responsibility of the city's building department and no building permit shall be issued by the same until or unless the above standards are in the opinion of the building department, met. In those instances where the building department may be uncertain of the application of the above standards with respect to the appearance of a particular dwelling building, the department may forward the drawings and pertinent information to the planning commission for its review and recommendation to the building department.
 - g. When reviewing a single-family dwelling building for compliance with the foregoing guidelines, the building department or the planning commission shall not seek to discourage architectural design variation, but shall seek to promote reasonable compatibility in the character of single-family dwelling buildings in a manner set forth in this subsection so as to protect the economic welfare and proper values of nearby residential buildings and the City of Trenton at large. The building department or the planning commission may require submittal of plans, elevation drawings and similar drawings and documents as deemed necessary to carry out the requirements of this subsection.
- (3) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling density permitted, and minimum building setback requirements.
 - (4) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (5) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (6) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (7) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-85—110-100. Reserved.

ARTICLE V. R-4 ONE-FAMILY RESIDENTIAL DISTRICT

Sec. 110-101. Intent.

The R-4 One-Family Residential District is designed to permit and encourage the erection of specialized single-family dwelling types in areas of the city where this type of housing is proposed on the city's adopted master plan for future land use map. The areas depicted on the master plan map for such development contain residential dwellings. Therefore, the intent of the R-4 One-Family Residential District is to encourage the ultimate redevelopment of these neighborhoods or portions of them, with specialized housing configurations designed to provide an alternative type of quality housing environment.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-102. Principal uses permitted.

In the R-4 One-family Residential District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family residential dwellings as regulated in this article.
- (2) Family day care home and group day care home, as defined in this chapter and regulated by state statute.
- (3) Foster family home and foster family group home, as defined in this chapter and regulated by state statute.
- (4) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (5) Public, parochial, and other private elementary schools offering courses in general education, but not operated for profit.
- (6) Accessory buildings and structures customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-103. Special land uses.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) All uses permitted and as regulated in Article IV of this chapter.
- (2) One-family attached or detached dwellings in clusters, subject to the requirements of Article XXIV, Schedule of Area Regulations, in this chapter. All such development shall commence at block ends unless an entire block frontage has been approved for cluster housing. When the construction of attached dwellings is approved for an entire block frontage, construction may commence anywhere along the block frontage.
- (3) Single-family detached or attached dwellings permitted under the standards of this district may be developed as single-family site condominiums in accordance with the applicable standards of this

chapter and the State Condominium Act 59 of 1978, as amended, or platted in accordance with the Trenton Subdivision Control Ordinance, and the State Land Division Act 591 of 1996, as amended, and Act 525 of 2005.

Since it is the intent of the R-4 district to permit the redevelopment of previously platted land, the replatting of property may become necessary. In that case, care will need to be taken by the developer and the city to make certain that the applicable standards of the Michigan Public Acts 591 and 525 is complied with regarding the replatting of previously subdivided land.

- (4) All single-family dwelling units, attached or detached, shall be provided with a fully enclosed garage. The garage may be an integral part of the main dwelling building, or it may be attached to the dwelling or detached from the dwelling, but in all cases access to the garage shall be from the rear of the building via an improved public alley located at the rear of the property.
- (5) A detached garage shall be located no closer to a public alley right-of-way than three feet and shall observe all building height restrictions of the zoning code pertaining to detached accessory buildings in residential districts.
- (6) Except as permitted in this section, a detached accessory garage shall observe the minimum side yard setback requirements of the zoning code applicable to detached accessory buildings in residential districts.
- (7) For detached dwelling units, one side wall of a detached garage may be located directly along a side yard line of the dwelling it is intended to serve, provided that a five-foot-wide accessible maintenance easement is placed on the abutting property adjacent to the full length of the garage wall. The wall may have windows but no doors. All stormwater run-off from that part of the garage roof along the side yard line shall be channeled to a public drain via the maintenance agreement, except a garage wall of a detached dwelling located on a side yard line may be partly or fully in common with the garage wall of a detached garage on the abutting property. Each garage that is attached to another garage shall be fully enclosed by four walls including the door wall, except a single wall may serve as the common wall between two attached garages. Not more than two detached garages serving two detached dwellings shall be attached one to another.
- (8) When a rear yard is enclosed by a privacy fence or hedge, the restricted clear corner vision requirements of the city's fence control standards shall apply.
- (9) The minimum off-street parking requirements of the zoning code for single-family dwellings may be satisfied by erection of a two-car garage. If a one-car attached garage is erected, the driveway to the garage may serve as a usable parking space, provided the driveway shall be at least 23 feet by nine feet. If a one-car detached garage is erected at the rear of the property, a hard-surfaced parking space equal to 23 feet by nine feet shall be placed on the property next to the garage.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-104. Required conditions.

The following conditions where applicable shall apply to development in the R-4 districts:

- (1) All public overhead electrical and other communication lines extending from existing utility systems in the block, to a new dwelling unit in the district shall be placed underground.
- (2) When an entire block is to be developed or redeveloped under the guidelines of this district, all public overhead electrical and communication lines existing above ground at the time of construction shall be placed underground within the development or redevelopment area, at the time of construction.

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- (3) In those instances where it can be shown that high current in certain electrical lines precludes placing them below ground within a development area, the zoning board of appeals may permit those particular lines to remain above ground provided:
 - a. The lines cannot be relocated out of the development area.
 - b. The lines are placed within the alley rights-of-way.
 - c. The lines are placed on poles of uniform height, diameter, and color.
 - (4) In the R-4 district, application of the following detached dwelling unit design guidelines shall apply:
 - a. Not more than two walls of any detached garage shall be in common with the wall of another garage serving the same group of attached dwelling units. Walls of detached garages shall not be in common with a wall of any garage serving any other dwelling cluster.
 - b. Each single-family attached dwelling unit shall be provided with a private front and rear entrance directly from the outside, there being no such entrance permitted from a common hall or foyer. All dwelling units shall be provided with a fully enclosed garage.
 - (5) All dwelling units shall be provided with a basement and raised foundation.
 - (6) All detached dwelling units shall include a decorative front porch with a roof which shall be an integral part of the design of the house and which shall extend across at least one-half the front width of the house. All structural supports below the porch floor shall be constructed of concrete or masonry material.
 - (7) Exterior sidewall materials should be limited to aluminum or vinyl siding, face brick, stone, stucco, or other approved cementitious materials. Other cementitious material may include exterior insulated finish systems (EIFS) material so long as it does not extend closer to the ground than four feet on any exterior wall to which it is affixed. Stained or painted wood or composite lap siding, or combinations thereof, but not including wood or composite panels.
 - (8) The depth or length of a dwelling unit shall not be greater than three times its front width.
 - (9) The roof structure over the dwelling unit shall be sloped with a pitch of not less than nine to 12 (nine inches of vertical rise for every 12 inches of horizontal run) and shall be covered with asphalt, slate, tile, wood shake, enameled metal, or synthetic composite roofing materials.
 - (10) No accessory building or structure shall be permitted except in conjunction with a principal permitted use. This may include a private marina as defined in this chapter, provided the requirements of Article IV, in this chapter are met.
 - (11) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling density permitted, and minimum building setback requirements.
 - (12) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (13) Consult Article XXVII, Screening Devices and Landscaping, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (14) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (15) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

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- (16) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-105—110-120. Reserved.

ARTICLE VI. MH MANUFACTURED HOUSING DISTRICT

Sec. 110-121. Intent.

The MH One-Family Manufactured Housing District is intended to provide suitable sites for manufactured single-family detached dwelling buildings in an environment of like dwellings in developments that are characterized by somewhat higher dwelling density levels than are characteristic of the other single-family residential dwelling districts in the city, and by the fact that some manufactured dwelling buildings are permitted by federal and state law to exist in the district without conforming to the local codes and ordinances that are applicable to single-family dwelling buildings in the city's other one-family residential districts.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-122. Principal uses permitted.

In the MH One-Family Manufactured Housing District, no building or land shall be used and no building shall be erected or placed, except for one or more of the following specified uses, unless otherwise provided in this article:

- (1) Manufactured single-family detached homes.
- (2) One office building, to be used exclusively for conducting the business operations of the manufactured housing development.
- (3) Buildings for laundry facilities and for the limited indoor storage of resident possessions.
- (4) A community building for use by the residents of the manufactured housing development.
- (5) Accessory buildings and structures directly related to the manufactured housing development and to individual home sites within the development.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-123. Special land uses.

The following uses shall be permitted, subject to the specific conditions imposed in this subsection for each use and subject further to review of a site plan by the planning commission at a duly advertised public hearing and by the state manufactured housing commission:

- (1) The sale of manufactured single-family detached homes, when such activities:
 - a. Are clearly accessory to the occupancy of individual sites within a manufactured housing development and shall not include the sale of recreational vehicles or any other new or used vehicles or products not directly accessory to the occupancy of a manufactured home in the development;

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- b. Only involve homes offered for sale that can be located in a licensed manufactured housing development;
 - c. Are limited to the display of not more than one accessory sign per sales building and which will not exceed (16) square feet in display area; and
 - d. Do not include the display of banners, streamers, or pennants of any kind.
- (2) Home occupations, subject to the requirements of Article IV, in this chapter.
 - (3) Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and gas regulator substations, provided no outdoor storage yards shall be a part of any such facility.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-124. Required conditions.

The following conditions, where applicable, shall apply to all uses permitted in the district:

- (1) No manufactured home shall occupy any individual site within a manufactured housing development that does not fully comply with all of the applicable requirements of this section.
- (2) All manufactured housing developments shall further comply with the applicable requirements and associated guidelines set forth in the Mobile Home Commission Act (MCL 125.2301 et seq.)
- (3) The following standards shall apply to all manufactured home sites in a manufactured housing development:
 - a. No personal property, including tires, shall be stored outside or under any manufactured home, or within carports, which are open on any side, except for motor vehicles and bicycles.
 - b. Personal property, such as, but not necessarily limited to, motor vehicles, bicycles, lawn and patio furniture, lawn and garden maintenance equipment, outdoor cooking grills and tires may be stored in a fully enclosed garage on the home site.
 - c. Seasonal outdoor storage of cooking grills shall be permitted so long as they are kept on a finished wood deck, a hard-surfaced patio, or on an equivalent type of surface associated with the home.
 - d. Nothing in this subsection shall prevent the erection or placement of a storage shed for the storage of personal property on any individual manufactured home site. No storage shed so placed or erected shall exceed 144 square feet in total floor area.
- (4) If a central television antenna system, cable television, or other such service is provided, the distribution system shall be placed underground and shall be constructed and installed to state and local codes and ordinances.
- (5) All telephone, electric and other utility lines within a manufactured housing development shall be placed underground, including service to each manufactured home site.
- (6) Should a manufactured housing development permit the keeping and storage of recreational equipment, such as, but not necessarily limited to, boats, including jet skis, snowmobiles and utility trailers, adequate area for the parking and storage of such equipment shall be provided in accordance with the following guidelines:
 - a. They shall be restricted to a central or collective parking area.

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- b. The area so provided shall be in addition to the minimum motor vehicle parking standards of the MH district.
 - c. The area shall be adequately secured within a fenced area consisting of a woven wire (chain link) fence, and which shall be locked.
 - d. In conjunction with the security fence, the area shall be buffered with a screening device provided in accordance with the screening guidelines set forth in this section.
- (7) All manufactured home pads or supporting piers, as well as all anchoring devices, shall be designed to, and shall comply with, the applicable standards of the Mobile Home Commission Act (MCL 125.2301 et seq.).
- (8) Each manufactured home shall be provided with a skirt, which shall extend downward in a vertical line perpendicular to the bottom of the home, to the manufactured home pad, or to the surface of the ground directly under the outside edge of the home. The skirt shall extend completely around the home structure in a uniformly continuous manner and shall consist of material approved by the state manufactured housing commission. All skirting shall be securely anchored in place in a manner acceptable to the state manufactured housing commission.
- (9) A manufactured housing development shall provide the equivalent of one deciduous tree for every other home site within the development; except an existing tree on a home site may count towards this requirement, provided the tree is in a healthy, growing condition. An existing tree's state of health shall be determined after site construction and final grading of the area around the site has been completed. Deciduous trees planted to fulfill this requirement shall have a caliper (diameter) of not less than two inches at a point ten inches above the ground at the base of the tree, and no such tree shall be less than ten feet in height at the time of planting. A general rule to follow would place such trees no closer than 40 feet on centers.
- (10) General lighting within a manufactured housing development shall follow the guidelines set forth and regulated in Rule 929 of the Michigan Manufactured Housing Code, as amended.
- (11) In addition to the foregoing requirements of this subsection, the following standards shall also apply:
- a. *Dwelling density.* A manufactured housing development shall contain sites averaging 5,500 square feet per home site; except, when averaging lot area, no home site shall be reduced in size by more than 20 percent, or result in any lot containing less than 4,400 square feet. For each square foot of land area gained through the reduction of lot area below 5,500 square feet, at least an equal amount of land shall be dedicated as open space area within the manufactured housing development. Any open space gained through lot averaging 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, as amended.
 - b. *Dwelling setbacks.* Each individual manufactured home shall be placed on a home site of sufficient width and area so that the site will permit the home to comply with the minimum required front, sides and rear yard setback requirements set forth in Rules 941 and 944 of the Michigan Manufactured Housing Code, as amended.
 - c. *Building height.* The maximum height of a building designed to serve as a community center or similar use in a manufactured housing development shall not exceed two stories or 35 feet in height, whichever results in the lesser building height. Storage or service buildings shall not exceed 15 feet in height.
 - d. *Floor area.* In a manufactured housing development, no manufactured home shall contain less than 720 square feet of floor area, measured from the outside walls of the structure.

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- e. *Parking.* Motor vehicle parking spaces within a manufactured housing development shall be provided in accordance with the applicable requirements of Rule 925 and Rule 926 of the Michigan Manufactured Housing Code, as amended.
 - f. *Site plan review.* A site plan shall be submitted to the city for review by the planning commission. The site plan shall be a general plan view drawing containing all applicable information set forth by the city's site plan review procedures. An adequate number of copies of the site plan, along with a copy of the site plan review application form, shall be submitted. When the planning commission finds the site plan to be in order and in compliance with the applicable requirements of this chapter, it shall approve the site plan. Upon granting site plan approval, the city shall forward a copy of the approved site plan and all correspondence pertaining to the site plan to the state manufactured housing commission. During its review of the site plan, should the manufactured housing commission cause significant revisions to be made to the approved site plan, additional copies of the revised site plan shall be forwarded to the Trenton Planning Commission for revised site plan approval. Upon granting revised site plan approval, the city shall forward the approved site plan and all correspondence pertaining to the site plan to the manufactured housing commission. For purposes of this subsection, minor revisions to a site plan approved by the city shall not warrant subsequent review and approval by the city. The manufactured housing commission staff may, at its discretion, determine if the revisions to an approved site plan are significant enough to warrant resubmitting a revised site plan to the city for further review and approval.
 - g. *Screening.* Whenever a manufactured housing development shall provide an area for the storage of recreational equipment, as set forth in this section, or wherever a peripheral property line of a manufactured housing development fronts on a public road right-of-way, the following screening requirements shall apply:
 - i. *On-site storage areas.* When included as part of a manufactured housing development, the storage area shall provide, in addition to the required security fence, landscape screening in the form of planting materials composed of evergreen trees or shrubs, or combinations thereof, which shall not be less than three feet in height at the time of planting and which shall be spaced so as to create a continuous screen at maturity. The screen shall be of a uniform nature and shall be required on all sides of the storage area that abut home sites within the manufactured housing development or abut a single-family residential zoning district along a peripheral property line.
 - ii. *Abutting public road rights-of-way.* A screening buffer shall be provided. The buffer screen shall be placed between the road right-of-way line and the development, and may consist of a landscaped earth berm, or evergreen trees or shrubs, or combinations thereof. When evergreen planting materials are used, they shall follow the spacing and height guidelines set forth in Article XXVII in this chapter.
 - iii. *Exterior equipment screens.* The applicable requirements of Article XXVII in this chapter pertaining to exterior equipment and trash receptacle screening, may apply to all site-built buildings erected in a manufactured housing development.
 - h. *Loading and unloading.* A site-built building erected within a manufactured housing development may be subject to the applicable requirements of Article XXVI in this chapter pertaining to off-street loading and unloading.
 - i. *Residential entranceways.* Any entranceway structure erected in conjunction with a manufactured housing development, including but not limited to, walls, columns and gates, and which is designed and intended to mark an entrance to a manufactured housing development,

may be erected in any required yard, provided the restricted clear corner vision requirements of Article XXIX in this chapter.

- j. *Clear corner restriction.* No fence, wall, shrubbery, sign or decorative entranceway structure, or other obstruction to vision over two feet in height, measured from the established street grade, shall be placed within a triangle formed at the intersection of two public street rights-of-way lines, or within a triangle formed at the intersection of a public street right-of-way line and the nearest edge of an intersecting private drive entrance into a manufactured housing development. The clear vision triangle shall be formed by a straight line drawn between such right-of-way lines, or right-of-way line and driveway edge, from a point 25 feet back from their point of intersection.
- k. *Permits.* In regard to any manufactured housing unit in the city, the building department shall conduct inspections for a fee, established by ordinance, to determine if a manufactured home in a manufactured housing development has been installed in accordance with the manufacturer's setup instructions or the applicable requirements of the Michigan Manufactured Housing Code, particularly part 6 of the code, and shall conduct inspections when the city has reason to believe that the Manufactured Housing Act or code has been violated, as set forth in Sections 17(2) (MCL 125.2317) and 36 (MCL 125.2336) of the Mobile Home Commission Act. The city shall review and act on plans and inspect and issue building and occupancy permits for any site-built building in a manufactured housing development, and enforce the standards of this article, construction codes and all other ordinances of the city.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Special land uses, MCL 125.286b, 125.286d; Mobile Home Commission Act, MCL 125.2301 et seq.; local regulation of mobile homes, MCL 125.2307.

Secs. 110-125—110-140. Reserved.

ARTICLE VII. RT TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 110-141. Intent.

The RT Two-Family Residential Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses that would affect residential character. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-142. Principal uses permitted.

In an RT Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All principal permitted uses as regulated in the R-1 — R-3 districts.

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- (2) Two-family residential dwellings.
 - (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-143. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) All uses permitted and as regulated in Article IV of this chapter.
- (2) Accessory buildings and structures customarily incident to any principal permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-144. Required conditions.

The following conditions where applicable shall apply to development in the RT Districts:

- (1) No accessory building or structure shall be permitted except in conjunction with a principal permitted use.
- (2) All uses permitted in the R1-R3 districts shall be subject to the applicable requirements of the R-1 district standards.
- (3) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling density permitted, and minimum building setback requirements.
- (4) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (5) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (6) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (7) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (8) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-145—110-160. Reserved.

ARTICLE VIII. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (LOW RISE)

Sec. 110-161. Intent.

The RM-1 Multiple-Family Residential Districts (Low Rise) are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The RM-1 Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-162. Principal uses permitted.

In an RM-1 Multiple-Family Residential District (Low Rise), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the RT Two-family District, except those permitted in the R-4 One-family Residential District.
- (2) One-family detached dwellings as regulated in the R-1, One-Family Residential District, including the minimum standards of the Article XXIV, Schedule of Regulations, in this chapter applicable to the R-1 district, and the standards for accessory structures and off-street parking.
- (3) Multiple-family dwellings.
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-163. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review by the planning commission at a duly advertised public hearing:

- (1) Nonprofit clubs and societies provided that no residential facilities of any kind shall be or shall become a part of the premises.
- (2) Adult foster care small group home, as defined in this chapter and licensed by the State of Michigan for up to 12 adults, subject to the following requirements:
 - a. No such facility shall be located within 1,500 feet of any other state licensed care facility.
 - b. Off-street parking shall be provided in accordance with the applicable requirements of Article XXVI in this chapter.
 - c. Compliance with the applicable building setback requirements of the district as set forth in Article XXIV, Schedule of Regulations, in this chapter.
 - d. If an outdoor trash receptacle is used for the disposal of refuse, it shall be located in the rear yard and screened as required in Article XXVII in this chapter.
 - e. Provision shall be made on site for the loading and unloading of supplies in the rear yard or in a nonrequired interior side yard.
- (3) Adult foster care large group home, as defined in this chapter and licensed by the State of Michigan for not less than 13 nor more than 20 adults, subject to the requirements of this section.
- (4) General hospitals, with no maximum restrictions, when the following conditions are met:

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- a. The hospital shall be developed only on a site containing not less than ten net usable acres of land.
 - b. All access to the site shall be in accordance with Article XXIX, in this chapter.
 - c. Any main or accessory buildings shall be set back at least 100 feet from any peripheral lot line or street right-of-way line for all two-story structures. For every story above two stories, the minimum building setback requirement shall be increased by at least 20 feet.
 - d. Ambulance and delivery area shall be obscured from view from any abutting residential zoning district with a screening device as set forth and regulated in Article XXVII in this chapter.
- (5) Independent elderly housing, not to exceed the maximum building height limitations of the district, and when the following conditions are met:
- a. Dwelling units shall be limited to cottage-type dwellings and/or apartment-type dwelling units, subject to the minimum applicable floor area requirements of Article XXIV, Schedule of Regulations, in this chapter.
 - b. Common services containing, but not necessarily limited to, central dining rooms, recreation rooms, which may include exercise facilities, auditorium, meeting rooms, central lounges and workshops.
 - c. Self-contained services such as a barbershop or beauty shop, gift shop and pharmaceutical dispensary for use by the residents only and with no outside signs or advertising.
 - d. The maximum number of dwelling units to the acre shall not exceed the applicable dwelling unit density limitations of the district as set forth and regulated in Article XXIV, Schedule of Regulations, in this chapter.
- (6) Dependent elderly housing not to exceed the maximum building height limitations of the district and when the following conditions are met:
- a. There shall be provided on the site, not less than 150 square feet of open space for each bed in the home. The 150 square feet of land area per bed shall provide for a landscaped setting only and shall not include any area used for off-street parking, service drives, loading space, or area covered by any principal or accessory buildings.
 - b. No building shall be located closer than 40 feet to any property line.
 - c. The maximum number of dwelling units to the acre shall not exceed the applicable dwelling unit density limitations of the district as set forth and regulated in Article XXIV, Schedule of Regulations, in this chapter.
 - d. The use shall be located on a major or secondary thoroughfare as designated on the city's adopted master plan for future land use map and all access to the site shall be in accordance with Article XXIX, in this chapter.
- (7) Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
- a. Any uses permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All access to the site shall be in accordance with the applicable requirements of Article XXIX, in this chapter.
 - c. No building shall be closer than 80 feet to any property line.

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- (8) Accessory buildings and uses customarily incident to any of the above permitted uses. This may include a private marina as defined in this chapter, provided the requirements of Article IV in this chapter are met.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-164. Required conditions.

The following conditions, where applicable shall apply to all uses permitted in this district:

- (1) No accessory building or structure shall be permitted except in conjunction with a principal permitted use.
- (2) All one- and two-family uses permitted in the RM-1 districts shall be subject to the applicable requirements of the R-1 and RT districts.
- (3) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling density permitted, and minimum building setback requirements.
- (4) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (5) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (6) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (7) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (8) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-165—110-180. Reserved.

ARTICLE IX. RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (HIGH RISE)

Sec. 110-181. Intent.

The RM-2 Multiple-Family Residential Districts (High Rise) are designed to provide sites for high density multiple dwelling structures adjacent to high traffic generators commonly found in the proximity of large acreage nonresidential development areas abutting major thoroughfares and expressways, and along the Detroit River. This district is further provided to serve the residential needs of persons desiring a higher density, high rise apartment type of accommodation as opposed to the lower density, low rise residential patterns found in the One-Family and RM-1 Multiple-Family Residential Districts. This district is further designed so as to provide a zone of transition between high traffic generators and other residential districts through the requirements of lower building coverage, which in turn, will result in more open space.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-182. Principal uses permitted.

In a RM-2 Multiple-Family Residential District (High Rise), no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the RM-1 DISTRICTS, except single- and two-family dwellings.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-183. Special land uses.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) High rise structures (four stories or greater) subject to the conditions herein imposed:
 - a. The proposed site for any such use shall have one property line abutting a major thoroughfare (at least 120 feet of right-of-way), and expressway or the Detroit River.
 - b. The entire area of the site shall be treated so as to service only the residents of the multiple-family developments, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, docking facilities, incidental marina facilities, personal service uses (such as a beauty parlor, barber shop, or dry cleaning pick-up station) and other similar uses. A cash or surety bond in the amount of \$1,000.00 shall be deposited with the city engineer on the condition that personal service uses will not be available to other than residents of the multiple-family development.
- (2) Nonprofit clubs and societies, subject to the applicable requirements of Article VIII, in this chapter.
- (3) Adult foster care small group home, subject to the applicable requirements of Article VIII, in this chapter.
- (4) Adult foster care large group home, subject to the applicable requirements of Article VIII, in this chapter.
- (5) General hospitals, subject to the applicable requirements of Article VIII, in this chapter.
- (6) Independent elderly housing, subject to the applicable requirements of Article VIII, in this chapter.
- (7) Dependent elderly housing, subject to the applicable requirements of Article VIII, in this chapter.
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-184. Required conditions.

The following conditions, where applicable shall apply to all uses permitted in this district:

- (1) Whenever a building shall be proposed the height of which will exceed four stories a site plan shall be submitted to the planning commission for its review and recommendation to the city council for approval prior to the issuance of a building permit. Site plan approval shall be effective for a period of one year, commencing on the date of approval. A one-year extension may be requested prior to expiration date of the initial approval. After one year if no extension has been granted and no

construction activity has taken place on the property a new site plan must be submitted to the planning commission for its review and recommendation to the city council for approval.

- (2) No accessory buildings or structures shall be permitted except in conjunction with a principal building.
- (3) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of a lot by permitted land use, the maximum density permitted, and providing minimum building setback requirements.
- (4) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (5) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (6) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (7) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (8) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-185—110-200. Reserved.

ARTICLE X. RESERVED

Secs. 110-201—110-230. Reserved.

ARTICLE XI. RESERVED

Secs. 110-231—110-250. Reserved.

ARTICLE XII. B-1 LOCAL BUSINESS DISTRICTS

Sec. 110-251. Intent.

The B-1 Local Business Districts are designed to accommodate uses such as offices, banks, and personal services as well as the convenience shopping of persons residing in nearby residential areas and to permit only such uses as are necessary to satisfy those basic shopping and/or service needs which by their very nature are low volume and not related to the shopping pattern of the comparative shopping center.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-252. Principal uses permitted.

In a B-1 Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to: Groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, and notions of hardware.
- (2) Personal service establishments that perform services on the premises, such as, but not limited to: Repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.
- (3) Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (4) Business establishments that perform services on the premises, such as, but not limited to: Banks, credit unions, loan companies, insurance offices and real estate offices.
- (5) Professional services including the following: Offices of doctors, dentists and similar or allied professions.
- (6) Post office and similar governmental office buildings, serving persons living in the nearby residential area.
- (7) Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained in this section, in this chapter.
- (8) Medical office, including clinics.
- (9) Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only.
- (10) Restaurant sit-down, as defined in this chapter.
- (11) Restaurant fast food sit-down, without a drive-thru as defined in this chapter.
- (12) Restaurant (fast food carry out):
- (13) Business schools and colleges or private schools, operated for profit.
- (14) Off-street parking lots: Subject to the required conditions of Article XVIII, in this chapter.
- (15) Other uses that are directly similar to the above uses.
- (16) Accessory structures and uses customarily incident to the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-253. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) An accessory use customarily related to a principal use authorized by this section, such as but not limited to: A pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service, may be permitted.

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- (2) Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of a mortuary establishment.
- (3) Gasoline station with or without a retail adjunct for the sale of gasoline, oil, and minor accessories only, except incidental repair work may be done so long as all such work is done within a completely enclosed building, and so long as no repair work is performed on any motor vehicle with a load capacity of more than one ton. Steam cleaning or undercoating, vehicular body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering or auto glass work, the outdoor storage, rental, sale or lease of motor vehicles, trailers, campers and such other activities whose external effects could adversely extend beyond the property line is expressly prohibited. Repair work shall not be performed on commercial or industrial vehicles with a load capacity greater than one ton. Furthermore, a gasoline station shall comply with the following requirements:
- a. The standards set forth in Ordinance No. 359 in the Trenton Code to regulate and control the location and site of gasoline stations (automobile service stations).
 - b. Shall be permitted only at the intersection of two major thoroughfares as designated on the city's master plan map.
 - c. The minimum lot area for a gasoline station shall be 15,000 square feet for stations having no more than two pump islands. Each additional pump island beyond two shall require an additional 3,000 square feet of site area.
 - d. One street lot line shall have at least 150 feet in length along one major thoroughfare. The lot line shall be so shaped and the station so arranged as to provide ample space for vehicles that are required to wait.
 - e. The driveway or curb cuts for access to a service station shall not be permitted at any location that is likely to create a traffic hazard in the streets immediately adjacent thereto. Entrances shall be located no less than ten feet from an adjoining property line, 25 feet to the curb or pavement. Entrances shall also be no less than 25 feet from an intersecting street right-of-way line extended to the curb or pavement.
 - f. An obscuring screening device as required in Article XXVII in this chapter shall be provided and maintained on those property lines adjacent to or abutting a residential district or an existing residence.
 - g. A site plan shall be submitted to the planning commission for its review and approval prior to the issuance of a building permit. Site plan approval shall be effective for a six-month period of time after which application for a renewal of time a new site plan must be submitted to the planning commission, unless construction has been started under the original site plan. The review of a site plan is necessary in order to determine if proper relationships have been established between the location of driveways, parking areas, building location, any obscuring screening devices, and any other development features on the site, and development on adjacent properties, and on traffic safety.
- (4) Veterinary medicine office, subject to the following conditions:
- a. The use shall consist of only the offices of veterinary medicine doctors and related staff.
 - b. The use and all operations associated with the use shall be conducted wholly within the principal building.
 - c. The principal building shall be a freestanding building.

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- d. No overnight keeping of pets shall be permitted, except for pets recovering from surgery or which need to be kept overnight for medical observation only.
 - e. No kenneling of pets shall be permitted.
 - f. No outdoor pens shall be allowed.
 - g. The principal building shall contain sufficient insulating and sound deadening materials so as not to have an adverse impact on abutting properties.
 - h. All medical waste, pet waste and the remains of euthanized pets shall be disposed of in strict accordance with all applicable federal and state requirements.
 - i. Off-street parking, loading and unloading and any trash receptacles associated with the use shall comply with the applicable requirements of this chapter.
 - j. Pet grooming as subject to the conditions set forth in this section.
- (5) Pet day care, pet grooming or other pet service establishments, with no boarding or overnight stay, subject to the following conditions:
- a. Overnight stay of pets shall be prohibited.
 - b. Size of pet grooming area: Minimum of 15 square feet with a minimum width dimension of three feet and a minimum depth dimension of three feet.
 - c. Each grooming facility shall be equipped with at least a bath tub, a grooming table, hot and cold running water, a drier, clippers, combs, brushes, and shears. All equipment must be sterilized after each use and kept in sanitary condition.
 - d. Pets shall be securely confined. Pets shall not be allowed to wander at large.
 - e. Grooming facilities that keep pets for grooming for longer than four hours must have an indoor or outdoor pet exercise area. The exercise area must measure at least three feet by eight feet, with a covered top.
 - f. Interior building surfaces, including walls, ceilings, and floors shall be constructed so as to be water resistant and capable of being readily cleaned and maintained.
 - g. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by pet caretakers. A sink in good repair shall be provided for washing and sanitizing equipment and utensils. Single service soap and towel dispensers must be available at all hand washing sinks.
 - h. All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the pets at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the pet area to outside of the building.
 - i. The groomer must keep the grooming area, and exercise area if necessary, disinfected, clean, and sanitary at all times.
 - j. Pet waste areas, either indoor or outdoor, shall be constructed of a hard surface that is easily cleaned. Such areas shall be connected to a sanitary system.
 - k. Drying cages shall be:
 - 1. Kept clean and sanitary.

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2. Large enough to comfortably contain the pet. The pet shall be able to stand, lie down, and turn around. The recommend dimensions are: 22 inches to 24 inches wide, by 24 to 28 inches high, by 30 to 34 inches deep.
- I. Outdoor areas where pets will be allowed shall:
 1. Not be within 300 feet of a residential district.
 2. Permitted only in the rear and side yards.
 3. The setback shall be a minimum of 20 feet from the property line and landscaped with one canopy tree, one evergreen tree and four shrubs per each 30 linear feet along the property line, rounded upward.
 4. Fully enclosed by a six-foot screening fence or wall providing full containment for the pets in accordance with Article XXVII, Screening Devices and Landscaping.
 - m. All pets shall be kept indoors from 8:00 p.m. to 8:00 a.m.
 - n. A written statement of operating procedures must be submitted, such as those recommended by the Pet Care Services Association or the American Kennel Club. The procedures, which are to be followed for the life of the business, must address, at a minimum, the following items:
 1. Identification and correction of pet behavior that impacts surrounding uses, including excessive noise (barking).
 2. The time interval anticipated for waste removal and method of clean up.
 3. Identification of the hours of operation and timing of shift changes, if applicable.
 4. Indication of staffing levels during all shifts and the qualifications of each staff member.
 5. Membership in the Voluntary Facilities Accreditation program via the Pet Care Services Association is strongly encouraged.
- (6) Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
 - (7) Uses of the same nature or class as the majority of the uses listed in this district as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Article XXIX.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-254. Required conditions.

The following conditions where applicable shall apply to all uses permitted in the district:

- (1) 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) Except as otherwise permitted in this section, all business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building. In the instance of a sit-down restaurant or a fast food sit-down restaurant, as permitted this article, seasonal outdoor eating environments may be permitted in conjunction with a sit-down or a fast food sit-down restaurant, subject to the following conditions:

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- a. Outdoor eating may be provided in any yard. When placed in a yard next to a residential district, the outdoor eating area shall be screened according to the applicable screening requirements of Article XXVII in this chapter, and all exterior lighting shall comply with the applicable requirements of Article XXIX, in this chapter.
 - b. Outdoor eating facilities proposed within a public street right-of-way directly in front of and adjacent to a permitted sit-down or fast food sit-down restaurant shall be subject to the requirements for outdoor sidewalk restaurants set forth and regulated in Article XV, in this chapter.
- (3) Warehousing or indoor storage of goods or materials beyond that normally incident to the uses permitted in this article, shall be prohibited.
 - (4) Except as expressly permitted in this article, the outdoor storage of goods or materials beyond that normally incident to a use permitted in this article, shall be prohibited.
 - (5) No accessory buildings or structures shall be permitted except in conjunction with a principal building.
 - (6) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
 - (7) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (9) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (10) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (11) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-255—110-270. Reserved.

ARTICLE XIII. B-2 PLANNED COMMUNITY BUSINESS DISTRICTS

Sec. 110-271. Intent.

The B-2 Planned Community Business Districts are designed to cater to the needs of a larger consumer population than is served by the local business districts, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating larger volumes of vehicular traffic than neighborhood-oriented businesses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-272. Principal uses permitted.

In a B-2 Planned Community Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-1 districts, when made an integral part of a planned commercial center, as defined in this chapter, and regulated in this article.
- (2) All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building, when it shall be an integral part of a planned commercial center, as defined in this chapter and as regulated in this article.
 - b. Any service establishment of an office, showroom or workshop such as but not necessarily limited to an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct, when made an integral part of a planned commercial center, as defined in this chapter, and as regulated in this article.
 - c. Private clubs, fraternal organizations, and lodge halls.
 - d. Theaters, assembly halls, concert halls, banquet halls, chapels or similar places of assembly when conducted completely within enclosed buildings.
 - e. Business schools and colleges or private schools operated for profit.
 - f. Other uses similar to the above uses.
- (3) Accessory structures and uses customarily incident to the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-273. Special land uses.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) Planned commercial centers, subject to the following conditions:
 - a. Development under this provision shall be permitted only as part of the overall development of a planned commercial center. To proceed under this approach, the petitioner shall submit a complete site plan prepared in accordance with the applicable requirements of Article XXVIII in this chapter for review and approval by the planning commission.
 - b. If the site is to be subdivided, the plat shall be reviewed in accordance with the City of Trenton Subdivision Regulations Code [Chapter 86 of this Code] and the applicable subdivision platting control standards of Michigan Land Division Act 591 of 1996, as amended. If the site is to be developed as a condominium site, it shall comply with the applicable requirements of this chapter and with the applicable requirements of Michigan Condominium Act 59, of 1978, as amended.
 - c. In reviewing individual site plans in or for a commercial center, coordination of development shall be a principal endeavor of the planning commission. When conducting its review, the planning commission shall:
 1. Encourage a uniform architectural appearance between individual buildings;

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2. Make certain that off-street parking is distributed so it will be convenient to all stores in the development;
 3. All activity centers such as loading and unloading are effectively screened where required by ordinance;
 4. If an ancillary outdoor area for the display and sale of seasonal products is to be provided, it shall be located only in the rear or side yard and when located next to a residential zoning district shall not be located in any minimum required rear or side yard setback and shall be effectively screened. When the front and/or side of a seasonal outdoor sales area shall be visible from a street, it shall be secured with decorative wrought iron materials and not woven wire (chain link type) fence materials. Except for gated openings, the entire outdoor seasonal sales area will be enclosed by a three-foot-high masonry wall which shall consist of the same masonry wall materials as the principal building to which it is attached. Security fencing may be installed on top of the structure.
- d. During its review of the site plan, the planning commission may vary the following standards:
 1. Minimum interior side yard setbacks as required in Article XXIV, Schedule of Regulations, in this chapter for the B-2 districts may be reduced to 20 feet when adjacent to an RM-1 or RM-2 Multiple-Family Residential District. As a condition of any such approval the planning commission shall require the installation of an obscuring screening device as required in Article XXVII in this chapter.
 2. In those instances where the planning commission finds that an excessive number of ingress and/or egress points may occur along a major or secondary thoroughfare, thereby diminishing the carrying capacity of the thoroughfare and creating a potential traffic hazard, the planning commission may require the installation of a system of marginal access or limited access roads or service drives along the property frontage to assure adequate traffic circulation on the site, and to allow motor vehicle and pedestrian traffic to proceed directly from one parcel to another without exiting a property via a public street before entering an abutting property.
 - e. Except as otherwise permitted in this subsection a planned commercial center as envisioned in the standards of this section shall not permit the development of any freestanding ancillary uses in conjunction with a planned commercial center, such as but not necessarily limited to, motor vehicle oriented service facilities, including gasoline service stations, new and used motor vehicle sales lots, or any other freestanding use, unless the planning commission shall find that the overall site of the planned commercial center is of such ample size that it can effectively and efficiently handle such uses in conjunction with a planned commercial center.
- (2) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
 - (3) Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any such automobile service center within the B-2 district.
 - (4) Indoor recreational space providing children's amusement facilities and child care, when part of a planned development and when the use shall be located within the center itself and not as an accessory use in a freestanding building in the center complex. Any outdoor play area provided with the use shall be located in a nonrequired yard, shall be fully secured within a fenced area and shall be fully supervised when in use.

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- (5) Development shall only take place in accordance with the plan as approved by the planning commission. Any amendment to the plan shall require review and approval by the planning commission.
 - (6) Restaurant fast food sit-down with or without a drive-through. Fast food drive-throughs shall meet the following standards:
 - a. When a public address system will be used to take orders from an outdoor menu board or display from drive-through customers, the drive-through lane and the menu board display must be located in the nonrequired front yard when the use abuts a residential district or an office service district. In the event the narrowness of the site prevents the location of the menu display board in the nonrequired front yard, it may be placed in the nonrequired side yard that is farthest from a residential district or office service district.
 - b. Any drive-through lane shall be separate from a road, public right of way, loading and unloading area, or vehicle maneuvering lane.
 - c. Only one ingress and egress shall be provided on major thoroughfares but shall not be located within 60 feet from an intersection.
 - d. Given the nature of this use, parking standards for a drive-through can be reduced or waived entirely by the Planning Commission in circumstances where the applicant can prove that existing parking spaces are sufficient. Landscaping standards based on parking spaces still apply according to the number of spaces that would be required based on the parking formula and the dimensions of the drive-through lane.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-1, § 2, 9-20-2021)

Sec. 110-274. Required conditions.

The following conditions where applicable shall apply to all uses permitted in the district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, loading, and those open-air uses indicated as being subject to special land use approval in this article, shall be conducted within completely enclosed buildings.
- (3) No accessory building shall be permitted except in conjunction with a principal building.
- (4) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
- (5) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (6) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (7) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (8) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (9) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

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(Supp. No. 31, Update 2)

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-275—110-290. Reserved.

ARTICLE XIV. B-3 GENERAL BUSINESS DISTRICTS

Sec. 110-291. Intent.

The B-3 General Business Districts are designed to provide sites for more intense types of businesses that would often be incompatible with the more restricted and more pedestrian-oriented local business districts or the greater size and diversity of the planned community business districts.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-292. Principal uses permitted.

In a B-3 General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-2 districts as principal uses permitted and uses permitted subject to special land use approval.
- (2) Automatic motor vehicle wash facility when completely enclosed in a building.
- (3) Manually operated motor vehicle wash stall facilities.
- (4) Bus passenger stations.
- (5) Sit-down restaurant as defined in this chapter.
- (6) Fast food sit-down restaurant as defined in this chapter.
- (7) Other uses similar to the above uses.
- (8) Accessory structures and uses customarily incident to the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-293. Special land uses.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) Gasoline service station with or without a retail adjunct, for the sale of gasoline, oil, and minor accessories only and for the renting of vehicles and trailers, provided all such rentals are stored in the rear yard or in an interior side yard only, and subject further to the limitations of use and requirements set forth in Article XII, in this chapter.
- (2) The sale or leasing of new and/or used automobiles, trucks, house trailers, or rental of trailers and/or automobiles, all subject to the following requirements:
 - a. The lot or area shall be provided with an asphalt or concrete surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area in a manner approved by the city.

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- b. Motor vehicle ingress and egress to and from the facility shall be at least 60 feet from the intersection of any two streets.
 - c. Adequate area shall be provided and reserved for customer parking as required in Article XXVI in this chapter and shall be in addition to any spaces for the display or storage of new or used motor vehicles.
 - d. All exterior site lighting shall comply with the requirements of Article XXIX, in this chapter.
 - e. The landscaping requirements applicable to a motor vehicle sales establishment as set forth in Article XXVII in this chapter shall be complied with.
 - f. When located next to a residential zoning district the property will be screened in a manner set forth and regulated in Article XXVII in this chapter.
- (3) Motel or motor hotel, subject to the following conditions:
- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than 250 square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- (4) Business in the character of an open front store, subject to the following conditions:
- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street shall be maintained.
 - b. Access points shall be located at least 60 feet from the intersection of any two streets.
 - c. All exterior site lighting shall comply with the applicable requirements of Article XXIX, in this chapter.
 - d. A screening device shall be provided as set forth and regulated in Article XXVII in this chapter along any property line that abuts a residential district.
- (5) Fast food restaurants as defined in this chapter, provided the following conditions are met:
- a. When a public address system will be used to take orders from an outdoor menu board or display from drive-through customers the drive-through lane and the menu board display must be located in the nonrequired front yard when the use abuts a residential district or an office service district. In the event the narrowness of the site prevents the location of the menu display board in the nonrequired front yard, it may be placed in the nonrequired side yard that is farthest from a residential district or office service district.
 - b. Any drive-through lane shall be separate from a service drive, loading and unloading area, or vehicle maneuvering lane.
 - c. Seasonal outdoor eating facilities may be provided for any restaurant subject to the applicable requirements of Article XV, in this chapter pertaining to an outdoor eating facility on private property or the applicable requirements of Article XV, in this chapter pertaining to an outdoor eating facility within a public right-of-way.
- (6) Office of a veterinarian, subject to the requirements set forth in Article XII, in this chapter.
- (7) Plant materials nursery for the retail sale of plant materials, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:

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- a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent uses.
- (8) Commercial outdoor recreational and sport uses, including golf driving ranges, miniature golf and its variations, archery ranges, court games, vehicle tracks and courses, including remote control miniature boats, aircraft or vehicles, and similar uses excluding firearm ranges, subject to the following conditions:
- a. There shall be no adverse off-site impacts, including those of sound, smoke, odor, dust, radio waves and similar sensory effects. Adequate fencing and screening shall be provided so that any driven or batted balls or airborne objects shall be contained on site within a designated area.
 - b. All lighting shall be shielded from adjacent residential areas and public rights-of-way, and there shall be no direct off-site glare.
 - c. The compatibility of the hours of operation with adjacent uses shall be considered.
 - d. Adequate off-street parking designed to accommodate peak use, as estimated by the planning commission, shall be provided.
 - e. The erection and permanent year-round maintenance in sound condition, good repair, and visibly attractive condition of all screens, fences, equipment, storage buildings and lighting shall be provided.
 - f. The planning commission may impose limits on signs.
 - g. All food and beverage concessions and sales shall be clearly accessory to the principal use.
- (9) Indoor self-storage facility, subject to the following requirements:
- a. All access to the facility will be from a major thoroughfare as designated on the city's master plan map, as amended.
 - b. Except as otherwise permitted in this subsection access to all storage spaces shall be from the interior of the building only, there being no direct outside access to any such storage space permitted.
 - c. When placed in conjunction with any loading and unloading area at the rear of the building direct outside access to storage spaces may be permitted along the rear wall of the building and along the rear half of the side walls of the building provided the sidewalks do not front a street right-of-way or a residential zoning district.
 - d. An office area and a manager's or security person's living quarters may be provided in the storage building or in a separate building on the property. Any such living quarters shall meet the minimum applicable floor area requirements of this chapter for a multiple-family dwelling. An attached or detached private garage may be provided in conjunction with the living quarters for the sole use of its occupant(s). If so provided the garage shall not be made available for customer storage.
 - e. Except for trash receptacles no outdoor storage of any kind shall be permitted either as the principal use or as a use accessory to the principal use.
- (10) Pet day care, pet grooming or other pet service establishments, with no boarding or overnight stay, subject to the conditions set forth in Article XII of this chapter.

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- (11) To encourage and provide for land use diversity and to promote the economic vitality of the central business district, residential occupancy shall be permitted in buildings of two stories in height or greater. In buildings used for the mixing of business and residential occupancy the following conditions shall apply:
- a. No dwelling unit shall occupy any portion of the floor area of the building at grade level.
 - b. Business uses may occupy any number of total floors in the building, but no business shall be located on the same floor as a residential use.
 - c. No floor in the building may be used for business purposes that is located above a floor used for residential purposes.
 - d. No dwelling unit shall have more than two bedrooms.
 - e. Each dwelling unit shall comply with the minimum applicable floor area requirements set forth in Article XXIV, Schedule of Regulations, in this chapter.
 - f. Off-street parking shall be provided for each dwelling unit in accordance with the applicable requirements of Article XXVI in this chapter unless otherwise excused.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-294. Required conditions.

The following conditions where applicable shall apply to all uses permitted in the district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) No business, servicing, or processing, except for off-street parking, loading, and those open-air uses indicated as being subject to special land use approval in this article, shall be conducted except within completely enclosed buildings.
- (3) No accessory building shall be permitted except in conjunction with a principal building on the property.
- (4) Consult Article XXIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
- (5) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (6) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (7) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (8) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
- (9) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-295—110-310. Reserved.

(Supp. No. 31, Update 2)

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ARTICLE XV. CBD CENTRAL BUSINESS DISTRICT

Sec. 110-311. Intent.

The CBD Central Business District is intended to permit those uses that provide for a variety of retail stores and related activities, and for office buildings and service establishments that occupy the prime frontages in the central business district; and which serve the consumer population beyond the corporate boundaries of the city. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services and nonretail uses which tend to break up such continuity.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-312. Principal uses permitted.

In the CBD Central Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any generally recognized retail business, which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: Foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: Repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- (3) Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store.
- (4) Offices and office buildings of an executive, administrative or professional nature.
- (5) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (6) Public and quasi-public buildings, such as, but not restricted to:
 - a. Places of worship.
 - b. Municipal offices.
 - c. Municipal off-street parking.
 - d. Libraries.
 - e. Museums.
 - f. Fraternal Organizations.
- (7) Commercial recreation facilities such as bowling alleys, theatres, and similar uses.
- (8) Offices and showrooms of plumbers, electricians, decorator or similar trades, of which not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is

used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise, and provided that the ground-floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.

- (9) Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: Dance, music, and voice schools, and art studios.
- (10) Newspaper offices.
- (11) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by said establishment.
- (12) Hotels and motels.
- (13) Other uses which are similar to the above permitted uses.
- (14) Accessory structures customarily incident to the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-313. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission at a duly advertised public hearing:

- (1) To encourage and provide for land use diversity and to promote the economic vitality of the central business district, residential occupancy shall be permitted in buildings of two stories in height or greater. In buildings used for the mixing of business and residential occupancy the following conditions shall apply:
 - a. No dwelling unit shall occupy any portion of the floor area of the building at grade level along West Jefferson or West Rd.
 - b. Dwelling units on the first floor at grade level may be permitted if all of the following conditions are met:
 - 1. The dwelling unit is setback no less than 35 feet from West Jefferson or West Road, respectively.
 - 2. The façade of the dwelling unit along any street contains at least 35 percent glass windows and doors. The planning commission may grant a reduction allowing 25 percent glass windows and doors if the applicant provides additional architectural features acceptable to the planning commission.
 - 3. The building material of the façade of the dwelling unit along the street is brick.
 - c. Business uses may occupy any number of the total floor in the building, but no business shall be located on the same floor as a residential use.
 - d. No floor in the building may be used for business purposes that is located above a floor used for residential purposes.
 - e. No dwelling unit shall have more than two bedrooms.
 - f. Each dwelling unit shall comply with the minimum applicable floor area requirement set forth in Article XXIV, Schedule of regulations, in this chapter.
 - g. Off-street parking shall be provided for each dwelling unit in accordance with the applicable requirements of Article XXVI in this chapter unless otherwise excused.

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- (2) Outdoor eating areas, subject to the following requirements:
- a. They are located and maintained entirely on privately-owned land.
 - b. They are accessory to a sit-down restaurant on the same premises.
 - c. They shall have been reviewed and approved by local or county health agencies prior to review and approval by the planning commission.
 - d. They shall be fenced and when located next to a residential district, shall be screened in accordance with the applicable requirements of Article XXVII in this chapter.
 - e. The outdoor eating area is made part of the license of the principal use.
- (3) Sidewalk sit-down restaurants or cafes, subject to the following requirements:
- a. The city may issue revocable annual permits to an eating and drinking establishment, on a limited portion of the public sidewalk adjacent to the business, provided:
 1. The sidewalk on which the cafe is to be located is flat, is in good repair and is physically separated from the abutting street by a raised curb;
 2. The location of the cafe on the sidewalk will not interfere with the clear vision of motorists on the adjoining street, particularly at any intersection of the sidewalk with another street or alley;
 3. The location of the cafe on the sidewalk will not unduly encumber clear and safe passage of pedestrian on the sidewalk;
 4. All tables and chairs shall be located inside the approved area on the sidewalk towards the building, to which it is accessory;
 5. All construction involved in the establishments and maintenance of a sidewalk cafe shall be of a temporary nature and subject to review and approval by the city, or by the jurisdiction in control of the right-of-way;
 6. All eating areas shall be provided with trash receptacles. The property owner or operator of the establishment shall keep the area clean and free of all paper, trash, refuse and debris;
 7. The eating area may be covered by a temporary structure such as a canopy or awning, or umbrella-type shades affixed securely to a table or to the sidewalk, in a manner acceptable to the city or the jurisdiction in control of the right-of-way. Any such temporary structure or umbrella shall be completely within the area on the sidewalk approved for the cafe;
 8. The seating area of the sidewalk cafe must satisfy the applicable requirements of the state construction code with respect to the amount of seating, spacing and points of ingress and egress;
 9. No outdoor cooking will be permitted in any sidewalk cafe permitted in this subsection;
 10. Materials used in conjunction with a sidewalk cafe, including tables, chairs and wait stations shall be fully and completely removed from the sidewalk and kept elsewhere, when the cafe is closed for the season;
 11. The Trenton City Council may, when deemed necessary, and at its discretion, adopt by resolution, additional regulations governing hours of operation, lighting, noise and other aspects of sidewalk cafe operations;
 12. Applications to establish a sidewalk cafe shall be the responsibility of the applicant and shall be reviewed on an annual basis. The application shall be submitted to the building

department for review and approval. [As] The building department is conducting its review, the building department may require submittal of a scaled drawing of the proposed sidewalk cafe, including the location and area of the sidewalk involved, the arrangement of tables and chairs, wait stations, etc.;

13. Application for a sidewalk cafe shall not be approved by the building department until approval to operate the use in the public right-of-way has been received in writing from the city or the jurisdiction in control of the right-of-way; and:
 - a. The applicant has executed a statement agreeing, at the applicant's expense, that the City of Trenton, its elected and appointed officials, employees and consulting agents and agencies, are held harmless from, and indemnifying them for and defending them (with legal counsel acceptable to them through any appellate proceedings they wish to pursue until a final resolution, settlement or compromise approved by them) from any liability for loss, damage, injury or casualty to persons or property caused or occasioned by or rising from any act, use, or occupancy or negligence by or of the applicant and any of its agents, agencies, servants, visitors, licenses, or employees occurring during the term of this agreement or any extended term.
 - b. The applicant has furnished the City of Trenton with a certificate or other evidence indicating that the applicant has had issued to it a policy or policies of insurance against damage to public property, against bodily injury, including death, to one person and against more than one person, in amounts agreeable to the city. The certificate(s) of insurance shall endorse the City of Trenton as a certificate holder and additional insured and shall provide that coverage may not be terminated without 30 days' prior written notice in the city. Such insurance must provide coverage of the city and its officers, employees and its consulting agents and agencies for any occurrence during the term of the permit. Upon request, the applicant shall provide the city with a copy of the insurance policy(ies), and
 - c. The applicant has secured and is maintaining all legally required works disability compensation and unemployment compensation insurance.
14. A sidewalk cafe may display on the sidewalk in conjunction with the sidewalk cafe, a temporary freestanding sign which shall not be more than five feet in height and which shall not have more than six square feet of display area per side. The sign shall display only the name of the cafe and the menu of the day. The sign shall be placed within the area designated for the sidewalk cafe; and
15. Prior to issuance of an annual permit by the building department, a permit fee in an amount established by the city council shall be paid to the city. The permit shall include the dates and duration of the sidewalk cafe. Any permits so issued shall be subject to revocation by the city for the applicant's failure to meet or to maintain the area of the sidewalk cafe in strict accordance with all applicable state, county, or local requirements.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-314. Required conditions.

The following conditions where applicable shall apply to all uses permitted in this district:

- (1) Except as may be otherwise permitted in this district, uses permitted in the CBD Central Business District shall contain all storage of goods and materials for sale and/or distribution within the building, there being no outdoor storage permitted. Any indoor storage shall be ancillary to the principal permitted use or uses in the building and shall not include warehousing or storage other than that normally incidental to the uses permitted in the district.

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- (2) Business establishments in the CBD Central Business District shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - (3) All business, servicing, or processing, except for off-street parking, loading, and unloading, and those open-air uses permitted in the district, shall be conducted within completely enclosed buildings.
 - (4) The parking of commercial used or licensed vehicles will be permitted in the rear yard only and any such vehicle shall be clearly incidental to the permitted use. The parking of any such vehicle shall be limited to operable vehicles which are moved off the site on a regular basis and shall not include those used for storage, sales and/or advertising.
 - (5) Parking and/or storage of disabled or damaged vehicles is prohibited.
 - (6) Except where otherwise regulated in this article, see Article XXIV, Schedule of Regulations, in this chapter limiting the height and bulk of building, and building setbacks.
 - (7) Consult Article XXVI, Off-Street Parking, Loading and Layout Standards, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XXVII, Screening and Landscaping, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (9) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (10) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (11) Consult Article XXXIII, General Exceptions, in this chapter regarding exceptions to certain regulations as they may apply to certain uses permitted in this district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-315—110-330. Reserved.

ARTICLE XVI. W-R WATERFRONT REVITALIZATION DISTRICT

Sec. 110-331. Intent.

The W-R Waterfront Revitalization District is designed to support a transition away from the heaviest industrial uses along the City's waterfront and permit a combination of uses which support an emerging economy more focused on innovation and connection than on extraction and fabrication. At the same time, the intent of the district recognizes that the existing conditions on these sites have been profoundly shaped by their industrial past and remain suitable for certain types of such uses due to their locational assets, and further recognizes that they remain desirable to preserve and balance the City's tax base and employment opportunities. The W-R district is structured mainly to preserve and protect the waterfront and natural resources while allowing appropriate and suitable development.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-332. Principal uses permitted.

In a W-R Waterfront Revitalization District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- (1) Any generally recognized retail business, which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: Foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (2) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yard, building materials outlet, upholsterer, cabinet maker, outdoor sales of boats, house trailers, automobile garages, or agricultural implements).
- (3) Business establishments that perform services on the premises, such as, but not limited to: Banks, credit unions, loan companies, insurance offices and real estate offices.
- (4) Professional services including the following: Offices of doctors, dentists and similar or allied professions.
- (5) Offices and office buildings of an executive, administrative or professional nature.
- (6) Sit-down restaurants and taverns.
- (7) Fast food sit-down restaurant as defined in this chapter.
- (8) Outdoor eating areas, subject to the following requirements:
 - a. They are located and maintained entirely on privately-owned land.
 - b. They are accessory to a sit-down restaurant on the same premises.
 - c. They shall have been reviewed and approved by local or county health agencies prior to review and approval by the planning commission.
 - d. They shall be fenced and when located next to a residential district, shall be screened in accordance with the applicable requirements of Article XXVII in this chapter.
 - e. The outdoor eating area is made part of the license of the principal use.
- (9) Theaters, assembly halls, concert halls, banquet halls, or similar places of assembly when conducted completely within enclosed buildings.
- (10) Hotels
- (11) Motel or motor hotel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than 250 square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- (12) Private clubs, fraternal organizations, and lodge halls.
- (13) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

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- (14) Commercial outdoor recreational and sport uses, including golf driving ranges, miniature golf and its variations, archery ranges, court games, vehicle tracks and courses, including remote control miniature boats, aircraft or vehicles, and similar uses excluding firearm ranges, subject to the following conditions:
- a. There shall be no adverse off-site impacts, including those of sound, smoke, odor, dust, radio waves and similar sensory effects. Adequate fencing and screening shall be provided so that any driven or batted balls or airborne objects shall be contained on site within a designated area.
 - b. All lighting shall be shielded from adjacent residential areas and public rights-of-way, and there shall be no direct off-site glare.
 - c. The compatibility of the hours of operation with adjacent uses shall be considered.
 - d. Adequate off-street parking designed to accommodate peak use, as estimated by the planning commission, shall be provided.
 - e. The erection and permanent year-round maintenance in sound condition, good repair, and visibly attractive condition of all screens, fences, equipment, storage buildings and lighting shall be provided.
 - f. The planning commission may impose limits on signs.
 - g. All food and beverage concessions and sales shall be clearly accessory to the principal use.
- (15) Marina, boat dock.
- (16) Pet day care, pet grooming or other pet service establishments, with overnight stay, subject to the following conditions:
- a. Boarding of pets shall not be allowed outdoors.
 - b. Size of pet grooming area.
Minimum of 15 square feet with:
Minimum width dimension: Three feet.
Minimum depth dimension: Three feet.
 - c. Each grooming facility shall be equipped with at least a bathtub, a grooming table, hot and cold running water, a drier, clippers, combs, brushes, and shears. All equipment must be sterilized after each use and kept in sanitary condition.
 - d. Pets must be securely confined. Pets shall not be allowed to wander at large.
 - e. Only pets of the same household and/or with the consent of the owner(s) may be caged together. Only compatible pets may be caged together.
 - f. Each primary enclosure with steel grate flooring shall contain a solid resting surface. All primary enclosures shall allow each pet to turn around, exercise normal postural movements, and to experience necessary socialization with cage mates one square foot minimum for small and medium pets and two square feet minimum for large pets, that is water resistant and can be cleaned and sanitized. Primary enclosures are those pet enclosures in which the pet normally rests or sleeps (also referred to as temporary housing).
 - g. Primary enclosures shall be structurally sound and maintained in good repair to protect the pets from injury, to contain them, and to keep predators out. Primary enclosures shall be constructed such that they can be routinely maintained to allow pets to stay dry and clean (as appropriate for the species) and to provide convenient access to clean food and water.

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- h. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
 - i. All buildings with overnight stay shall provide a filtration system to protect air quality and shall be insulated so as to contain excessive noise.
 - j. Each facility shall have an indoor or outdoor pet exercise area. The exercise area must measure at least three feet by eight feet, with a covered top.
 - k. Interior building surfaces, including walls, ceilings, and floors shall be constructed so as to be water resistant and capable of being readily cleaned and maintained.
 - l. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by pet caretakers. A sink in good repair shall be provided for washing and sanitizing equipment and utensils. Single service soap and towel dispensers must be available at all hand washing sinks.
 - m. All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the pets at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the pet area to outside of the building.
 - n. The groomer must keep the grooming area, and exercise area if necessary, disinfected, clean, and sanitary at all times.
 - o. Pet waste areas, either indoor or outdoor, shall be constructed of a hard surface that is easily cleaned. Such areas shall be connected to a sanitary system.
 - p. Drying cages shall be:
 - 1. Kept clean and sanitary.
 - 2. Large enough to comfortably contain the pet. The pet shall be able to stand, lie down, and turn around. The recommend dimensions are: 22 inches to 24 inches wide, by 24 to 28 inches high, by 30 to 34 inches deep.
 - q. Outdoor areas where pets will be allowed shall:
 - 1. Not be within 300 feet of a residential district.
 - 2. Permitted only in the rear and side yards.
 - 3. Have a setback a minimum of 20 feet from the property line and landscaped with one canopy tree, one evergreen tree and four shrubs per each 30 linear feet along the property line, rounded upward.
 - 4. Be fully enclosed by a six-foot screening fence or wall providing full containment for the pets in accordance with Article XXVII, Screening Devices and Landscaping.
 - r. All pets shall be kept indoors from 9:00 p.m. to 7:00 a.m.
 - s. A written statement of operating procedures must be submitted, such as those recommended by the Pet Care Services Association or the American Kennel Club. The procedures, which are to be followed for the life of the business, must address, at a minimum, the following items:
 - 1. Identification and correction of pet behavior that impacts surrounding uses, including excessive noise (barking).
 - 2. The time interval anticipated for waste removal and method of clean up.

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3. Identification of the hours of operation and timing of shift changes, if applicable.
 4. Indication of staffing levels during all shifts and the qualifications of each staff member.
 5. Membership in the Voluntary Facilities Accreditation program via the Pet Care Services Association is strongly encouraged.
- (17) Trade or industrial schools.
 - (18) Business schools and colleges or private schools, operated for profit.
 - (19) Green houses.
 - (20) Any use charged with the principal function of basic research design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
 - (21) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small, molded rubber products.
 - e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - f. Laboratories: experimental, film, or testing.
 - g. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
 - h. Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with consumers at retail.
 - i. Manufacture of battery production for electric vehicles;
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - k. Other manufacturing, compounding, or processing uses which will not create noise, glare, heat, smoke, or other external impacts as determined by the planning commission.
 - l. Offices and office uses.
 - (22) Logistics park;
 - (23) Vehicle mixing center;
 - (24) Fulfillment centers;
 - (25) Other uses of a similar and no more objectionable character to the above uses.

(26) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-333. Special land uses.

- (a) Self-storage facilities with or without resident manager quarters, including outdoor storage areas, provided such outdoor storage area shall be located in the rear yard or in an interior side yard on the same property with the principal permitted use. When such area is located next to a zoning district other than an I-Industrial District, the area shall be screened from view in accordance with the applicable requirements of Article XXVII in this chapter. When a resident manager's living quarters are included, the dwelling unit shall meet the minimum applicable floor area requirements in this chapter.
- (b) Storage facilities for building materials, and gravel, stone, and lumber. Storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring masonry wall and intense landscape planting screen on those sides abutting a more restrictive district or a public thoroughfare. In any I-1 District, the height of the wall may be determined by the building department or the planning commission in accordance with the standards set forth in Article XXII in this chapter.
- (c) Use of the site as a truck depot (which is defined as any use of the property for home-based truck operations to be dispatched and returned to the site for future dispatches or for the long term (in excess of five business days) parking of empty trucks or trailers;
- (d) Shipping container yard. When containers, materials, etc., are stacked outdoors, the use shall be entirely screened from view at six feet above grade of West Jefferson and adjoining non industrial properties with a fence, berm, building, or other device acceptable to the planning commission.
- (e) Heating and electric power generating plants.
- (f) Warehouse, storage, and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders.
- (g) Lumber and planing mills when completely enclosed within a building. When the property line abuts any other district but an I-Industrial District the hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. and the decibels shall not exceed 90 along any property line.
- (h) Recycling plants or recycling processing facilities when all activities are within a fully enclosed building.
- (i) The import, export and otherwise transfer to or from the site of machinery, equipment and materials and products (together with the on-site storage thereof subject to the limitations contained in) only as may be required for operation of the site;
- (j) The receipt and use of fuel on the site only as may be required for the operation of the site. For purposes hereof, "fuel" means petroleum, oil, gasoline, propane, and # 2 diesel (provided the same is confined in industry standard containers). Natural gas may be supplied to the site by pipeline. No fuel may be trans-loaded on the site; the use of such machinery, equipment, materials and products, subject to the permit conditions set forth above; the transfer of such machinery, equipment, materials and products from, to and among the various forms of water, rail and truck transportation.
- (k) Any use which may be determined by the city council, after recommendation by the planning commission, to be of the same general character as the uses permitted herein. The city council may stipulate a greater setback than the minimum required in the district and impose reasonable performance standards to insure maintenance of the public health, safety, and general welfare of the community around the use and of the city as a whole.

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- (l) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-334. Prohibited uses.

- (a) Any storage of petroleum-coke (which is defined as a black solid nonvolatile residue which is obtained as the final still product in the distillation of crude petroleum) or any derivative thereof, including calcinated pet coke, desulphurized pet coke, and aluminum alloy containing pet coke;
- (b) Any storage, inside or out, on, or imported to, or exported from, the site of (i) any explosives (defined as any article or device which is designed to function by explosion), (ii) any radioactive materials, (iii) any "hazardous waste" (as defined in the federal Resource Conservation and Recovery Act, 42 USC 6901 et seq. and the regulations promulgated thereunder at 40 CFR Parts 261 as attached and amended from time to time) unless otherwise (A) permitted by Resolution Part I above and (B) permits are obtained from City, State, county or federal authorities for storage, handling and transport thereof if required by Law; (iv) any toxic substances which are liable to cause death or serious injury to human health if inhaled, swallowed or by skin absorption, and (v) any biohazards.
- (c) Junk yards when outdoors; parking and / or storage of disabled or damaged vehicles.
- (d) Commercial incineration or other forms of waste treatment.
- (e) Petroleum or other inflammable liquids, production, refining, or storage.
- (f) Smelting of metallic ores or compounds, such as copper, iron, or zinc ore.
- (g) Tire manufacturing.
- (h) Recycling plants or recycling processing facilities (materials recovery facilities) when done outdoors or with outdoor storage.
- (i) Waste transfer facilities.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-335. Required conditions.

The following conditions shall apply where applicable to all uses permitted in the district and all special uses shall be subject to review by the Planning Commission at a duly advertised public hearing:

- (1) When outdoor storage area shall be provided in conjunction with the use, it shall be located in the rear yard or in an interior side yard, except property on which the principal use will be outdoor storage the minimum front yard setback requirement of the district shall be provided along with additional requirements in this section. Any outdoor storage area that abuts a non-industrial district or use shall be screened from view in accordance with the applicable requirements of Article XXVII, in this chapter.
- (2) All business, servicing, or processing, except for off-street parking, loading and unloading, staging, and outdoor storage permitted in the district, shall be conducted within completely enclosed buildings.
- (3) The parking of commercial used or licensed vehicles will be permitted in the rear yard only, and any such vehicle shall be clearly incidental to the permitted use. The parking of any such vehicle shall be limited to operable vehicles which are moved off the site on a regular basis and shall not include those used for storage, sales, and/or advertising.

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- (4) Except where otherwise regulated in this article, see Article XXIV, Schedule of Regulations, in this chapter limiting the height and bulk of building, and building setbacks.
 - (5) A truck traffic study.
 - (6) All uses require permits from State, county and/or federal authorities when required by Law;
 - (7) Consult Article XXVI, Off-Street Parking, Loading and Layout Standards, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XXVII, Screening and Landscaping, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district. In addition to the standards set forth in that Article, a screening device shall also be required between an industrial use and an existing adjoining non-industrial use; in such instance, the Planning Commission may permit a landscaped planting screen.
 - (9) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district. The Planning Commission may limit the scope of the required Impact Assessment as described in that Article for uses of a purely commercial nature which are principally permitted in the W-R district, upon a finding that no good purpose would be served by requiring the portions of the Assessment proposed for exemption.
 - (10) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (11) Consult Article XXXIII, General Exceptions, in this chapter regarding exceptions to certain regulations as they may apply to certain uses permitted in this district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-336—110-350. Reserved.

ARTICLE XVII. I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 110-351. Intent.

The I-1 Light Industrial District is designed so as to primarily accommodate wholesale and warehouse activities, 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 semifinished products from previously prepared material, it being the intent of this district that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-352. Principal uses permitted.

The following regulations shall apply to all I-1 Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

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- (1) Any use charged with the principal function of basic research design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
 - (2) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small, molded rubber products.
 - e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - f. Laboratories experimental, film, or testing.
 - g. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
 - h. Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with consumers at retail.
 - i. All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - j. Offices and office uses.
 - (3) Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders.
 - (4) Railroad transfer and storage tracks. Railroad rights-of-way. Railroad and truck terminal freight facilities.
 - (5) Storage facilities for building materials, and gravel, stone, and lumber. Storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring masonry wall and intense landscape planting screen on those sides abutting a more restrictive district or a public thoroughfare. In any I-1 District, the height of the wall may be determined by the building department or the planning commission in accordance with the standards set forth in Article XXII in this chapter.
 - (6) Trade or industrial schools.
 - (7) Green houses.
 - (8) Other uses of a similar and no more objectionable character to the above uses.
 - (9) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-353. Special land uses.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject to further to review by the planning commission at a duly advertised public hearing:

- (1) A commercial kennel provided all outdoor runs and accessory shelters intended for the keeping of animals shall be located in the rear yard or in an interior side yard and at least 300 feet from any residential district.
- (2) Lumber and planing mills when completely enclosed within a building. When the property line abuts any other district but an I-Industrial District the hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. and the decibels shall not exceed 90 along any property line.
- (3) Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Self-storage facilities with or without resident manager quarters, including outdoor storage areas, provided such outdoor storage area shall be located in the rear yard or in an interior side yard on the same property with the principal permitted use. When such area is located next to a zoning district other than an I-Industrial District, the area shall be screened from view in accordance with the applicable requirements of Article XXVII in this chapter. When a resident manager's living quarters are included, the dwelling unit shall meet the minimum applicable floor area requirements in this chapter.
- (5) Retail uses which have an industrial character in terms by either their outdoor storage requirements or activities (such as, but not limited to: lumber yard, building materials outlet, upholsterer, cabinet maker, outdoor sales of boats, house trailers, automobile garages, or agricultural implements) or serve the convenience needs of the industrial district (such as, but not limited to an eating and drinking establishment, bank, savings and loan association, credit union, automobile service station, motel or bowling alley, trade or industrial school or industrial clinic.
- (6) Motor vehicle repair (major), as defined in this chapter, automobile or other machinery assembly plants, painting and varnishing shops, undercoating shops, lumber, and planing mills.
- (7) Uses which serve the convenience needs of the industrial district such as select convenience commercial uses, eating and drinking establishments, bank, savings and loan association, credit union, automobile service station, motel, bowling alley, trade or industrial school, or industrial clinic.
- (8) Pet day care, pet grooming or other pet service establishments, with overnight stay, subject to the following conditions:
 - a. Boarding of pets shall not be allowed outdoors.
 - b. Size of pet grooming area.
Minimum of 15 square feet with:
Minimum width dimension: Three feet.
Minimum depth dimension: Three feet.
 - c. Each grooming facility shall be equipped with at least a bathtub, a grooming table, hot and cold running water, a drier, clippers, combs, brushes, and shears. All equipment must be sterilized after each use and kept in sanitary condition.
 - d. Pets must be securely confined. Pets shall not be allowed to wander at large.
 - e. Only pets of the same household and/or with the consent of the owner(s) may be caged together. Only compatible pets may be caged together.

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- f. Each primary enclosure with steel grate flooring shall contain a solid resting surface. All primary enclosures shall allow each pet to turn around, exercise normal postural movements, and to experience necessary socialization with cage mates one square foot minimum for small and medium pets and two square feet minimum for large pets, that is water resistant and can be cleaned and sanitized. Primary enclosures are those pet enclosures in which the pet normally rests or sleeps (also referred to as temporary housing).
 - g. Primary enclosures shall be structurally sound and maintained in good repair to protect the pets from injury, to contain them, and to keep predators out. Primary enclosures shall be constructed such that they can be routinely maintained to allow pets to stay dry and clean (as appropriate for the species) and to provide convenient access to clean food and water.
 - h. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
 - i. All buildings with overnight stay shall provide a filtration system to protect air quality and shall be insulated so as to contain excessive noise.
 - j. Each facility shall have an indoor or outdoor pet exercise area. The exercise area must measure at least three feet by eight feet, with a covered top.
 - k. Interior building surfaces, including walls, ceilings, and floors shall be constructed so as to be water resistant and capable of being readily cleaned and maintained.
 - l. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by pet caretakers. A sink in good repair shall be provided for washing and sanitizing equipment and utensils. Single service soap and towel dispensers must be available at all hand washing sinks.
 - m. All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the pets at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the pet area to outside of the building.
 - n. The groomer must keep the grooming area, and exercise area if necessary, disinfected, clean, and sanitary at all times.
 - o. Pet waste areas, either indoor or outdoor, shall be constructed of a hard surface that is easily cleaned. Such areas shall be connected to a sanitary system.
 - p. Drying cages shall be:
 - 1. Kept clean and sanitary.
 - 2. Large enough to comfortably contain the pet. The pet shall be able to stand, lie down, and turn around. The recommend dimensions are: 22 inches to 24 inches wide, by 24 to 28 inches high, by 30 to 34 inches deep.
 - q. Outdoor areas where pets will be allowed shall:
 - 1. Not be within 300 feet of a residential district.
 - 2. Permitted only in the rear and side yards.
 - 3. Have a setback a minimum of 20 feet from the property line and landscaped with one canopy tree, one evergreen tree and four shrubs per each 30 linear feet along the property line, rounded upward.

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4. Be fully enclosed by a six-foot screening fence or wall providing full containment for the pets in accordance with Article XXVII, Screening Devices and Landscaping.
 - r. All pets shall be kept indoors from 9:00 p.m. to 7:00 a.m.
 - s. A written statement of operating procedures must be submitted, such as those recommended by the Pet Care Services Association or the American Kennel Club. The procedures, which are to be followed for the life of the business, must address, at a minimum, the following items:
 1. Identification and correction of pet behavior that impacts surrounding uses, including excessive noise (barking).
 2. The time interval anticipated for waste removal and method of clean up.
 3. Identification of the hours of operation and timing of shift changes, if applicable.
 4. Indication of staffing levels during all shifts and the qualifications of each staff member.
 5. Membership in the Voluntary Facilities Accreditation program via the Pet Care Services Association is strongly encouraged.
 - (9) Marihuana establishments as permitted by City of Trenton Ordinance 807. Marihuana retail and provisioning are prohibited.
 - (10) Any use which may be determined by the city council, after recommendation by the planning commission, to be of the same general character as the uses permitted in this article. The city council may stipulate a greater setback than the minimum required in the district and impose reasonable performance standards to insure maintenance of the public health, safety, and general welfare of the community around the use and of the city as a whole.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-2, § 2, 4-18-2022)

Sec. 110-354. Required conditions.

The following conditions where applicable shall apply to all uses permitted in the district, and all uses shall be subject to review by the planning commission at a duly advertised public hearing:

- (1) Except as may be otherwise permitted in this district, uses permitted in the I-1 District shall contain all storage of goods and materials for sale and/or distribution within the building, there being no outdoor storage permitted. Any indoor storage shall be ancillary to the principal permitted use or uses in the building and shall not include warehousing or storage other than that normally incidental to the uses permitted in the district.
- (2) All business, servicing or processing, except for off-street parking, loading and unloading and those open air uses permitted in the district, shall be conducted within completely enclosed buildings.
- (3) The parking of commercial rated (licensed) vehicles will be permitted in the rear yard only and any such vehicle shall be clearly incidental to the permitted use. The parking of any such vehicle shall be limited to operable vehicles which are moved off the site on a regular basis and shall not include those used for storage, sales and/or advertising.
- (4) Parking and/or storage of disabled or damaged vehicles is prohibited.
- (5) Except where otherwise regulated in this article, see Article XXIV, Schedule of Regulations, in this chapter limiting the height and bulk of buildings, and building setbacks.
- (6) Consult Article XXVI, Off-Street Parking Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.

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- (7) Consult Article XXVII, Screening and Landscaping Requirements, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (9) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (10) Consult Article XXXIII, General Exceptions, in this chapter regarding exceptions to certain regulations as they may apply to certain uses permitted in this district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-355—110-370. Reserved.

ARTICLE XVIII. I-2 HEAVY INDUSTRIAL DISTRICTS

Sec. 110-371. Intent.

The I-2 Heavy Industrial District is designed primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations, whose external effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw material as well as from previously prepared material.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-372. Principal uses permitted.

In an I-2 Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- (1) Any principal use first permitted in an I-1 District.
- (2) Heating and electric power-generating plants, and all necessary uses.
- (3) Tool and die shop.
- (4) Metal plating, buffing, and polishing.
- (5) Stamping plant.
- (6) Machine shop.
- (7) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which shall not be injurious to the occupants of adjacent premises or districts by reason of the emission or creation of noise, vibration, smoke, dust or particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.
- (8) Integrated steel manufacturing, ore storage, and coking, sintering, and related manufacturing processes.
- (9) Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of paris.
- (10) Petroleum or other inflammable liquids, production, refining, or storage.

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- (11) Smelting of metallic ores or compounds, such as copper, iron, or zinc ore.
 - (12) Tire manufacturing.
 - (13) The filling of existing open quarry excavation with soil that is acceptable to the city and the county and to the level of the grade established by the city engineer, and subject further to all applicable standards set forth in the City of Trenton Code of Ordinances, as amended.
 - (14) Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-373. Special land uses.

The following uses shall be permitted, subject to conditions hereinafter imposed for each use and subject further to the review and approval of the building department or planning commission.

- (1) Uses, which serve the convenience needs of the industrial district such as eating and drinking establishments.
- (2) Junkyards, provided such are entirely enclosed within a building or behind a completely obscuring wall, and provided further that one property line abuts a railroad right-of-way. There shall be no outdoor burning on the site, and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building. There shall be no stocking of any material above the height of the wall, except that movable equipment used on the site may exceed the wall height.
- (3) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant, provided further that no outdoor or open storage of such materials shall be permitted.
- (4) Recycling plants or recycling processing facilities (materials recovery facilities).
- (5) Marihuana establishments as permitted by City of Trenton Ordinance 807. Marihuana retail and provisioning are prohibited.
 - a. Marihuana grower and processor facilities are limited to eligible parcels within 1-1 and 2 zones as shown on the map "Eligible Marijuana Parcels" in Ordinance 807. All eligible parcels shall be at least 500 feet from any residential property and 1,000 feet from a K-12 educational facility. The residential buffer is reduced to 250 feet when the proposed facility has multiple rail easements between the proposed facility and a residential area.
 - b. All activity related to marihuana establishments shall be conducted indoors.
 - c. Outdoor storage is prohibited.
 - d. If a building with windows is utilized for a marihuana grower or processor site, any lighting methods shall not exceed the foot candles permitted for the exterior of the building between the hours of 11:00 p.m. and 7:00 a.m.
 - e. Loading zones for any marihuana business establishment shall not be visible from a public right-of-way. Loading zones shall be either fully or partially enclosed. Loading zones shall be any of the following: an area indoors that meets the loading zones size requirements, an area enclosed by two or more walls, a vehicle bay, or garage, or any other configuration that blocks the transfer of goods from vehicle to facility. All products shall be transferred directly from the vehicles into the establishment.
 - f. Applicants shall obtain all of the necessary permits as outlined in Ordinance 807 prior to receiving a certificate of occupancy.

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- g. No pictures, photographs, drawings, or other depictions of Marihuana or Marihuana paraphernalia shall appear on the outside of any permitted premises nor be visible outside of the permitted premises on the permitted property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the permitted premises nor be visible outside of the permitted premises on the permitted property. Business address with exterior illumination (only) is required and shall not exceed 12 inches in height and shall be affixed to the building and be clearly visible from the street. No business name, logo or other symbol is permitted. Further, business name, address and phone number must be displayed on the front door or the primary business entry door. The door signage shall be permanently affixed and not exceed 12 inches in height and 18 inches in width overall. Front door or primary business door must be illuminated.
 - h. No odor shall be detectable from the property line.
 - i. Any violation of these Zoning Code requirements shall be subject to a fine of \$500.00/day that is separate and in addition to the fines levied in Ordinance 807.
- (6) Any use which may be determined by the city council, after recommendation by the planning commission, to be of the same general character as the uses permitted in this article. The city council may stipulate a greater setback than the minimum required in the district and impose reasonable performance standards to insure maintenance of the public health, safety, and general welfare of the community around the use and of the city as a whole.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-2, § 3, 4-18-2022)

Sec. 110-374. Required conditions.

The following conditions shall apply where applicable to all uses permitted in the district and all uses shall be subject to review by the planning commission at a duly advertised public hearing:

- (1) When outdoor storage area shall be provided in conjunction with the use it shall be located in the rear yard or in an interior side yard, except property on which the principal use will be outdoor storage the minimum front yard setback requirement of the district shall be provided. Any outdoor storage area that abuts a residential or a commercial zoning district shall be screened from view in accordance with the applicable requirements of Article XXVII, in this chapter. The planning commission may determine the height and the extent of the screening device based on the height and extent of the items or materials to be stored, up to a height of ten feet for a masonry screen wall structure.

In those instances where a principal permitted use in the I-2 district is of a type that requires substantial area for massive outdoor storage of materials and which due to its mass or height is impractical to screen from view, wherever such storage will be visible from a street or from any nonindustrial zoning district, the materials shall be stored within the minimum applicable building setback lines of the district and shall be kept in an organized manner, neat and orderly in appearance.

- (2) All business, servicing, or processing, except for off-street parking, loading, and unloading and outdoor storage permitted in the district, shall be conducted within completely enclosed buildings.
- (3) The parking of commercial used or licensed vehicles will be permitted in the rear yard only and any such vehicle shall be clearly incidental to the permitted use. The parking of any such vehicle shall be limited to operable vehicles which are moved off the site on a regular basis and shall not include those used for storage, sales and/or advertising.
- (4) Parking and/or storage of disabled or damaged vehicles are prohibited.

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- (5) Except where otherwise regulated in this article, see Article XXIV, Schedule of Regulations, in this chapter limiting the height and bulk of building, and building setbacks.
 - (6) Consult Article XXVI, Off-Street Parking, Loading and Layout Standards, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (7) Consult Article XXVII, Screening and Landscaping, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (8) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (9) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to various uses permitted in the district.
 - (10) Consult Article XXXIII, General Exceptions, in this chapter regarding exceptions to certain regulations as they may apply to certain uses permitted in this district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-375—110-390. Reserved.

ARTICLE XIX. RESERVED

Secs. 110-391—110-410. Reserved.

ARTICLE XX. P-1 VEHICULAR PARKING DISTRICT

Sec. 110-411. Intent.

The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used for the off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve an older established nonresidential use district that was developed without adequate off-street parking. A P-1 district can also serve as a district of land use transition between a nonresidential district and a residential district.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-412. Principal uses permitted.

The premises in a P-1 Vehicular Parking District shall be used for the organized off-street parking of motor vehicles and shall be developed and maintained subject to the regulations in this article.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-413. Special land uses.

The following uses shall be permitted in the P-1 Vehicular Parking Districts, subject to the conditions hereinafter imposed for each use and subject further to review by the planning commission at a duly advertised public hearing:

- (1) In those instances where it can be clearly shown that the proper and functional use of a trash receptacle cannot be achieved on the same parcel as the principal use, the planning commission may permit a trash receptacle to be located in a developed or developing off-street parking lot in a P-1 district, provided the following conditions are met:
 - a. The trash receptacle will be used only by the principal use for which the off-street parking lot is provided.
 - b. Access to the trash receptacle shall be gained from an improved public alley which abuts the P-1 district and the parking lot, or from an improved private access drive which provides access to the P-1 district and the parking lot from the abutting property containing the principal use the parking lot is intended to serve.
 - c. The trash receptacle is located next to the improved public alley or improved private access drive and can be accessed and serviced directly from the improved public alley or improved private access drive. The trash receptacle shall be effectively screened and maintained in strict compliance with the applicable requirements of Article XXVII in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-414. Required conditions.

The following conditions where applicable shall apply to development in the P-1 district:

- (1) Parking areas in the P-1 Vehicular Parking Districts shall be accessory to, and for use in connection with, one or more business or industrial establishments located in an adjoining business or industrial district or in connection with one or more existing office buildings, institutions or multiple dwelling developments.
- (2) Parking areas shall be contiguous to an RM-1 or RM-2 Multiple-Family Residential District or a nonresidential district. Such parking areas may be approved when adjacent to such districts or at the end of a block where such areas front on a street that is perpendicular to a street servicing the district. There may be a private driveway or public street or alley between the P-1 district and such contiguous districts.
- (3) The parking area shall be used for the parking of private passenger vehicles as defined in this chapter, shall not be used as a loading or unloading area, or for the parking or storage of disabled or damaged vehicles.
- (4) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in the parking lot.
- (5) No signs of any kind, other than signs designating entrances, exits and conditions of use shall be maintained on the premises of the parking lot.
- (6) No building, other than one for the shelter of attendants, shall be erected upon the premises and it shall not exceed ten feet in overall height.

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- (7) Application for P-1 district rezoning shall be made by submitting a dimensioned layout of the area requested showing the intended parking plans in accordance with Article XXVIII in this chapter.
 - (8) Consult Article XXIV, Schedule of Regulations, in this chapter regarding setbacks applicable to parking lots in the district.
 - (9) Consult Article XXVI, Off-Street Parking, Loading and Layout Standards, in this chapter regarding compliance with the requirements of these sections as they may apply to the layout standards for this district.
 - (10) Consult Article XXVII, Screening and Landscaping, of this chapter regarding compliance with the requirements of these sections as they may apply to the district this district.
 - (11) Consult Article XXVIII, Site Plan Review, in this chapter regarding compliance with the requirements of these sections as they may apply to this district.
 - (12) Consult Article XXIX, General Provisions, in this chapter regarding compliance with the requirements of these sections as they may apply to this district.
 - (13) Consult Article XXXIII, General Exceptions, in this chapter regarding compliance with the requirements of these sections may apply to this district.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-415—110-430. Reserved.

ARTICLE XXI. RESERVED

Secs. 110-431—110-450. Reserved.

ARTICLE XXII. PD PLANNED DEVELOPMENT DISTRICTS²

Sec. 110-451. Intent.

The PD Planned Development Districts are overlay zones that are intended to permit the redevelopment of specifically defined sites within the area historically identified as the Old Trenton area, which is generally bounded by Elizabeth Park on the south, the rail corridor on the west, King Road on the north and the Trenton Channel of the Detroit River on the east. Development or redevelopment within a specific overlay zone shall be in accord with the goals and objectives of the Future Land Use Plan for the City of Trenton. The reuse patterns of the area involved shall create a desirable living and/or working environment which shall be in harmony with surrounding land use while at the same time permitting a greater degree of flexibility in an overall development approach by ensuring that adequate safeguards and standards will be employed to maintain the public health, safety, convenience, and general welfare of the area.

It is further the intent of the PD Overlay Zones to encourage quality design innovation by minimizing certain bulk, density and area requirements ordinarily associated with conventional zoning districts. The intent is to give the applicant more freedom to configure buildings, off-street parking and related site amenities in ways that might otherwise be curtailed by conventional zoning standards. Freedom from compliance with some conventional

²State law reference(s)—Planned unit development, MCL 125.584b, 125.584c.

zoning standards is intended to encourage utilization of a site in ways that will more fully satisfy the overall intent and purpose of the overlay zones and the city's adopted master land use plan. It is critically important, however, that the applicant clearly understands that the absence of such restrictions and other conventional regulatory standards in no way implies, or is to be interpreted to imply that such critical site development and layout standards are excused or may be ignored in the general layout and composure of development in the overlay zones. To the contrary, proper building setbacks and the thoughtful location and the tasteful application of site amenities shall be considered and applied as crucial design elements of any development proposed in the overlay zones. Site development or redevelopment plans that minimize or demonstrate little regard for such amenities or propose to intensify development on the site over providing such amenities, will be subject to rejection by the city. (Ord. No. 802, § 1, 12-14-2020)

Sec. 110-452. Procedure for application.

Application to develop or redevelop land in Trenton using the PD Planned Development Overlay Zone approach shall be made to the city in accordance with the following procedures:

- (1) A presubmittal meeting shall first be held between the applicant or applicants and the city to discuss the overall intent and purpose of the PD district and to learn of the applicant's proposal to develop land in an PD district. The intent of the presubmittal meeting is to determine if development envisioned by the applicant for the site is in keeping with the intent and purpose of the PD district and conforms to the general development guidelines of the district. This may be an exploratory meeting in which the applicant need not have a prepared concept plan.
- (2) If the applicant had not prepared a concept plan prior to the presubmittal meeting, the applicant shall thereafter prepare and submit a general concept plan for review and comment by the engineering department involved in the site plan review process. The general concept plan shall reflect the outcome of the presubmittal meeting.
- (3) If a concept plan was submitted for presentation and discussion purposes at the presubmittal meeting, if needed, the plan shall be revised to reflect the outcome of the presubmittal meeting. Subsequent to the formal staff review, the applicant shall pay all necessary application fees and properly and fully prepare and submit all necessary application forms. At a minimum the concept plan shall consist of at least the following plans and materials:
 - a. An existing conditions drawing of the entire development site drawn to an appropriate engineering scale.
 - b. A conceptual plan view drawing of the entire development site prepared at the same scale as the existing conditions drawing and depicting the general location of
 1. All streets, drives, off-street parking and loading, unloading areas;
 2. Buildings, and structures;
 3. Open spaces, the general location of any areas of environmental significance on the site including wetlands, extensive tree cover, and topographic conditions;
 4. General statistical information pertaining to the number of off-street parking spaces provided for the development, dwelling unit density, and the general square feet of floor area proposed for office and commercial use. This information is necessary to provide some guideline for the extent of surface site area that will be required for off-street parking. The numerical off-street parking requirements of this article may be used to determine general parking need for the proposed development;

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5. Any other information considered to be vital to revealing the general design and function of the proposed development;
 6. Building floor plans, exterior building wall elevation drawings and landscape planting plan shall not be required at this point;
 7. If such plans and drawings are available, the applicant is encouraged to submit them as part of the concept plan. All buildings and structures, and development areas will be identified on the conceptual plan view drawing as to their proposed use, ie; residential, office, commercial, or combinations thereof.
- (4) An impact assessment as described in Article XXVII, and which also includes the following information:
- a. If residential dwelling units are proposed as part of the development, a statement estimating the number of residents that will be living in the development when it is fully completed.
 - b. A statement detailing resident site amenities that are to be provided, such as parks or open spaces, pedestrian oriented design concepts, walk areas including trails, or the provision of convenient on-site shopping and service facilities that will be pedestrian oriented to provide convenient resident access, so as to serve their essential shopping and service needs.
 - c. A statement detailing how any site areas of natural environmental significance will be preserved outright, or maintained by integrating them into the general open space areas of the development. The statement will also describe the steps that will be taken to avoid disturbing, disrupting or destroying any such area during site development.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-453. Concept plan review procedure.

- (a) City staff shall review the concept plans for completeness as outlined in this article. If the submittal package is complete and properly prepared, city staff will review the plans and formulate their conclusions with regard to the overall concept of the proposed development conforming to the general development guidelines and requirements of the PD district and decisions made during the presubmittal meeting(s). Staff review shall be conducted in a timely and prudent manner. Upon completion of its review, the city shall promptly contact the applicant to inform them of any changes or modifications that are needed. The applicant thereafter shall submit a revised concept plan for review and comment by city staff.
- (b) Upon completion of its review of the conceptual plan, city staff shall notify the recording secretary of the planning commission to schedule the concept plan for review by the planning commission. The recording secretary shall submit the concept plan and all related information to each member of the planning commission at the commission meeting preceding the meeting at which the concept plan is scheduled for review.
- (c) When the city staff and the planning commission shall find the concept plan to be in order the planning commission shall so inform the applicant. Acceptance of the concept plan by the planning commission shall authorize the applicant to proceed with preparation and submittal of a preliminary site plan.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-454. Preliminary site plan review, planning commission.

- (a) A complete preliminary site plan shall be prepared and submitted by the applicant for review and comment by city staff. The site plan shall reflect the general layout and overall land use development concept depicted

in the approved concept plan. The site plan shall be prepared and submitted in accordance with the applicable requirements of Article XXVIII, Site Plan Review, in this chapter, and the city's site plan review checklist. The site plan package shall include building floor plans, exterior building wall elevation drawings and a general overall site landscape plan.

- (b) It shall be the responsibility of the city staff to review the preliminary site plan for completeness and for compliance with the general development concept plan and with the applicable requirements of this article. City staff shall review the preliminary site plan in a timely and prudent manner. Upon completion of its review city staff shall contact the applicant to review any changes to the plan that may be needed to carry out the overall intent and purpose of the PD district.
- (c) When city staff is satisfied that the site plan is in order it shall submit the plans to the planning commission for preliminary site plan approval.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-455. Public hearing required.

The planning commission shall conduct its review of a preliminary site plan at a duly advertised public hearing, as set forth and regulated in Article XXX, in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-456. Preliminary site plan review, city council.

- (a) A site plan that has received preliminary approval from the Trenton Planning Commission shall be forwarded to the city council for its review and action. Any revisions or modifications required by the planning commission to be made to the site plan they have received shall be made a part of their recommendation to the Trenton City Council for preliminary site plan approval.
- (b) Upon receipt of a recommendation from the planning commission for preliminary site plan approval, the city council shall review the site plan, and if it finds the site plan to be in order, it shall grant preliminary site plan approval, conditioned on any contingencies that may have accompanied the planning commission's recommendation, as well as any additional conditions the city council may attach to their preliminary approval. The granting of preliminary site plan approval by the city council shall authorize the applicant to proceed with preparation and submittal of the final site plan.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-457. Final site plan review, planning commission and city council.

- (a) A final site plan package shall be submitted to the city for review and recommendation to the planning commission for final site plan approval. Final site plan approval by the city council shall reflect the use patterns as approved in the preliminary plan and shall have no conditions attached thereto, except approval of any master deeds, by-laws, deed restrictions or protective covenants pertaining to the proposed development may be given as a condition of approval, provided all such documents are approved by the city within 60 days from the date of final approval by the city council. The final site plan shall assure access to all structures and areas for fire and police protection and for trash collection, as evidenced by review and approval from the appropriate agencies having jurisdiction.
- (b) When the planning commission finds the final site plan to be in order it shall recommend final site plan approval to the city council.

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- (c) Upon receipt of the final site plan from the planning commission the city council shall grant final site plan approval when it is also satisfied that the final site plan is in order.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-458. Duration of approvals.

- (a) *Preliminary site plan.* The granting of preliminary site plan approval by the city council shall have a duration of one year commencing on the date of preliminary site plan approval by the city council.
- (b) *Final site plan.* The granting of final site plan approval by the city council shall have duration of two years commencing on the date of final site plan approval by the city council.
- (c) *Duration of approval.* If two years after final site plan approval has been granted by the city council, no diligent site improvements are underway on the property, final site plan approval by the city council shall expire and the approved site plan shall become null and void. Thereafter, no improvements shall be commenced or undertaken on the site until or unless final site plan approval has been reinstated by the city council after planning commission recommendation.
- (d) *Approval extensions.* At least one month before termination of preliminary site plan approval the applicant may file a petition with the city requesting a one year extension of the preliminary site plan approval granted by the city council. At least one month before termination of final site plan approval the applicant may file a petition with the city requesting a one-year extension of final site plan approval by the city council.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-459. Other site plan review standards and procedures.

- (a) *Phased development.* Should the applicant elect to develop the site in phases, each phase shall be clearly delineated on the final site plan by phase development lines, and shall follow the requirements for phased development as set forth in this chapter.
- (b) *Site plan revisions.* Except as otherwise set forth in this subsection, revisions to a previously approved final site plan shall require review and approval by city staff and the planning commission with a recommendation from the planning commission to the city council for final site plan approval. Except, upon review of a revision to a previously approved preliminary or final site plan that the city staff responsible for reviewing site plans determines to be of:
 - (1) Such minor consequence that it does not alter the location of any buildings, or,
 - (2) Involves the relocation of not more than one or two parking spaces, or
 - (3) Diminish the number of planting materials approved for the site, or
 - (4) Does not create or establish new items or adds new elements to the layout that were not part of the previously approved site plan, then,

The city staff responsible for reviewing site plans may approve the change and inform the planning commission and the city council of the change. If the city staff responsible for reviewing site plans is uncertain if a revised site plan contains a significant enough change to warrant sending the revised plan or plans to the planning commission for review, the staff shall forward the revised site plan or plans to the planning commission for review and action.

- (c) *Modifications to application procedure.* Modifications to the procedures set forth in this article may be made in strict accordance with the procedural modifications set forth in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-460. Development overlay zones.

Within the area of the city historically identified as the Old Trenton area in the intent section of this article, specific overlay zones have been established in which the redevelopment of land may take place in accordance with the guidelines and applicable standards set forth in this section and in this article. The mixing of residential land use with nonresidential land use may be permitted on a limited basis in those PD overlay zones provided herein. The mixing of various types of residential development modes is also permitted in the PD overlay zones.

- (1) *SHR Special Housing Redevelopment Overlay Zone.* The SHR Special Housing Redevelopment Overlay Zone as depicted on the overlay zoning map in this article, and on the Trenton Zoning Map, is designed to permit the occupation of vacant existing buildings and the redevelopment of land with more intense residential uses in mid-rise configurations and which may contain nonresidential land use on its lower floors. This type of potentially more intense residential living environment is intended for sites in or near the central business district or as new development or redevelopment on land with frontage along the Detroit River.
- (2) *CBDn Central Business District north.* The CBDn Overlay Zone as depicted on the overlay zone map in this article and on the Trenton Zoning Map is designed and intended to permit a limited mix of residential and nonresidential uses that will permit the frontage along both sides of West Jefferson Avenue within the overlay zone to transition in an orderly manner. Land use permitted in this overlay zone is further intended to complement uses in the adjoining central business district while at the same time encouraging a mix of nonresidential and residential uses in a planned development type of orientation that will serve as an effective land use transition to residential homes in the adjoining single-family neighborhoods.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-461. Permitted uses.

The following uses shall be permitted in their respective overlay zones:

- (1) *Special Housing Redevelopment Overlay District.* In the SHR Overlay Zone no building or land shall be used and no building shall be erected except for one or more of the following specified uses:
 - a. The principal permitted uses and the special land uses that are permitted in the RM-2 Multiple-Family Residential (High Rise) District, subject to the applicable limitations of this article pertaining to building height in this overlay zone. Dwelling density shall be subject to review and approval by the planning commission and the city council, but in no instance shall dwelling density and any corresponding building bulk required for such density, be at the expense of adequate and appropriate building setbacks, the applicable numerical off-street and off-street parking layout standards required for the development, aesthetic site landscaping and any applicable landscape screening considerations.
 - b. The principal permitted uses and special land uses except mortuary establishments that are permitted in the B-1 Community Business District, subject to the requirements of the district including any conditions attached to each use.
 - c. The principal permitted uses and special land uses except gasoline stations and veterinary medicine offices that are permitted in the B-1 Local Business District, provided all such uses are located within the principal building on the development site and provided further that

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whenever a permitted nonresidential use shall be located in a building containing residential dwellings, the requirements of Article XV, in this chapter shall apply.

- (2) *CBDn Central Business District north*. In the CBDn Overlay Zone no building or land shall be used and no building shall be erected except for one or more of the following specified uses:
- a. Offices, including offices of a doctor or dentist, financial institutions with drive-through facilities when they are clearly ancillary to the principal permitted use.
 - b. Service oriented uses that perform services on the premises such as but not necessarily limited to small repair shops such as jewelry stores with repair facilities, small electronic items store with repair facilities, tailor shops, barber and/or beauty shops, and photographic and art studios.
 - c. Small retail commercial uses containing not more than 1,100 square feet of gross floor area, except upon request by the applicant, the planning commission may recommend up to a 50 percent increase in gross retail floor area, when the numerical off-street and the off-street parking layout standards of Article XXVI, in this chapter can be met, and when the planning commission is satisfied that a larger building platform will not be out of character with land use next to it, including the single-family homes in the adjoining neighborhoods to the rear of the property.
 - d. Multiple-family residential dwellings in town house or town home configuration when that use is the principal use of the property with each dwelling unit having direct outdoor access through at least a front entrance, there being no common hall access permitted. Each dwelling unit shall be provided with a covered parking space in the form of a completely enclosed garage, a carport structure, or in a parking deck.
 - e. Multiple-family residential dwellings in the upper floor, or floors, of a nonresidential building.
 - f. Sit-down restaurant, as defined in this chapter, including seasonal outdoor eating area, when the eating area will have no outdoor music or loudspeaker system and provided it will be located:
 1. On private property directly in front of the building, between the front of the building and the front property line, or
 2. In the public right-of-way directly in front of the restaurant, provided the building on the adjacent property contains a nonresidential use on the ground floor next to the outdoor restaurant, or
 3. In an interior side yard on the same property with the restaurant, provided the building on the adjacent property contains a nonresidential use on the ground floor next to the outdoor restaurant, or
 4. In an exterior side yard on the same property with the restaurant, provided the building directly across the street from the outdoor restaurant contains a nonresidential use on the ground floor, or
 5. In an acceptable combination of not more than two of these locations.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-462. Planned developments beyond the Old Trenton area.

Though the primary intent of the PD District is for the development and particularly the redevelopment of land within the Old Trenton area, it is recognized that a limited number of sites in the city may exist beyond the Old Trenton area that could accept a mixed-use development. Such an area shall be brought before the city for consideration only after proper application has been made to the city by private development or redevelopment

interests. An area beyond the Old Trenton area, which has been submitted to the city for consideration as a planned development site, must meet the following conditions before the city shall establish a PD Overlay Zone on the site:

- (1) The concept plan submitted for consideration demonstrates that the site is of sufficient size to properly accommodate the type of planned development proposed for the property.
- (2) The site has direct frontage along a major thoroughfare, as designated on the city's adopted master plan for future land use map.
- (3) The site can serve as a clear land use transition along the thoroughfare between the thoroughfare itself and single-family homes beyond, or between intense nonresidential uses, such as, but not necessarily limited to, commercial or industrial uses, or rail corridors, but not including office uses, and a more restrictive area such as a single-family neighborhood.
- (4) The development will consist of a mix of land use types, consisting of multiple-family and single-family dwellings, which may include attached for detached dwellings in clusters, or a mix of residential and nonresidential uses that are acceptable to the city at the location where they are proposed.
- (5) The mixed use development will achieve the overall intent of the city's master land use plan for the area by consisting of land use that is directly recommended for the site on the city's adopted master plan map, or, in the opinion of the planning commission, will consist of a mix of land use that will not be incompatible with the land use recommendations of the master plan, thereby serving as an acceptable land use alternative.
- (6) The development will comply with all of the applicable requirements of the PD District pertaining to application, application procedures, building height, bulk and density limitations, and the overall review process.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-463. Required conditions.

The following conditions shall be applicable to all overlay districts outlined in this article:

- (1) Provisions satisfactory to the city council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant and that maintenance of such improvements is ensured by a means satisfactory to the city council.
- (2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the city council.
- (3) Proceeding with a planned development shall only be permitted if it is mutually agreeable to the city council and the administering developer.
- (4) The location and size of the proposed use or uses to land use around them, the nature of the use and the intensity of the principal use or uses, the site layout and its relationship to streets giving access to the development shall be such that traffic to and from the use or uses will not be hazardous to traffic on the streets around the planned development, nor to the surrounding area. Consideration shall be given to convenient and safe routes for pedestrian traffic, the relationship of the proposed development to main traffic thoroughfares, and to street and road intersections, and in general, to the character and intensity of the existing and potential redevelopment of the neighborhood. Where appropriate, the possible detrimental impact that the proposed development could have on neighboring property, and on the surrounding neighborhood in general.

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- (5) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 - (6) The number of parking spaces and their convenience by location with respect to pedestrian and vehicular circulation, the amount and location of open spaces, and the provisions of other amenities shall be in proportion to the anticipated needs and desirability for the proposed uses.
 - (7) All public and private streets and all drives, parking areas, drainage facilities, utility installations and other site improvements shall equal or surpass the applicable engineering standards of the city, as established by resolution of the city council, and the dedication of all public rights-of-way or public open spaces shall be made prior to any construction taking place on the site.
 - (8) In residential reuse areas, any prorated open space shall be irrevocably committed and retained as open space of park, recreation, and related uses. All such lands dedicated in fee or easement shall be approved by the city council.
 - (9) No accessory building or structure shall be permitted except in conjunction with a principal permitted use.
 - (10) All new single-family detached dwelling buildings shall comply with the applicable standards set forth in Article IV, in this chapter, or when development is permitted under the requirements of the R-4 District, the applicable standards set forth in Article V, in this chapter.
 - (11) Any business establishment permitted in a planned development shall be retail or service establishments dealing directly with customers. Any goods produced on the premises shall be sold at retail on the premises.
 - (12) The schedule of regulations in Article XXIII, in this chapter limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use, providing the maximum density permitted, and providing minimum building setback requirements, and all other applicable provision this chapter shall apply, except as otherwise modified, in this article.

(Ord. No. 802, § 1, 12-14-2020)

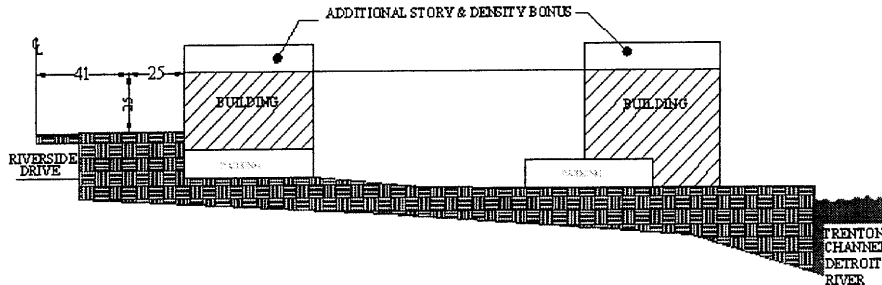
Sec. 110-464. Required conditions applicable to specific overlay districts.

The following conditions are applicable to the particular overlay district they represent:

- (1) Conditions applicable to the SHR Special Housing Redevelopment Overlay Zone.
 - a. Redevelopment in this overlay zone may be the most intense of any of the overlay districts provided in this chapter. Therefore, special attention shall be given to the potential impact that certain land use types permitted in the SHR Overlay Zone, could have on adjacent land use, particularly to abutting single-family residential homes.
 - b. Between Riverside Drive and the Trenton Channel of the Detroit River, from St. Joseph Avenue to Truax Avenue, the maximum height of any building shall not project more than 25 feet in height above the highest established grade at the top of the east curb line of Riverside Drive along the subject property's frontage. This building height limitation shall extend east on a horizontal line equal to the maximum established building height limitation to the river bank along the east edge of the property, as illustrated on the accompanying page, except, this building height limitation may be exceeded by a building height equal to not more than one additional story of dwelling floor area when all of the off-street parking spaces required for the building will be provided within the building, or at least one-half of the total number of off-street parking spaces

required for the building are provided within the building and the remaining parking spaces are provided within a parking structure attached to the building.

- c. In those instances where the dwelling units in the upper floor or floors of a building along the site's Riverside Drive frontage may look down on to the roof of any other building nearer the site's water frontage, the roof of the water frontage building or buildings shall have a pitched or similar type of roof. If a flat roof building, the rooftop will be of an architectural nature, and will contain no climate control appliances, or other roof top appurtenances.
- d. All buildings on the site shall be arranged so as not to unduly limit or restrict view of the Trenton Channel of the Detroit River.



Building Height Limitations

- e. When parking spaces shall be enclosed in the manner set forth in this subsection, the total number of dwelling units allowed in the additional bonus floor shall not exceed the total number of dwelling units on the floor immediately below.
 - f. Building setbacks shall be subject to review and approval by the planning commission and the city council but in no instance shall any building setback be less than one-half the height of the building, as building height is defined in this chapter.
 - g. All roof top climate control equipment and any communication systems that may be visible from Riverside Drive, from the river, or from dwellings west across Riverside Drive, shall be effectively and aesthetically screened from view in a manner acceptable to the planning commission and the city council.
- (2) Conditions applicable to the CBDn Central Business District north Overlay District.
- a. A minimum ten-foot front yard setback shall be provided for each multiple-family dwelling building.
 - b. A minimum 20-foot rear yard setback shall be provided for each multiple dwelling building, except the entire rear yard area of a dwelling unit may contain a required covered parking space, provided the rear yard terminates at the edge of an improved public alley right-of-way that may be used to access the covered parking space.
 - c. No private covered parking space shall have direct fronting access to West Jefferson Avenue, but may have direct fronting access to an intersecting side street.
 - d. A multiple dwelling building shall not exceed two stories in height, except when the ground floor area of the building is used as garage or covered parking area for the multiple dwelling located on the second floor of the building, or when the rear portion of the ground floor area is used as a

garage or covered parking area for the dwelling unit above it and a nonresidential use will occupy the remaining ground floor area at the front of the building, one additional story of living area may be permitted, but no building shall exceed three stories in height.

- e. When a multiple-family dwelling unit shall be located above a ground floor nonresidential use, the requirements of Article XV in this chapter shall apply.
- f. All exterior walls of a multiple dwelling building shall observe the exterior building wall materials guidelines set forth in Article XXIX in this chapter.
- g. All required lawn areas and any additional open space areas provided with any development in the CBDn Overlay District shall be landscaped and maintained in compliance with the applicable landscaping requirements of Article XXVII in this chapter.
- h. Where site screening is required it shall be provided as required and in the manner set forth and regulated in Article XXVII in this chapter.
- i. Parking for all uses permitted in the CBDn Overlay District shall comply with the applicable requirements of Article XXVI in this chapter, except if on-street parking is permitted along West Jefferson Avenue in front of the use, or along an intersecting side street frontage next to the property those parking spaces may be counted towards meeting the numerical off-street parking requirement for the use.
- j. A nonresidential building need not provide a front yard setback, and when the sidewall of any building will have no openings (doors or windows) that wall of the building may be located directly on an interior side lot line and may be in common with the existing side wall of the building on the abutting lot even if that building is a multiple dwelling building. These setback requirements may apply to a nonresidential building even if it will house a multiple-family dwelling or dwellings on the upper floor or floors.
- k. Seasonal outdoor eating areas to be used in conjunction with an approved sit-down restaurant shall comply with the applicable requirements of Article XV, in this chapter.
- l. The exterior wall of any nonresidential oriented building that will be visible shall observe the exterior building wall materials guidelines set forth in Article XXIX in this chapter, even when the building may contain dwelling units in its upper floor or floors.
- m. The overall appearance of any building proposed in the CBDn Overlay District shall be subject to the review and recommendation of the planning commission. When conducting its review the planning commission will be satisfied that the size and appearance of the proposed building or buildings will be compatible with the appearance and scale of the building or buildings next to it, and with other buildings along the West Jefferson Avenue frontage in the CBDn Overlay District.
- n. Exterior site lighting shall comply with the applicable requirements of Article XXIX in this chapter.
- o. In order to create and maintain a uniform streetscape appearance along West Jefferson Avenue in the CBDn Overlay District, one freestanding sign or one wall sign shall be permitted for each nonresidential use in a building, except a corner building may have one wall sign on each street frontage or one freestanding sign and one wall sign, but not on the same frontage. No single wall sign shall exceed 50 square feet in display area and shall not project out from the wall to which it is attached more than eight inches. In those instances where two wall signs may be permitted, the second sign shall be limited in area to not more than 50 percent of the display area of the principal wall sign. A freestanding sign shall not exceed four feet in overall height, measured from the ground at the base of the sign structure to the top of the sign structure. A freestanding sign shall not exceed 28 square feet in display area per side and no such sign shall have more than two display sides. A sign may be lighted but all such lighting shall be exterior lighting, there being

no internally lighted signs permitted. All luminary used to light a sign shall be low wattage luminary and shall be designed and placed so as to cast a soft light on only the display surface of the sign.

- p. When reviewing the off-street parking area for a proposed development every effort shall be made to limit the number of access driveways along West Jefferson Avenue and along any intersecting street. Requiring adjoining parking lots to share a common central access point, or to use an improved abutting alley to access parking lots are ways to limit the number of access points.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-465. Variance.

The city council shall have the authority to review, grant, or deny applications for variances in the case of planned development districts as defined in this section, including variances from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property where the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional conditions of such property the strict application of the regulations enacted would result in a peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.

When granting a variance, the city council may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in furtherance of the purpose of this chapter.

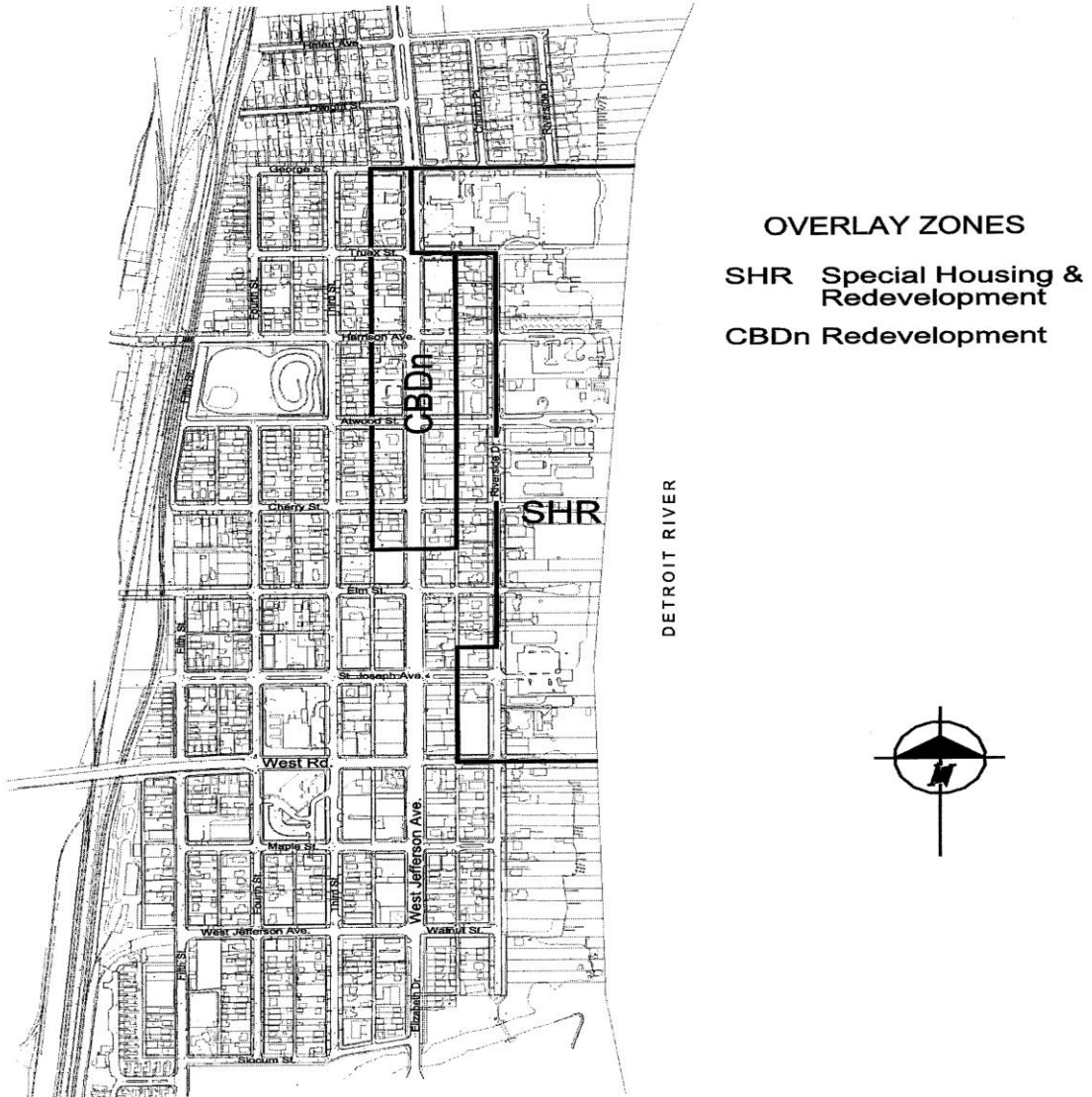
A variance may be allowed by the city council only in cases where the applicant can show just cause by virtue of a true physical hardship on the property, which compels the request for the variance, or when the applicant can demonstrate that a true practical difficulty exists, thereby warranting the variance. A variance shall be considered only when it can be found that:

- (1) The alleged hardship or practical difficulty, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.
- (2) The alleged hardship or practical difficulty, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- (3) Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article, the individual hardship that will be suffered by a failure of the city council to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- (4) The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.
- (5) A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The above findings of fact shall be made by the city council. The city council shall grant a variance only after making an affirmative finding of fact on the preceding categories.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-466. Map.



(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-467—110-480. Reserved.

ARTICLE XXIII. E-1 EXTRACTIVE DISTRICT

Sec. 110-481. Intent.

The E-1 Extractive District is established as a district in which the principal use of land is for the excavation and removal of sand and gravel and other extractive deposits. Specially, this district is designed and intended to allow for the removal of valuable mineral deposits, to protect land surrounding excavation projects from the inherent nuisance effects of mineral mining operations, such as dirt, dust, noise, vibration and traffic, and to assure that once the excavation operation is complete or otherwise abandoned, the land will be rehabilitated and restored in such a manner that it will not result in dangerous or unsightly conditions which could be detrimental to the general health, safety and welfare of residents and property owners in the City. Since the E-1 Extractive District is tailored exclusively to mineral mining operation and those functions directly related to extractive operations, this district is considered a finite district which will someday be replace by a more permanent zoning classification of the land.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-482. Principal uses permitted.

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

- (1) The excavation, mining, stockpiling or removal of sand or gravel deposits.
- (2) Processing plants used in connection with the washing, grading, or other similar procession of material excavated on the premises.
- (3) Stockpiles of sand or gravel as the product of an excavation operation being presently conducted on the premises.
- (4) Plants for the manufacture of concrete, commonly known as "ready-mix-plants."
- (5) Depository of fly ash and/or bottom ash.
- (6) Accessory buildings and uses, including those customarily incidental to the uses permitted in this district.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-483. Required conditions.

Applicable conditions. The following conditions shall apply to all uses permitted in this district:

- (1) All mining, excavation, stockpiling or removal of sand or gravel deposits shall take place on not less than 50 contiguous acres of land.
- (2) All processing equipment shall be located no closer than 250 feet to the nearest abutting zoning district other than an E-1 District. This setback provision does not apply to stockpiling or conveyors, which may be placed no closer than 100 feet to the nearest abutting zoning district other than an E-1 District.
- (3) Limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setback and development options are the same as the I-2 Heavy Industrial District.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-484—110-510. Reserved.

ARTICLE XXIV. HEIGHT, BULK, DENSITY AND AREA RESTRICTIONS; SPECIAL REGULATIONS

Sec. 110-511. Schedule limiting height, bulk, density and area by zoning district.

		Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet)					Minimum Floor Area per Unit (square feet)	
						Front	Side		Rear			
	Zoning District (p)	Area in Square Feet	Width in Feet	In Stories	In Feet		Least One	Total of Two				
R-1	One-family residential (p)	6,900	60	2	25	25(a)	5(b)	15	35			1,200
R-2	One-family residential (p)	6,325	55	2	25	25(a)	5(b)	13	35			900
R-3	One-family residential (p)	6,000	40	2	25	25(a)	4(b)	12	35			700
R-4	One-family residential (p)	4,350		2(d)	25(d)	25(a)	4(b)	9	25			1,200
R-T	Two-family residential (p)	3,300	30	2	25	25	10(b)	20	35			750
	Corner parcels (p)	3,343										
RM-1	Multiple-family residential (p)	(c)	(c)	3	25	30(d)(e)	30(d)(e)	50(d)(e)	30(d)(e)	Eff 1BR	450 600	25
RM-2	Multiple-family residential (p)	None	(c)	No maximum	50(d)	50(d)	100(d)	50(d)		2BR 3BR 4BR	800 1,000 1,200	15
MH	Manufactured housing district	See Article VI										
B-1	Local business	None	None	1	20	5	(h)	(h)	20(i)			None
B-2	Planned Community business	None	None	2	30	40(g)	(h)	(h)	50(i)			None
B-3	General business	None	None	3	40	5	(h)	(h)	20(i)			None
CBD	Central business	None	None	None		None	(h)	(h)	None			None
W-R	Waterfront Revitalization	None	None	2	75	25	(k)	(k)	(k), (l)			None
I-1	Light industrial	None	None	2	30	25(j)	(k)	(k)	(k), (l)			None
I-2	Heavy industrial	None	None	2	100(o)	100(j)	(o), (k)	(k)	(k), (l)			None
WM	Waterfront marina	None	None	none	100(o)	(g), (m)	(g), (m)	(g), (m)	(g), (m)			None
P-1	Vehicle parking	See Article XX										
PD	Planned development	See Article XXII										
S-E												
S-W												

NOTES TO SCHEDULE OF REGULATIONS:

- (a) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Article IV in this chapter, whichever is the greater setback.
- (b) In the case of a rear yard abutting a side yard, the exterior side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to the front yard shall apply. In the R-4 district, when single-family homes are erected as attached dwelling units, the interior side yard setback requirements of the district shall not apply. Except as specifically permitted in the R-4 district, accessory buildings and accessory structures shall be subject to the applicable requirements of Article XXIX, Accessory uses, of this chapter as amended, and the applicable requirements of Chapter 18, Article IV, as amended, pertaining to fences.
- (c) The minimum site area in the RM-1 district shall be 15,000 square feet (0.34 acre).

In an RM-1 Multiple-Family District (Low Rise), the total number of rooms of 80 square feet or more (not including kitchen and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 1,600. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency type.

In an RM-2 Multiple-Family District (High Rise), the total number of rooms of 80 square feet or more (not including kitchen and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 400. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency type.

In both the RM-1 and RM-2 Districts, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency =	1 room
One Bedroom =	2 rooms
Two Bedrooms =	3 rooms
Three Bedrooms =	4 rooms
Four Bedrooms =	5 rooms

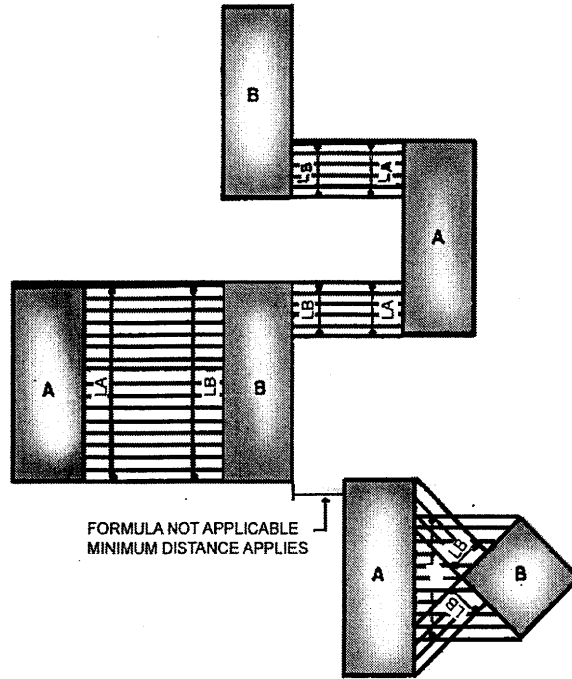
Plans presented showing 1, 2, or 3 bedrooms units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing dwelling density.

In an RM-2 Multiple-Family District (High Rise), multiple-family residential buildings three stories or less in height (low rise) shall conform to the requirements of the RM-1 district as set forth in this Article, Schedule of Regulations.

- (d) In RM-1 and RM-2 districts, along Riverside Drive, the following standards shall be permitted as exceptions to the schedule of regulations:

RM-1 (along Riverside Drive): Side yards of at least ten feet shall be provided on each side of the lot, with a one-half foot increase for each one foot or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line. Parking shall not be permitted in a yard abutting Riverside Drive. The minimum lot area for any multiple-family along Riverside Drive shall be no less than 8,700 square feet. The density of development shall comply with this section, notes to schedule of regulations.

RM-2 (along Riverside Drive): Side yards shall be equal to a total of at least 60 feet with greater side equal to at least 40 feet. Spacing between two buildings on lots of separate ownership shall be arranged so that the buildings will be at least 60 feet apart. Front yards shall be equal to at least 25 feet. Parking shall not be permitted in a yard abutting Riverside Drive.



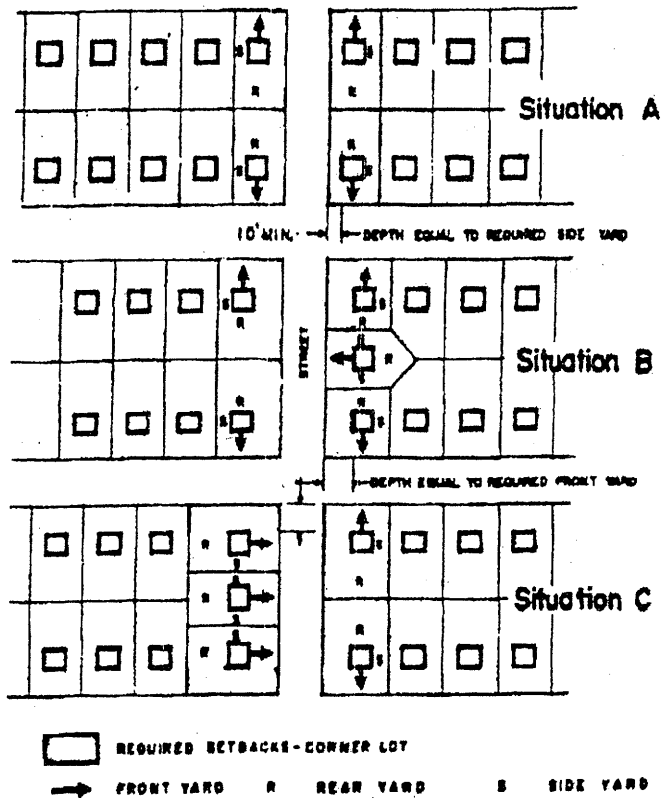
Distance Spacing for Multiple Dwellings

- S = ;hg;Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
- L_A = ;hg;Total length of building A.
The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
- L_B = ;hg;Total length of building B.
The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed from directly above, the lines drawn perpendicular to building B will intersect any wall of building A.
- H_A = ;hg;Height of building A.
The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
- H_B = ;hg;Height of building B.
The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
- (e) For certain nonresidential uses and for independent and dependent senior housing developments, consult the text of Article VIII in this chapter for additional setback requirements as they may apply to these uses.
- (f) Reserved.
- (g) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest street or road right-of-way line.

- (h) Except as otherwise permitted in this footnote, on both sides of West Jefferson Avenue within the CBD Central Business District, the front walls of all buildings shall be placed directly on the front property line. In the case of a corner lot, the front of the building may face the side street, but the side wall of the building facing West Jefferson Avenue shall be located directly on the front property line. Except, upon the recommendation of the downtown development authority, the planning commission may permit a building to set back from the front property line, so long as the area within any such setback consists entirely of a decorative masonry and/or concrete surface which may include live landscape planting materials and architectural accents, and which is designed and intended solely for pedestrian use and enjoyment. All walls facing West Jefferson Avenue in the CBD district shall be provided with at least one public entry.

No side yards are required along the interior side lot line of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided.

On a corner that has a rear yard abutting a residential district, there shall be provided a side yard setback of ten feet on the side street lot line. On an interior lot that has a common side lot line with a residential district, there shall be provided a side yard setback of ten feet on the side lot line abutting the residential district. On a corner lot that does not abut a residential district, there shall be provided a side yard setback of ten feet on the side street lot line.



Side Yards Abutting a Street

- (i) Loading and unloading shall be provided as set forth and regulated in Article XXVI in this chapter.
- (j) Off-street parking for visitors, over and above the number of spaces required in Article XXVI in this chapter, shall be permitted within the required front yard setback of the district to a point not less than 20 feet from the front property line, except along Fritz Drive, where a minimum front yard setback of 35 feet shall be provided and wherein no off-street parking shall be permitted in the front yard.
- (k) Except when a greater building setback is required as stipulated for a specific use in the text of the I-1 districts or as stipulated for a particular use or outdoor storage area as specified in the text of the I-2 districts, no building or open storage shall be located closer than 50 feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.

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- (l) Except when a greater building setback is required as stipulated for a specific use in the text of the I-1 districts or as stipulated for a particular use or outdoor storage area as specified in the text of the I-2 districts, no building or open storage shall be located closer than 50 feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.

All storage shall be in the rear yard and shall be completely screened with an obscuring wall not less than six feet high, or with a chain-link-type fence in combination with a heavy landscape planting screen, or by a landscaped earth berm the height of which shall not be less than six feet so as to obscure the view of any such storage area from any adjacent residential, office, or business district or from a public street.

- (m) No building shall be closer than 50 feet to any adjacent residential district.
- (n) Reserved.
- (o) For every two feet of increased building height over 100 feet the front yard setback shall be increased one foot. The maximum required setback shall be 300 feet.
- (p) For other than one single-family detached dwelling unit on one lot, or on one single-family detached condominium site, see Article IV, One-family cluster housing option, regarding single-family residential flexibility allowances.
- (q) In the R-4 districts, when one dwelling unit is attached to another on a block frontage, the minimum lot width, lot area and the minimum interior side yard setback requirements of the district need not apply. In no instance, however, shall the maximum dwelling unit density limitations of the district be exceeded.
- (r) When a garage is built into the principal building and not attached thereto, or detached therefrom, the number of stories in the principal building may be increased to three stories and the height increased to 28 feet. When a room shall have roof dormers, the full width of any roof dormer shall face only open areas and not onto any roof of an attached building, unless the ridge line of the attached roof shall be at least six feet below the bottom sill of the dormer window.
- (s) Homes with functional green roof area: The adjacent open-air outdoor space intended for use by building occupants or other persons that does not meet the definition of functional green roof area, such as a patio or deck, may be exempted from the calculation of gross floor area of the building only after the granting of a special permit by the planning commission. The total space exempted in such a manner shall not exceed 15 percent of the amount of functional green roof area on the building and all such usable outdoor space shall be set back at least ten feet from all outer roof edges. In granting the special permit, the planning commission shall consider the location and orientation of the patio or deck in relation to adjacent properties and potential visual, noise and privacy impacts of the anticipated use on abutters.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-512—110-530. Reserved.

ARTICLE XXV. USE PERMITS

Sec. 110-531. Intent.

Because the uses hereinafter referred to possess unique characteristics making it impractical to place them in a specific district classification, they may be permitted by the Trenton City Council under the conditions specified, and after public hearing, and after a recommendation has been received from the planning commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any residential districts, unless otherwise specified.

These uses require special consideration since they service an area larger than the city or require sizable land areas, creating problems of control with reference to abutting use districts. Land use falling specifically within the intent of this section, and their particular requirements, are outlined as follows:

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-532. Outdoor theaters.

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the I Industrial Districts only. Outdoor theaters shall further be subject to the following conditions:

- (1) An application for an outdoor movie theater shall be subject to review and approval by the planning commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVIII, Site Plan Review, as set forth and regulated in this chapter. In conducting its review, the planning commission shall consider the following:
 - a. The internal design shall receive approval from the city engineer as to adequacy of drainage, lighting, and other technical aspects.
 - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
 - c. All vehicles, waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be installed in accordance with the exterior site lighting requirements of Article XXIX in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-533. Commercial television and radio transmitting towers, public utility microwave towers and public utility television transmitting towers.

Any radio and television transmitting towers, public utility microwave transmitting towers and public utility television transmitting towers regarded as essential services, as defined in this chapter, and their ancillary facilities, shall be permitted in the W-R Waterfront Revitalization and I-2 Heavy Industrial Districts, subject to the following conditions:

- (1) Application to establish a use permitted in this section shall be subject to review and approval by the planning commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVII, Site Plan Review, as set forth and regulated in this chapter. In conducting its review, the planning commission shall apply the following standards:
 - a. The tower shall be located centrally on a continuous parcel of land that shall be of sufficient size to permit the entire vertical length (height) of the tower to fall fully within the property should the tower collapse.
 - b. All ancillary buildings and facilities shall be subject to the minimum applicable building setback requirements of the district for a principal use.
- (2) The planning commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in Article XXX in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-534. Nonessential wireless telecommunications facilities.

Nonessential wireless telecommunication antenna arrays, and where permitted, related support structures, shall be permitted, subject to the following requirements:

- (1) *Approval.* Nonessential wireless telecommunication antenna arrays and when permitted, their support structures and their ancillary equipment shall require approval by the City of Trenton in the manner set forth and regulated herein.
- (2) *Authorization.* The City of Trenton shall authorize the establishment of a nonessential wireless telecommunications antenna array and where permitted in this section, a support structure and its ancillary equipment only when such facility is fully in compliance with the applicable requirements and guidelines of this section and only in a manner that will preserve the integrity, character, property values and esthetic quality of the site, the area around it and the city at large.
- (3) *Recognition.* Recognizing the increasing number of providers authorized to establish and operate wireless telecommunication services within a defined area, it is the intent and purpose of this section to:
 - a. Facilitate adequate and sufficient provision of sites for nonessential wireless telecommunication facilities,
 - b. Establish predetermined locations for the placement of wireless telecommunication antenna arrays, and when permitted, the erection of support structures in accordance with the applicable requirements of this section,
 - c. Ensure that wireless telecommunication facilities are appropriately located so as to minimize any adverse impact they may have on other land use on the site or on surrounding properties,
 - d. Promote the public health, safety, and general welfare of the community,
 - e. Provide adequate information about plans for the location of wireless telecommunication facilities in the city so that the city may determine the proper location and development of wireless telecommunication facilities in accordance with the location guidelines and applicable site requirements of this section,
 - f. Minimize the adverse impact of technological obsolescence of such facilities in a timely manner, including requirements to remove and restore sites where such facilities are no longer in use, or which have become unnecessary, and
 - g. Minimize the negative visual impact of wireless telecommunication facilities on residential areas, office, commercial and industrial sites, public and quasi-public sites, community landmarks including historic sites, natural beauty areas and in public rights-of-way.
- (4) *Existing facilities.* Achieving this end contemplates the establishment of as few tower types of support structures as reasonably feasible, instead relying on the use of existing support structures, buildings and other existing structures in the city or in adjoining communities that can meet the applicant's service area needs.
- (5) *Adverse impact.* The Trenton City Council believes that the presence of numerous wireless telecommunication support structures located throughout the city and particularly in residential neighborhoods, would diminish the attractiveness of the community, thereby destroying its character. This in turn, could have an adverse impact on property values. Therefore the city council believes it is necessary to minimize the adverse impact on the community that the presence of numerous relatively tall wireless telecommunication support structures with their characteristically low architectural and aesthetic appeal could have on the city, while at the same time recognizing that the absence of any

regulation would likely result in a material impediment to the maintenance and promotion of property values, and further recognizing that this growing service is promoting economic gain and aiding in maintaining the health, safety and general welfare of the city.

- (6) *Location by order of priority.* A nonessential wireless telecommunications antenna array shall be permitted in one of the following locations by order of priority. The first location set forth in this subsection shall be considered as the first or top priority location with each location thereafter descending in the order of priority:
- a. On an existing nonessential wireless telecommunications support structure located on land in any zoning district in the city, subject to review and approval by the Trenton Building Department.
 - b. An internal nonvisible location within an existing building or structure in any zoning district, subject to review and approval by the Trenton Building Department. All equipment customarily accessory to an antenna array shall also be placed so as to not be visible beyond the exterior walls of the building,
 - c. An external location on an existing building or structure in an I industrial or B business zoning district, subject to review and approval by the Trenton Planning Commission.
 - d. An external location on an existing building or structure in an R Residential Zoning District, subject to review by the Trenton Planning Commission at a duly advertised public hearing, and approval by the planning commission.
 - e. On a proposed new nonessential wireless telecommunications support structure to be located on land owned by the City of Trenton in an I Industrial District, subject to review and approval by the planning commission at a duly advertised public hearing.
 - f. On a proposed new nonessential wireless telecommunications support structure to be located on privately owned land in an I Industrial District, subject to review and approval by the planning commission at a duly advertised public hearing.
 - g. On a proposed new nonessential wireless telecommunications support structure to be located on land owned by the City of Trenton in a B Commercial District, subject to review and approval by the planning commission at a duly advertised public hearing.
 - h. On a proposed new nonessential wireless telecommunications support structure to be located on privately owned land in a B Commercial District, subject to review and approval by the planning commission at a duly advertised public hearing.
 - i. On a proposed new nonessential wireless telecommunications support structure to be located on land owned by the City of Trenton in an R Residential District, subject to review and approval by the planning commission at a duly advertised public hearing.
 - j. On a proposed new nonessential wireless telecommunications support structure to be located on privately-owned land in an R Residential District, subject to review and approval by the planning commission at a duly advertised public hearing.
- (7) *Required conditions.* The following standards shall apply where applicable, to all applications to locate a nonessential wireless telecommunications antenna array or support structure in the city:
- a. Before an applicant may locate on a site of lower priority than site priority a. of subsection (6) of this section, the applicant shall prepare and submit sufficient information to clearly show why the applicant must locate at a lower priority site. For each location of lower priority than any higher priority location(s), sufficient explanation shall be provided as to why none of the higher priority locations can be used by the applicant. This information shall take into consideration any existing

structure located beyond the City of Trenton's Corporate Limits that could serve the applicant's needs.

- b. For priority sites a. and b. listed in subsection (6) of this section, plans, drawings, and specifications requested by the Trenton Building Department shall be submitted by the applicant for review and approval by the building department.
- c. For priority site c. listed in subsection (6) of this section, plans drawings and specifications drawn to scale and containing sufficient information for review, including exterior structural or building wall elevation drawings illustrating how the antenna array will appear on the structure or building and all other applicable information set forth in Article XXVII, Site Plan Review, as set forth and regulated in this chapter, shall be submitted for review and approval by the Trenton Planning Commission. This shall include the statements mandated in this section. During its review, the planning commission may request additional information be submitted that it deems reasonably necessary in conducting its review.
- d. For priority sites d., e., f., g., h., i., and j., listed in subsection (6) of this section, all of the information outlined in this subsection shall be submitted for review by the Trenton Planning Commission at a duly advertised public hearing. Planning commission approval of the application is required.
 - 1. Any nonessential wireless telecommunications support structure as permitted in priority sites, e., f., g., h., i., and j., listed in subsection (6) of this section, shall:
 - i. Be a monopole structure only,
 - ii. Consist only of non-wood materials,
 - iii. Not exceed 199 feet in overall height measured from the ground at the base of the structure to the highest point of the structure or any antenna attached to the structure,
 - iv. Provide co-location capacity for not less, nor more than three antenna arrays,
 - v. Not require the use of any supporting guy wires, and
 - vi. Not be lighted in any way unless lighting is required to meet applicable Federal Aviation Association (FAA) guidelines, and if painted shall be light blue or light gray in color.
 - vii. A sufficient means of access shall be provided to any antenna array, support structure and to any ancillary structures used in conjunction with an antenna array. When the array is located in the interior of a property and access cannot be gained via a parking lot, alley or other driveway approach, a gravel lane shall be provided. When such a lane is necessary, care will be taken to make certain that its point of access to an alley, parking lot, street or other public way shall meet all applicable state and local requirements. Sufficient area shall be provided for the parking of a service vehicle, the location and extent of which will be subject to review and approval by the specified reviewing authority.
 - viii. Unless the antenna array and its ancillary equipment will be housed inside a building, or completely enclosed within an addition to the building, any outdoor or detached structures housing the equipment shall be placed within a fully enclosed compound. Enclosure may be provided by a wall or a fence. The wall or fence shall be not less than eight feet high measured from the ground at the base of the structure to the top of the structure. A wall shall consist of architecturally attractive masonry material approved by the planning

commission. If a fence, it shall be a tightly woven wire (chain link) type of fence to discourage climbing. A fenced compound shall also be screened by evergreen planting materials in the manner set forth and regulated in Article XXVII, Screening Devices and Landscaping, in this chapter. The ground area of the compound will be of adequate size to house all of the necessary ancillary equipment for three antenna arrays.

- ix. When a nonessential wireless telecommunications support structure shall be permitted as outlined in subsection (6)e., f., or g. of this section, the compound in which the support structure is located shall observe the minimum building setback requirements of the district it is located in, measured from the outside perimeter of the compound to all property lines, except when the support structure is located on property occupied by a residential dwelling, or is located on a site on property next to property containing a residential dwelling, the support structure, but only the support structure, shall be separated from the residential dwelling by a distance equal to one-half the full height of the support structure. This distance shall be measured from the outer face of the support structure nearest the residential dwelling to the nearest wall of the residential dwelling. When the support structure will be located on property occupied by a nonresidential use in a nonresidential oriented building, the support structure shall set back not less than ten feet from the nonresidential building, unless a greater setback is required by other applicable local, state or federal codes.
 - x. An applicant shall submit written assurances that the owner or operator of any nonessential wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all applicable Federal Communications Commission (FCC) permits and conditions, including preventing any objectionable levels of interference.
 - xi. An applicant shall submit written assurances that the owner or the operator of any wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all current state or federal regulations pertaining to no ionizing electromagnetic radiation, and furthermore, the owner and/or operator agrees in writing that if more restrictive state or federal regulatory standards are adopted during the operating life of the facility, the applicant or owner shall commence efforts to bring the facility into compliance with the new standards within 60 days of adoption of any such standards, and the owner or the operator agrees that they will bear the costs of testing and verifying compliance with such standards.
 - xii. The applicant shall be responsible for maintaining the site in a structurally safe and attractive manner and shall maintain all landscaping and lawn areas in a living, growing condition, neat and orderly in appearance.
- (8) *Co-location sharing.* The policy of the City of Trenton towards nonessential wireless telecommunication facilities is for co-location. Therefore, the entity that owns a wireless telecommunication support structure shall not fail or refuse to alter their structure so as to accommodate other antenna arrays on the support structure, particularly when such alteration would permit the support structure to remain within the structural guidelines of this section.

Failure or refusal of the owner of a wireless telecommunications facility to alter their structure to accommodate co-location to the maximum extent permitted in this section, shall be deemed to be in direct violation and contradiction of the city's co-location first policy. Consequently, the owner shall be

regarded by the city as having taken full responsibility for the violation and contradiction and shall be prohibited by the city from securing any additional approvals for the location of any more of their antenna arrays or related support structures in the city for a period of not less than seven years, commencing on the date of failure or refusal to permit co-location on their support structure or structures in the city of Trenton. The entity may seek a variance and obtain relief from the Trenton Zoning Board of Appeals (ZBA), provided the owner can clearly demonstrate entitlement to a variance. To that extent, the owner must demonstrate to the ZBA that enforcement of the seven-year prohibition would unreasonably discriminate among providers of functionally equivalent nonessential wireless telecommunication services, or that such enforcement would have the effect of prohibiting the provision of any personal wireless telecommunication services to the city.

- (9) *Surety.* Sufficient surety acceptable to the city shall be provided by the applicant to adequately cover the cost of removing the facility, along with any accessory equipment, including compound walls or fencing, and restoring the site when its usefulness as a wireless telecommunications facility is concluded. Estimates to remove the entire facility and carrying out restoration of the site shall be prepared and submitted to the city for review and acceptance by the city.
- (10) *Permits.* A use permit shall be issued by the city for an approved nonessential wireless telecommunications antenna array and where permitted for a support structure and related equipment cabinets, but only after review and approval of an application, in the manner set forth in this section, has been approved by the city or by the planning commission.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-535. Outdoors athletic and entertainment facilities.

Outdoor athletic and entertainment facilities including, stadiums, amphitheaters, coliseums, arenas, golf driving ranges, golf courses, tennis courts, racquetball courts, football, baseball, softball, soccer, polo and similar athletic track and field events, including equestrian contests, but excluding any form or type of competitive motor vehicle contests, theme parks, or amusement parks, provided:

- (1) An application to establish any use permitted in this section shall be subject to review and approval by the Trenton Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVIII, Site Plan Review, in this chapter. In conducting its review, the planning commission shall consider the following:
 - a. All such permitted uses shall be located in the I Industrial Districts only,
 - b. All such permitted uses shall have direct access to a major thoroughfare.
 - c. All exterior lighting shall be directed inward towards the use and away from adjacent uses.
 - d. Except for the green areas of golf courses and golf driving ranges, i.e., fairways, and open driving range areas, a minimum setback of 150 feet shall be provided for the principal use together with all accessory uses, except off-street parking which may be located no less than 50 feet from any residential district. Within these two setbacks, there shall be provided and maintained, earth berms and extensive landscape plantings of sufficient height and intensity so as to effectuate a substantial landscape planting screen between uses and the adjacent residential district.
- (2) The planning commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in Article XXX, Public Hearings, in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-536. Accommodations for helicopters.

Facilities for the accommodation of helicopters are considered separately under this section. For purposes of accommodating helicopters, the facilities are herein defined as the following:

Heliport. An area used by helicopters or by other steep-gradient aircraft which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars, and other accessory buildings and open spaces.

Helistop. An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo; including fuel service, and tie-down space.

Helipad. An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging of passengers or cargo; but not including fuel service, maintenance or overhaul or tie-down space.

- (1) An application to establish any use permitted in this section shall be subject to review and approval by the planning commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVIII, Site Plan Review, in this chapter. In conducting its review, the planning commission shall apply the following conditions:
 - a. Heliports shall be permitted in the I Industrial Districts only. Helistops shall be permitted in all districts except the residential districts. Helipads shall be permitted in all districts.
 - b. When reviewing an application for a heliport, helistop or helipad, the Trenton Planning Commission shall require contemporary standards recommended by the Federal Aviation Agency and Michigan Department of Transportation for the proper operation of such facilities.
 - c. Adequate provision is made to control access to the facility.
 - d. The surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations.
 - e. All applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop heliports.
 - f. Appropriate provision is made for off-street parking.
- (2) The planning commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in Article XXX, Public Hearings, in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-537. Adult entertainment facilities.

In the development and execution of this section it is recognized that there are some uses, which, because of the very nature, are recognized as having serious objectionable operational characteristics. Special regulation of these uses is therefore necessary in order to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for preventing such uses from intruding into residential districts or areas, or areas occupied by places of worship, parks, or schools. No such use shall occupy an existing building or a proposed building that does not comply with the following requirements:

- (1) No adult entertainment facility as defined in this chapter shall locate in a R Residential or an I-2 Industrial Zoning District.

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- (2) Except as otherwise set forth in this section no adult entertainment facility as defined in this chapter shall be located within 1,000 feet of a residential zoning district, any residential dwelling building, place of worship, park, or school.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-538. Tattoo parlors.

- (a) It has been demonstrated that the establishment of tattoo parlors in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood resulting in blight. Prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid the clustering of certain business which when located in close proximity of each other, tends to create a deteriorating atmosphere. Such prohibition serves to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district that is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons that comprise the business and residential segments of each neighborhood.
- (b) Tattoo parlors as defined in this zoning code shall only be permitted in the B-3 zoning district, subject to the following requirements and conditions:
 - (1) An application to establish any use permitted in this section shall be subject to review and approval of a site plan by the planning commission.
 - (2) A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVIII, Site Plan Review, in this Ordinance Code. In conducting its review, the planning commission shall apply the following conditions:
 - a. Not more than two such uses shall be permitted within 1,000 feet of each other.
 - b. It shall be unlawful to establish any such use in a B-3 district if any portion of the property upon which such business is situated is within 300 feet of either a residential zoning district, place of worship, or school, unless the prohibition is waived by the planning commission after presentment of a validated petition requesting such waiver signed by 51 percent of those persons residing in a home or homes; or 51 percent of those owning a businesses or businesses; or both if surrounded by both; or by any place of worship or school; located within 300 feet of the proposed location.
 - c. The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.
 - d. The planning commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in Article XXX, Hearings Procedures for Special Land Uses and Use Permits, in this Ordinance Code.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-539. Oil and gas drilling.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas, or other hydrocarbons in the city:

- (1) May be allowed only in the I-2 industrial district.

(Supp. No. 31, Update 2)

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- (2) It shall be situated on a minimum lot size of three acres.
 - (3) *Spacing and well setbacks.* In addition to the spacing and setback requirements of the state and regulations of its supervisor of wells, the drilling operation or operation of oil or gas wells, or well sites shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property, or any property used for religious facility, public or private school, hospital, hospital clinic or healthcare facility and 100 feet from any other property line. No installation, drilling and operation of any well shall be located within 15 feet from another drilling operation or operation of oil or gas well, or well site. The proponent seeking to engage in activity shall also demonstrate to the city, a legal entitlement to drill on adjacent properties through mineral right acquisition or other means. Measurement of setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.
 - (4) *Height.* The completed well head structure shall not exceed 22 feet in height. Any temporary drilling derrick or other facility shall not exceed 110 feet in height. Temporary drilling derricks and rigs shall not be in place for longer than 60 days. A permit for an additional 30 days may be secured upon presentation to the supervisor of sufficient documentation demonstrating that reasonable progress has occurred throughout the initial 60-day period and that operations can be completed within an additional 30 days.
 - (5) *Fencing, landscaping and lighting.* An oil or gas well site shall be completely enclosed with a six feet high fence with materials compliant with ordinances. Staggered six feet tall Evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of 25 feet in depth. This landscaping buffer shall be in place within 30 days of the removal of the temporary drilling deck/rig. Exterior lighting shall comply with the provisions of the city's ordinances and shall be shielded so as not to be disruptive to adjoining parcels.
 - (6) *Nuisance mitigation.* The drilling, completion, or operation of oil or gas wells or other wells drilled for oil and gas exploration purposes shall comply with the additional site requirements of the section and any other applicable ordinance provisions. Such standards address potential nuisances such as noise, smoke, dust, and the like. To the extent this section is more restrictive the provisions of this section shall control.
 - (7) *Dust, noise, vibration, and odors.* All operations shall be conducted in a manner so as to minimize, as far as practicable dust, noise, vibration or noxious odors and shall be in accordance with the best accepted practices defined by the state department of environmental quality for the production of oil, gas, or other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibration, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any time, or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The city may impose additional reasonable restrictions upon such operations as to reduce adverse impacts upon adjacent properties.
 - (8) *Oil and gas processing facilities.* Associated processing facilities that separate oil, gas and brine and hold said products for transport off-site for further refinement and processing are not permitted.
 - (9) *Compliance with laws and permit issuance.* The drilling, completion, or operation of oil and gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all state and federal laws, statutes, rules, and regulations pertaining thereto and particularly with the state and regulations of its supervisor of wells. This shall include obtaining the required permit from the supervisor of wells which permit shall be provided to the city prior to the city issuing special land use approval under this section. This requirement applies to, but is not limited to the plugging of wells, the

exploring for, producing, marketing and transportation of petroleum products and the disposition and removal of any byproducts utilized and associated with said activities.

- (10) *Associated permits and approvals.* Special land use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and not in lieu of any permit or plan which may be required by any other provision of the city zoning Ordinance, building and fire codes, or by any other governmental agency, unless expressly outlined.
- (11) *Operations.*
- a. Permitted construction activity hours. Site preparation and construction of well sites are limited to the hours of 7:00 a.m. to 7:00 p.m. Construction activities associated with establishing of well sites may be eligible for an exception by the building official if such activities are in compliance with applicable laws and permits and is demonstrated that noise and disturbance from such activities will not be annoying or disturbing to surrounding uses.
 - b. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with drilling or operation of oil or gas wells over city roads and streets, shall require the approval of the supervisor in conjunction with a review by the city engineer. A proposed traffic route and the axel weight, vehicle weight and description shall be submitted in advance to the city by the applicant.
 - c. All brine, mud, slush, saltwater, chemicals, wastewater, chemical fluids or waste produced or used in the drilling of production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland. Such materials shall be promptly removed from the site and shall not be continuously stored upon the site.
 - d. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with vegetation cut. Machinery which is not expected to be used on the site within a two-week period, shall not be kept or stored at the well site.
 - e. An oil or gas well shall include measures or controls satisfactory to the city engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to chemicals, oil or gas produced or used in the drilling of production of oil or gas, to adjoining property, or to the sanitary sewer system, storm water system or any natural or artificial watercourse, pond, lake, or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the city's engineering requirements.
- (12) *Inspection.* The building official and any other designee of the supervisor shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises subject to special land use approval for the purpose of making inspections to determine if the requirements of this section and other applicable ordinances are complied with.
- (13) *Injection wells.* Injection wells used for brine disposal or other chemicals from production of wells or from other sources are prohibited within the city.
- (14) *Pipelines.* No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas, or petroleum liquids under or through the streets, alleys or other properties owned by the city without an easement or right-of-way issued by the city.
- (15) *Submittal requirements.* In addition to the requirements for a site plan and other submittal requirements under the general provisions of special land use, the following information shall be submitted as part of the application:
- a. Environmental impact study. Applicant shall submit an environmental impact statement filed with the state department of environmental quality in connection with a well permit under the

applicable provisions of the Natural Resources and Environmental Protection Act, MCL 524.61501 et seq. or as otherwise amended and administrative rules promulgated thereunder.

- b. Hydrogeological analysis.
- c. Emergency response plan. Pursuant to state and federal law, the operator shall provide any information necessary to the city department of emergency management, who will forward a copy to Wayne County Homeland Security and Emergency Management with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The emergency response plan shall include emergency contact information.
- d. Reclamation plan. A written statement describing how the land will be returned to a stable and productive condition post drilling operations shall be furnished. Time for completion of reclamation shall be provided. The city shall require a bond calculated at the estimated cost of reclamation procedures which shall be returned following reclamation or may be drawn upon in the event reclamation is not completed if provided in a timely fashion.
- e. The operations plan shall include identification of site ingress and egress, a haul route map, hours of operation, soil erosion, mud and dust control plan, noise control plan, identification of operational noise impacts including documentation of establishing noise levels and mitigating noise levels, shall provide topography, shall provide an odor and fume control plan, pollution prevention plan, impact mitigation plan, monitoring and control plan.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-540. Urban gardens.

Because the uses hereinafter referred to possess unique characteristics making it impractical to place them in a specific district classification, they may be permitted by the Trenton City Council under the conditions specified, and after public hearing, and after a recommendation has been received from the planning commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any residential districts, unless otherwise specified.

These uses require special consideration since they service an area larger than the city or require sizable land areas, creating problems of control with reference to abutting use districts. Land use falling specifically within the intent of this section, and their particular requirements are outlined as follows.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-541. Accommodations for urban gardens.

Urban gardens are hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

(1) *Definitions.*

- a. *Community garden* means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

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- b. *Market garden* means an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non- food, ornamental crops, such as flowers, to be sold for profit.
 - c. *Greenhouse* means a building made of glass, plastic, or fiberglass in which plants are cultivated.
 - d. *Hoophouse* means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.
 - e. *Coldframe* means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.
- (2) *Permitted main uses.* Only the following main uses shall be permitted:
- a. Community gardens which may have occasional sales of items grown at the site;
 - b. Market gardens, including the sale of crops produced on the site.
- (3) *Permitted accessory uses.* Only the following accessory uses and structures shall be permitted:
- a. Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season;
 - b. Open space associated with and intended for use as garden areas;
 - c. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
 - d. Buildings, limited to tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses.
 - e. Off-street parking and walkways, in conformance with the regulations of Article XXVI.
- (4) *Supplemental regulations.* Uses and structures shall be developed and maintained in accordance with the following regulations.
- a. *Location.* Buildings shall be set back from property lines of a Residential District as required by the schedule of regulations, or a minimum of five feet, whichever is greater.
 - b. *Height.* No building or other structure shall be greater than the height allowed in the district, or 25 feet, whichever is less.
 - c. *Building coverage.* The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed 15 percent of the garden site lot area.
 - d. *Parking and walkways.* Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to ten percent of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.
 - e. *Seasonal farm stands.* Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
 - f. *Fences.* Fences shall not exceed six feet in height, shall be at least 50 percent open if they are taller than four feet, and shall be constructed of wood, chain link, or ornamental metal. For any garden that is 15,000 square feet in area or greater and is in a location that is subject to design review and approval by the city planning commission, no fence shall be installed without review

by the building official, on behalf of the commission, so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-543—110-550. Reserved.

**ARTICLE XXVI. OFF-STREET PARKING, PARKING LAYOUT,
AND LOADING, UNLOADING**

Sec. 110-551. Numerical off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with unobstructed access to all spaces. All off-street parking and loading areas shall be hard surfaced. Parking on grass, stone, gravel or similar surfaces are prohibited. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- (1) Off-street parking spaces may be located within a rear yard or within a side yard that is in excess of the minimum side yard setback unless otherwise provided in this chapter.
- (2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, or driveway, provided each such space does not constitute an access point to another parking space, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the applicable provisions of Article XXIX, pertaining to accessory buildings.
- (4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of adoption of this code in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Trenton Zoning Board of Appeals may grant an exception.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the engineer and building department considers is similar in type.
- (10) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

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- (11) For the purpose of computing the number of parking spaces required, the definition of "Usable floor area" in Article II, Definitions, shall govern.
- (12) The requirements of subsection (13) of this section shall not apply to the erection, alteration, or extension of any building or structure within that area zoned CBD Central Business District.
- (13) General parking reduction. To request a waiver of reduction of up to 20 percent of the full parking requirements of this section, an applicant must submit evidence to demonstrate that the waiver or reduction does not result in any unnecessary hardship on surrounding properties, businesses, and residences, and meets all of the criteria listed in this section. A public hearing shall be held in accordance with Article XXX, of this chapter.
- a. The planning commission may approve such waiver or reduction upon finding that such waiver or reduction does not result in any unnecessary hardship on surrounding properties, businesses, and residences, and meets all of the criteria listed in this article.
 - b. An applicant may request a reduction in parking requirements pursuant to this section, provided that certain findings are met. If the applicant is unable to meet these findings, a variance is required.
 - c. Although not necessary, an applicant may elect to apply for a reduction in parking requirements for projects located in Business Districts. This application is not applicable for projects located in zoning districts other than B-1, B-2, and B-3.
 - d. In approving a reduction in off-street parking requirements authorized by this Code, the planning commission shall consider and apply the following criteria:
 1. The reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project;
 2. The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity;
 3. The minimization of conflict of vehicular and pedestrian movements;
 4. The availability of transportation modes other than the automobile;
 5. The pattern of land use and character of development in the vicinity; and
 6. Such other criteria as the planning commission deems appropriate in the circumstances of the particular case.
- (14) *Bicycle amenities.*
- a. *Minimum required spaces.* Any development requiring motor vehicle parking spaces shall be required to provide bicycle parking. Off-street parking areas shall contain at least one bicycle parking space for every 15 spaces provided for motor vehicles, or fraction thereof, with a minimum of three bicycle parking spaces provided. Bicycle facilities provided in the public right-of-way may be used in parking calculations.
 - b. *Location.* Bicycle parking for commercial, residential and mixed-uses shall be conveniently located near building entry points. Bicycle parking placement shall not conflict with pedestrian travel.
 - c. *Facility.* Bicycle parking shall be bicycle rack or locker-type parking facilities and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or the building.

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- d. *Administrative departure.* The planning commission and/or ASPR Team may reduce the number of required bicycle parking spaces to a number that meets expected demand, however no less than three spaces shall be provided.
- (15) *Electric vehicle infrastructure.* The intent of this section is to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates. The planning commission may allow a parking reduction of up to 15 percent from the requirements of this section when a site plan provides for all the recommendations noted in this section.
- a. For the purposes of this section, the following definitions shall apply:
1. Accessible electric vehicle charging station means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
 2. Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
 3. Battery electric vehicle means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.
 4. Charging levels.
 - i. Level-1 is considered slow charging. Voltage including the range from 0 through 120.
 - ii. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.
 - iii. Level-3 is considered fast or rapid charging. Voltage is greater than 240.
 5. Electric vehicle means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
 6. Electric vehicle charging station means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use.
 7. Electric vehicle charging station - private restricted use means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
 8. Electric vehicle charging station - public use means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).
 9. Electric vehicle infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

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10. Electric vehicle parking space means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
 11. Non-electric vehicle means any motor vehicle that does not meet the definition of electric vehicle.
 12. Plug-in hybrid electric vehicle means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- b. Permitted locations: Level-1 and Level-2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Engineering and Building Department. Permitted Locations Level-3 electric vehicle charging stations are permitted in the CBD, B-1, B-2, B-3, I-1, and I-2 districts, when accessory to the primary permitted use. Installation shall be subject to permit approval administered by the Engineering and Building Department. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station for zoning purposes. Installation shall be subject to Special Land Use approval and located in zoning districts which permit gasoline service stations.
 - c. Nonresidential: In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded nonresidential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% of the total parking spaces be prepared for such stations. For parking lots with more than 1,000 parking spaces, it is recommended that a minimum ratio of 3% of the total parking spaces be prepared for such stations.
 - d. Residential: In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
 - e. General requirements for Multi-Family Residential and Non-Residential Development.
 1. A parking:
 - i. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with section 110-551.
 - ii. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 2. Accessible spaces. It is strongly encouraged, but not required, that a minimum of one accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and

connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

3. Lighting site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
4. Equipment standards and protection.
 - i. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - ii. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
5. Usage fees. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
6. Signage
 - i. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
 - ii. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant Uniform Traffic Code of the City of Trenton.
7. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning, or other problems are encountered.

(16) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

	Use	Minimum Spaces Required
1.	<i>Residential:</i>	
	a. Residential, one- and two-family	Two for each dwelling unit.
	b. Residential, multiple-family	Two for each dwelling unit, plus one visitor parking space for every four dwelling units, or fraction thereof.
	c. Housing for the elderly	One for each dwelling unit. Should units revert to general occupancy, the requirements of subsection (13)1.b. of this section shall apply.
	d. Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
2.	<i>Institutional:</i>	

	a.	Places of worship	One for each three seats or six feet of pews in the main unit of worship.
	b.	Hospitals.	One for each one bed.
	c.	Homes for the aged and Convalescent homes.	One for each four beds.
	d.	Elementary and junior	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.
	e.	Senior High Schools.	One for each one teacher, employee, or administrator and one for each ten students, in addition to the requirements of the auditorium.
	f.	Private clubs or lodge halls.	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
	g.	Private golf clubs, tennis clubs, or other similar uses	One for each two member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
	h.	Golf courses open to the general public, except miniature or par 3 courses	Six for each one golf hole and one for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
	i.	Fraternity or sorority.	One for each five permitted active members, or one for each two beds, whichever is greater.
	j.	Stadium, sports arena, or similar place of outdoor assembly.	One for each three seats or six feet of benches.
	k.	Theaters and auditoriums.	One for each three seats plus one for each two employees.
	l.	Nursery school, day nurseries or childcare centers	One for each 350 square feet of usable floor space.
3.	<i>Offices:</i>		
	a.	Banks	One space for each 100 square feet of usable floor area, plus any required vehicle stacking space as set forth herein.
	b.	Business offices or professional offices except as indicated in the following item c.	One for each 200 square feet of usable floor space.
	c.	Professional offices of doctors, dentists, or similar professions.	One for each 100 square feet of usable floor space.
4.	<i>Business and commercial:</i>		
	a.	Planned commercial or shopping center	One for each 150 square feet of usable floor area for the first 20,000 square feet, plus one space for every additional 200 square feet up to 400,000 square feet, and one space for every additional 250 square feet thereafter.
	b.	Auto wash (automatic)	One for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.

	c.	Auto car wash, self service or coin-operated	One for each wash stall, plus vehicle stacking spaces equal to that required in this Article.
	d.	Beauty parlor or barber shop.	Three spaces for the first two beauty or barber chairs, and 1-½ spaces for each additional chair.
	e.	Bowling alleys.	Five for each one bowling lane plus spaces required for each accessory use such as a restaurant, bar, or billiard parlor.
	f.	Dance hall, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats.	One for each two persons within the maximum occupancy load as established by local, county or state fire, building, or health codes.
	g.	Establishments for sale, or consumption on the premises, of beverages, food, or refreshments.	One for each 75 square feet of usable floor space or one for each two persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whatever is greater.
	h.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, shoe repair, and other similar uses.	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
	i.	Gasoline Service Station.	Two for each stall, rack, or pit, and one for each vehicle fueling terminal plus vehicle stacking space as follows: When more than one pump is placed on a common pump island, one-half vehicle stacking space per fueling placed on one pump island, one vehicle stacking space per fueling terminal. Each fueling space and each stacking space shall be 18 feet long by eight feet wide. When more than one pump is placed on a common pump island as in the first instance above, a ten-foot-wide vehicle pass through the lane shall be provided between vehicle fueling spaces.
			When only one pump shall be placed on a pump island as in the second instance above, a vehicle pass through lane is not required. Vehicle stacking space for each fueling terminal shall be placed as close to the fueling terminal as possible without diminishing traffic circulation within the site, or blocking access to any other vehicle fueling terminal, off-street parking space, other stacking space or loading, unloading area, and no vehicle parking space, fueling space, stacking space, or maneuvering lane, shall block or otherwise encumber in any way, clear access to any vehicle entry or exit driveways, or other vehicle circulation lanes or service areas.
			One parking space shall be provided for each employee in the largest work shift, plus one space for each 150 square feet of usable floor space in any retail store area.

			;C;
			1. Fueling space
			2. Stacking space
			3. Fuel pump
			4. Fueling terminal
	j.	Laundromats and coin-operated dry cleaners.	One for each two washing and/or dry-cleaning machines.
	k.	Miniature or "par-3" golf courses.	Three for each one hole plus one for each employee.
	l.	Mortuary establishments	One for each 50 square feet of usable floor space.
	m.	Motel, hotel, or other commercial unit plus lodging.	One for each one occupancy one for each one employee.
	n.	Motor vehicle sales service establishments.	One for each 200 square feet of usable floor space of salesroom and one for each one auto service stall in the service room, plus one for each employee.
	o.	Retail stores except as otherwise specified herein.	One for each 150 square feet of usable floor space.
	p.	Marina (private)	One for every four boat slips or fraction thereof

	q.	Marina (public)	One and one-half (1½) spaces per boat mooring slip, not to include area required for winter boat storage, plus one additional space for every four boat racks in a boat storage building providing in-out service.
	r.	Boat launch ramp.	Twenty-five spaces for each launch ramp.
	s.	Drive-in restaurant.	One for each ten square feet of usable floor space in patron self-service area. In addition, should a dining room or seating area be provided, there shall be one space for each 25 square feet of usable floor space in the dining area.
	t.	Fast-food carry out (no drive-through).	One space for each 50 square feet of usable floor space.
	u.	Fast-food restaurant.	One space for every two employees in the largest working shift and one space for every two seats, plus any required vehicle stacking spaces as set forth herein.
		Fast-food drive-through.	One space for every two employees in the largest working shift and one space for every four seats.
	v.	Dry cleaning pickup.	Four spaces.
4.	<i>Industrial:</i>		
	a.	Industrial or research establishments, and related accessory offices.	Five plus one for every 1½ employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
	b.	Warehouses and wholesale establishments and related accessory offices.	Five plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.
	c.	Marihuana establishment.	One and one-half spaces per employee.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-1, § 3A, 9-20-2021; Ord. No. 802-2, § 4, 4-18-2022)

Sec. 110-552. Vehicle stacking spaces.

In addition to numerical off-street parking requirements of this section, wherever an accessory drive-up or drive-through window service is provided, the following standards shall apply:

(1) *Stacking space requirements:*

(1)	Fast food, fast food carry out and fast food drive-through.	Ten spaces.
(2)	Banks, savings and loan, credit unions, ATM stations, and the like.	Five spaces for each window or teller machine.
(3)	Other drive-up or drive-through facilities.	Four spaces.

Each vehicle stacking space shall be eight feet wide by 18 feet long and shall be located independently of any parking space, vehicle maneuvering lane or loading, unloading area.

(Ord. No. 802, § 1, 12-14-2020; Ord. No. 802-1, § 3B, 9-20-2021)

Sec. 110-553. Shared parking within the sustainable development overlay.

Automatic reduction: A reduction in minimum required off-street parking spaces granted by-right in the zone or when specific criteria are met (e.g. reduction of 25 percent if within 1,000 feet from bus stop; no off-street parking required in CBD District.

Study reduction: Applicants are allowed to present evidence or studies demonstrating that the number of spaces needed is less than the minimum requirement.

Max spaces/ lot size: A maximum limit is placed on surface parking spaces a development may provide (e.g., 125 percent of the minimum requirement; no more than 50 surface spaces per lot).

Shared parking: Parking spaces are shared by the occupants of more than one building or use at different times of the day resulting in a reduction of overall parking for those developments combined.

On-street counts: Developments may provide shared on-street spaces or use existing adjacent on-street spaces to count towards the minimum requirement.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.1. Purpose.

The purpose of this article is to allow a reduction in the total number of parking spaces required for properties within the sustainable development overlay and to reduce the amount of impervious surfaces within the overlay.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.2. Applicability.

Applicants for a site plan review, subdivision review, or building permit within this overlay that have been found eligible for the incentives contained within the overlay, pursuant to this Article; may evaluate the feasibility of shared parking arrangements and become party to a shared use parking agreement where:

- (1) The application includes a mixed-used development within 750 feet of a parking facility; or
- (2) The number of required parking spaces for a mixed-use development exceeds the ability of the applicant to provide that parking either on-site or off-site.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.4. General provisions.

- (a) Shared parking is allowed between two or more uses to satisfy all or a portion of the minimum parking requirement.
- (b) Shared parking is permitted between different uses.

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- (c) Shared parking is permitted between uses with different hours of operation or different hours of peak demand.
 - (d) A use for which shared parking is being proposed shall be located within at least 500 linear feet of the shared parking area(s).
 - (e) Pedestrian connections must be identified and provided between shared parking areas(s) and building entrances;
 - (f) Pedestrians shall not be required to cross an arterial street to access shared parking area(s), unless a signalized intersection is available.
 - (g) An agreement outlaying the terms and conditions of shared parking, executed by the parties involved, shall be filed with and approved by the building official or their delegate. Shared parking privileges shall continue only as long as the executed shared parking agreement is in effect. Once the agreement is no longer in effect, minimum parking requirements shall be provided for according to chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.5. Calculating parking requirements for shared parking.

- (a) Upon application for shared parking, the building official shall determine the number of parking spaces that may be shared based upon a shared parking feasibility study prepared and paid for by the applicant.
- (b) Such a shared parking feasibility study shall:
 - (1) Identify properties and uses being studied for shared parking;
 - (2) Determine the minimum number of spaces required by zoning for each separate use being considered for a shared parking agreement;
 - (3) Calculate the peak parking demand of daytime uses being considered for a shared parking agreement. Daytime uses shall be any use operating between 6:00 a.m. and 5:59 p.m.;
 - (4) Calculate the peak parking demand of nighttime uses being considered for a shared parking agreement. Nighttime uses shall be any use that operates between 6:00 p.m. and 5:59 a.m.;
 - (5) Determine the optimal peak parking allocation for all combined daytime and nighttime uses being considered for a shared parking agreement, using either standard parking generation rates as established in the most current edition of the Institute of Transportation Engineers Parking Generation Manual or the results of field surveys, if standard generation rates are not available;
 - (6) Compare the difference of the results of (b) and (e) above.
- (c) If the building official finds that the shared parking feasibility study demonstrates that shared parking could result in a net decrease in required parking, the building official shall use the minimum number of required parking spaces, as defined by the shared parking feasibility study, as the minimum number of required parking spaces.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.6. Written agreement between owners of properties sharing parking.

- (a) Prior to issuance of a building permit for any use for which shared parking has been approved as a means to meet the minimum parking requirements, the building official shall require that the owners of the properties enter into an agreement guaranteeing access to, use of, and management of designated shared parking

spaces. Such an agreement shall be submitted in a form approved by the city attorney for the city attorney's office to review and approve.

- (b) New business establishments and residences seeking to meet parking requirements by becoming part of an existing shared parking agreement shall provide the official with documentation establishing that sufficient parking capacity exists to accommodate the minimum parking requirements of all uses together with an amendment to the shared parking agreement identifying the new establishment or residence as a party to the shared parking agreement, subject to review and approval by the city attorney.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-553.7. Amendments to existing site plans.

- (a) For any property with an existing site plan relying on shared parking to meet minimum parking requirements, the zoning administrator may require an applicant for a building permit to submit a shared parking plan. Such a plan shall be reviewed as a modification to an existing site plan, using the rules and procedures established in the planning board's site plan and subdivision review regulations. Such a plan shall include the following:

- (1) A site plan indicating parking spaces intended for shared parking spaces, the user(s) of these parking spaces and their proximity to the uses they serve.

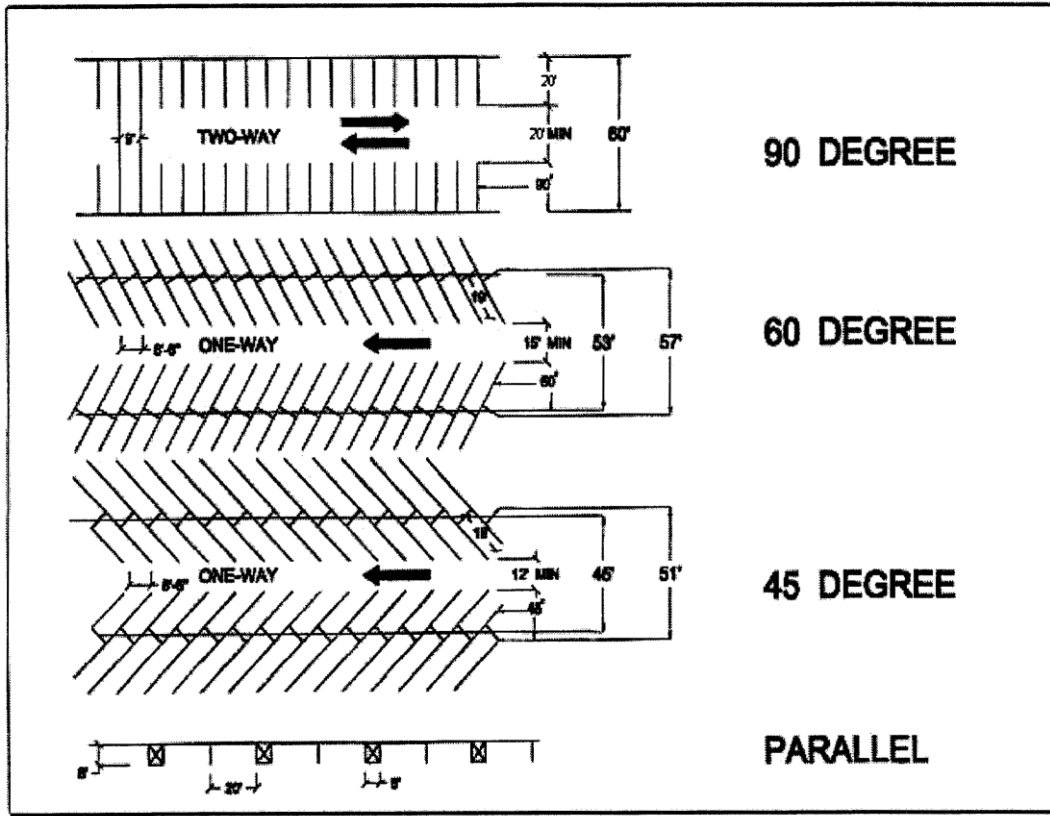
(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-554. Off-street parking space layout, standards, construction, and maintenance.

Whenever the off-street parking requirements in this article necessitate the building of an off-street parking facility, or where P-1 Vehicular Parking Districts (Article XX) are provided, the off-street parking spaces shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefore is issued by the building official. Applications for a permit shall be submitted to the building department in such form as may be determined by the building official and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum applicable requirements:

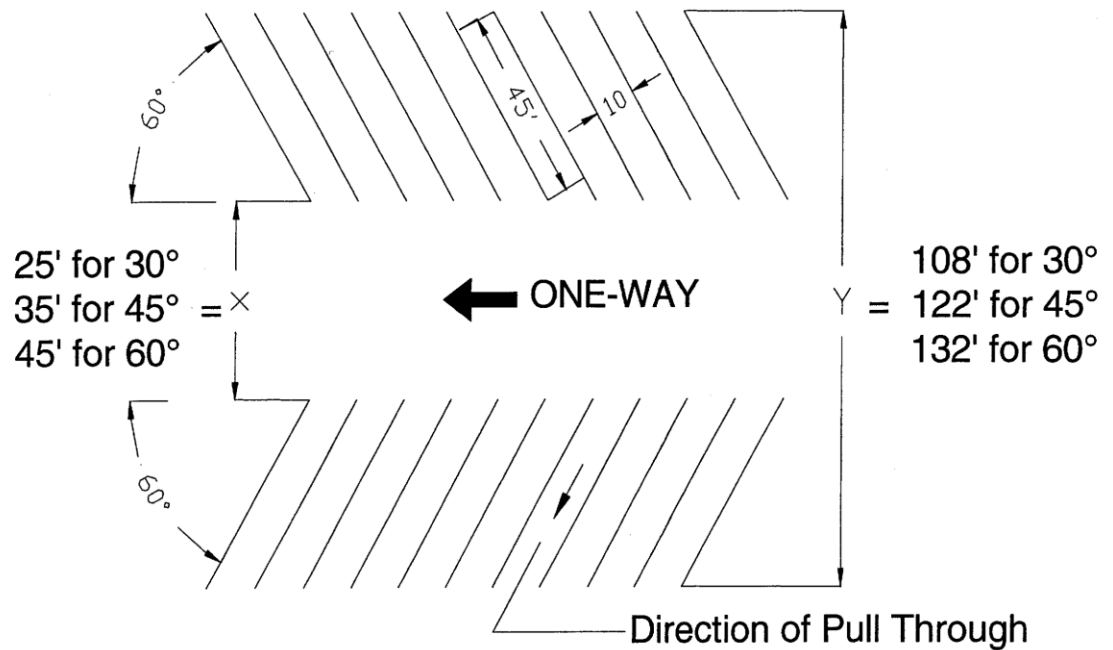
(3) a. Automobile parking layout standards.



Parking Layout	Aisle Width (feet)	Parking Space Width (feet)	Parking Spaces Length (feet)	Total Width of One Tier of Spaces Plus Aisle (feet)	Total Width of Two Tiers of Spaces Plus Aisle (feet)
0° (1 way)	12 ft	8 ft	23 ft	20 ft	28 ft
0° (2 way)	20 ft	8 ft	23 ft	28 ft	36 ft
30°	12 ft	9 ft	20 ft	32 ft	52 ft
45°	15 ft	9 ft	20 ft	36.5 ft	58 ft
60°	18 ft	9 ft	20 ft	39 ft	60 ft
90°	20 ft	9 ft	20 ft	40 ft	60 ft

Parking Layout Standards

b. Boat launch parking layout standards.



Parking Layout	Aisle Width (feet)	Parking Space Width (feet)	Parking Spaces Length (feet)	Total Width of One Tier of Spaces Plus Aisle (feet)	Total Width of Two Tiers of Spaces Plus Aisle (feet)
30°	25 ft	10 ft	45 ft	70 ft	108 ft
45°	35 ft	10 ft	45 ft	80 ft	122 ft
60°	45 ft	10 ft	45 ft	90 ft	132 ft
90°			Not Permitted		

- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited except in the case of one-and two-family residences.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- f. Each entrance and exit to and 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.
- g. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district or there is an existing residence. When a front yard setback is required, all land between said wall and the

front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- h. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be paved in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- i. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- j. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- k. The planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-555. Off-street loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) All spaces shall be provided as required in Article XXIV, Schedule of Regulations, under "Minimum Rear Yards", in this chapter, except as hereinafter provided for in the I Industrial Districts.
- (2) Within an I Industrial District, all spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, dustless surface.

All spaces in I-1 and I-2 districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area
0—1,400	None
1,401—20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet.
100,001—500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,001 square feet.
500,001 and over	15 spaces, plus one space for each 80,000 square feet in excess of 500,001 square feet.

- (3) All loading and unloading in an I Industrial District 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.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-556—110-570. Reserved.

ARTICLE XXVII. SCREENING DEVICES AND LANDSCAPING

Sec. 110-571. Screening devices required.

There shall be provided and maintained between any nonresidential district and between any multiple-family and single-family residential districts and between certain uses listed in this section an obscuring screening device of the type set forth and regulated in this section.

- (1) *Screening devices permitted.*
 - a. Architectural masonry screen wall with cap;
 - b. Landscaped earth berm;
 - c. Planting screen.
- (2) *Where required.* An obscuring screening device shall be provided and maintained between:
 - a. Any one-family residential district and any mobile home park district;
 - b. Any one-family residential district and any multiple-family residential district;
 - c. Any residential district and any office district;
 - d. Any residential district and any commercial district;
 - e. Any residential district and any industrial district;
 - f. Any residential district and a parking district;
 - g. Any off-street parking areas of nonresidential uses permitted in a residential district when next to or across a street from any residential land use;
 - h. Any hospital emergency entrance and any residential district;
 - i. Any utility building, utility stations or substations and any residential or office district.
- (3) *Height requirements.* The height of an obscuring screening device shall be in accordance with the following specifications:
 - a. In those instances outlined in subsections 110-571(2) a., b., c. and d., of this article, a minimum of six feet in height, including the cap.
 - b. In the instance outlined in subsection 110-571(2)f., of this article, a minimum of four feet six inches in height, including the cap.
 - c. In the instance outlined in subsections 110-571(2)g. and h., four feet six inches except in the case of a hospital or medical clinic emergency entrance, or ambulance delivery area, and in the case of public utility buildings with outdoor substations, eight feet.

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- d. In the instance outlined in subsections 110-571(2)e. and i., a minimum height of six feet, or to a sufficiently greater height to effectively screen outdoor storage areas from view; except, in no case shall a screening device designed and intended to screen outdoor storage exceed a height of 12 feet, unless the screen consists of natural features, such as sharp changes in topography or heavy natural foliage, all of which shall exist on the property of the use it is intended to screen.
- (4) *Location on property line.* Required screen walls and landscaped earth berms shall be located on the property line, except where underground utilities interfere and except in those instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Any request or necessity for locating a screen wall or landscaped earth berm other than along a property line shall require review and approval of an alternate location by the building department or by the planning commission. The building department or the planning commission, in making its review of alternate screen wall or earth berm locations, shall consider the following conditions:
- a. The ability of the screen wall to maintain continuity beyond the property line.
 - b. The effectiveness of the screen wall or earth berm to screen effectively in an alternate location.
 - c. The impact an alternate location may have on site drainage, overall site appearance and the functional wellbeing of the development proposed for the property.
- (5) *Replacing existing fences or screening devices.* Whenever the location of a screening device shall require the removal or detaching of an existing wall, fence, planting screen, or landscaped earth berm, that wall, fence, planting screen or landscaped earth berm shall be replaced, restored, attached, or reattached to the new screening device by those responsible for erecting the new screening device, unless the screening device that was removed or detached is on an adjoining property and its owner will accept the new screening device and not require his to be replaced.
- (6) *Openings for pedestrian and vehicular traffic.* A screening device may be constructed with openings that do not in any square section (height and width) exceed 20 percent of the surface. Where a screening device is so pierced the openings shall be spaced so as to maintain the obscuring character of the screen and shall not reduce the minimum required height of the screening device. The arrangement of the openings shall be subject to review and approval by the building department or by the planning commission.
- (7) *Landscape designer requirements.* A registered landscape architect, certified arborist or botanist, or qualified landscape designer shall prepare any landscape plans required or permitted in this article. The designer's name, seal or certification number, and signature shall appear on the landscape plan.

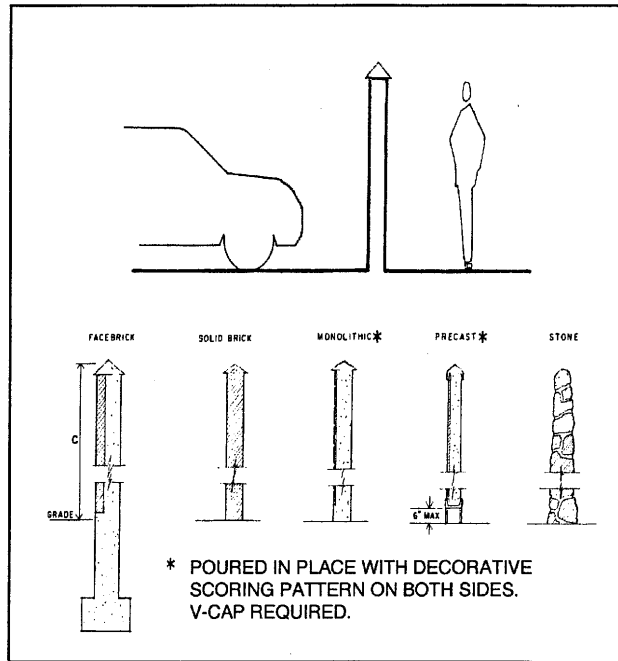
(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-572. Screen wall structures.

Whenever a screen wall structure is to be used as a screening device, it shall be an architectural masonry structure consisting of the following materials:

- (1) Reinforced concrete or concrete block with face brick on both sides of the wall. If the exterior walls of the principal use on the property shall contain any face brick material, the face brick on the screen wall structure shall consist of the same brick.
- (2) Reinforced concrete with a brick or stone etched appearance on both sides of the wall.
- (3) Natural stone materials or reinforced concrete or concrete block with cultured stone on both sides of the wall.

- (4) Reinforced concrete panel walls so long as the vertical posts are concrete as well and are the same color as the panels they will support.
- (5) All masonry screen wall structures permitted in this section, including concrete panel walls and brick etched concrete walls, shall include a cap. The cap shall be a vee-type of cap that shall consistently extend along the entire top of the wall. The angle of the vee shall not be less than 45 degrees so that it will quickly shed water and discourage walking on top of the cap. The vee cap shall extend out beyond



the vertical sides of the wall.

Transition Wall Details

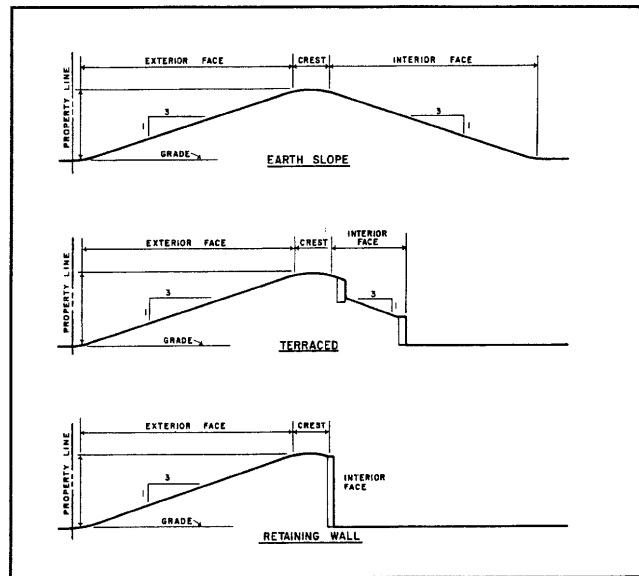
- (6) Screen wall structures with exposed reinforced concrete surfaces may be stained or may be made colorfast the color shall be of an earth tone.
- (7) Reinforced concrete panel walls shall be composed of heavy-duty panels the size and weight of which shall require installation by machine.
- (8) No screen wall structure shall consist of exposed cinder or cement block also known as concrete masonry units (CMU). Wood or wood products are specifically prohibited as a screen wall material.
- (9) All screen walls shall be found by the building department to consist of durable, weather resistant, rust proof and easily maintained materials.
- (10) When a screen wall structure is placed next to an off-street parking space or parking spaces it shall be protected by bumper blocks, a guardrail constructed next to but physically independent from the screen wall structure, or by other means acceptable to the building department.
- (11) All screen wall structures shall be maintained at all times in a structurally sound condition, neat, orderly and attractive in appearance. All screen wall structures shall be kept free of graffiti. Encouraging vine growth to take place on the screen wall structure may discourage wall graffiti.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-573. Landscaped earth berm.

The building department or the planning commission may permit, in place of an architectural masonry screen wall, a landscaped earth berm, provided the earth berm shall have a minimum height of not less than that required for a screen wall. An earth berm shall also:

- (1) Have a side slope no steeper than three on one (three feet of horizontal plane for each foot of vertical rise);
- (2) Consist of undulating top and side slopes;
- (3) Have a crest at the top of the earth berm of not less than two feet in width;
- (4) Include an adequately designed drainage swale on the property line side of the berm to accommodate stormwater runoff. The drainage swale shall be subject to review and approval by the city engineer;
- (5) Be seeded or covered with sod so as to prevent erosion of the sides of the earth berm and be attractively landscaped with plant materials acceptable to the city. The building department or the planning commission in making its review of the landscape planting plan for the earth berm may require installation of an automated irrigation system to properly maintain the landscaping materials on the earth berm. All landscape materials approved by the building department or the planning commission for the earth berm shall be maintained in a living, growing condition, neat and orderly in



appearance.

Transition Berm Details

- (6) In order to properly screen an area effectively, the ends of a landscaped earth berm may be required by the building department or the planning commission to include an architectural masonry screen wall extension at the ends of the berm structure. The structure would be made an integral part of the berm and would extend out from the top of the earth berm to a peripheral property line or driveway entrance. Any such extension shall be subject to the applicable requirements of this article pertaining to screen wall structures, and the restricted clear corner vision requirements set forth in Article XXIX, in this chapter.

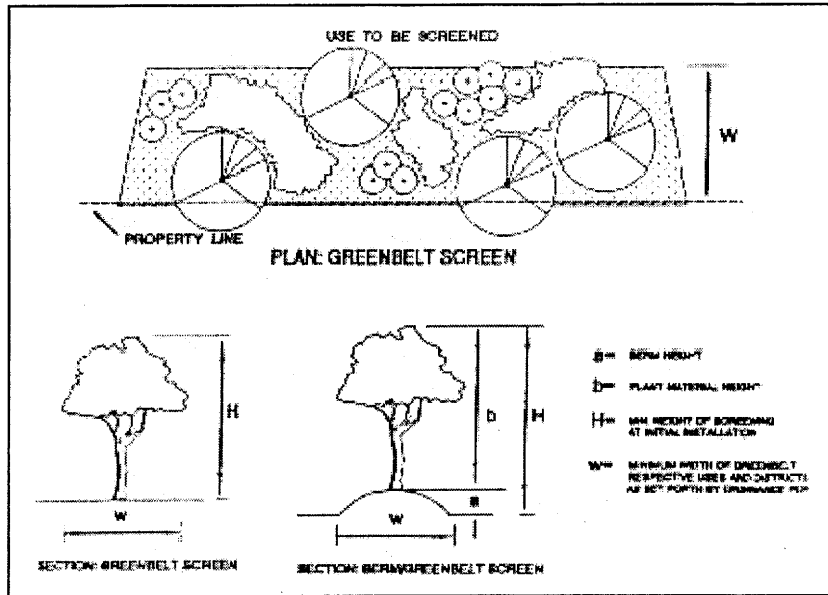
- (7) Wherever an earth berm abuts any part of an off-street parking space or parking spaces, or a service drive, it shall be placed behind a raised concrete curb.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-574. Landscape planting screen.

The building department or the planning commission may permit, in place of an architectural masonry screen wall structure or a landscaped earth berm, the following screening alternative:

- (1) The establishment of a dense planting screen, when one or more of the following conditions is deemed to exist on the property:



Greenbelt Planting Screen Details

- a. Severe soil or topographic conditions in the area of the property where a screening device is required which precludes erecting an architectural masonry screen wall structure or a landscaped earth berm, or
 - b. Dense foliage, which ought to be preserved, and which can augment an effective planting screen that exists on the property where a screening device is required, and which would be diminished or destroyed by the erection of a masonry screen wall structure or landscaped earth berm, or
 - c. For aesthetic purposes, a planting screen will create a more pleasing buffer between a one-family residential district and a multiple-family residential district than an architectural masonry screen wall structure or a landscaped earth berm.
- (2) The planting screen where permitted, shall consist of densely placed evergreen planting materials, the minimum height of which, at the time of planting, shall be not less than the minimum height required for a screen wall structure, and shall be planted and maintained in accordance with the applicable landscape screening requirements of the landscape planting standards in this article.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-575. Building wall serving as a screen.

The building wall of an existing or proposed building may serve as a screening device or partial element of a screening device when the wall shall generally parallel the parcel line or district line along which a screening device is required by this article, and provided further that;

- (1) The building wall shall be at least six feet in height along its entire length;
- (2) Shall consist of architectural masonry materials, shall have no openings, and shall have no other accessory buildings, uses or functions including loading and unloading facilities or any outdoor materials storage located between the building wall and the property or zoning district line.
- (3) The yard area between the building wall and the property line shall consist of a landscaped lawn area that may include trees and shrubs placed for aesthetic purposes. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-576. Approvals and waivers.

After review, the building department or the planning commission may approve one of the screening alternatives set forth in this article or a combination thereof. The building department or the planning commission may also recommend to the Trenton Zoning Board of Appeals (ZBA) that the screening requirements of this article be varied or waived, provided it is determined that at least one of the following conditions exists on the property:

- (1) The abutting residential district for which a screening device is required is determined to be an area in land use transition and which is likely to become a nonresidential district in the future. The building department or the planning commission shall rely on the land use recommendations of the Trenton Master Plan Map when evaluating the future use of the land abutting the subject property.
- (2) Changes in topographic conditions between the nonresidential and residential lands that are to be screened is such that a screen wall structure or landscaped earth berm, as set forth and regulated in this article, will not screen effectively and therefore will serve no useful purpose. The planting screen alternative may be applicable in such instances.
- (3) Sufficient natural vegetation exists along the common property line between the nonresidential district and the affected residential district to serve as an equally effective or better screen than the required screen wall or any of the other permitted screening devices would provide. The building department or the planning commission, in determining this alternative, shall:
 - a. Find the existing foliage to be extensive enough to create an effective year-round screen; and
 - b. Require documentation in writing from the landowner that the natural screen is fully on the development property and will be preserved and maintained as a natural screen for as long as a screening device shall be required by the city for the property. The building department or the planning commission in reviewing the effectiveness of a natural screen may require the placement of additional planting materials to augment the screening capability of the natural foliage.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-577. Landscape planting standards.

The purpose of this section is to establish minimum standards for the development, installation, and maintenance of pervious landscaped areas within all cluster housing, multiple-family and all nonresidential districts and for all nonresidential uses permitted in a residential district. This section further recognizes that the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character and quality of the living environment in the City of Trenton and promote resourceful site planning and creative design. To this end, the following regulatory standards of this section are established:

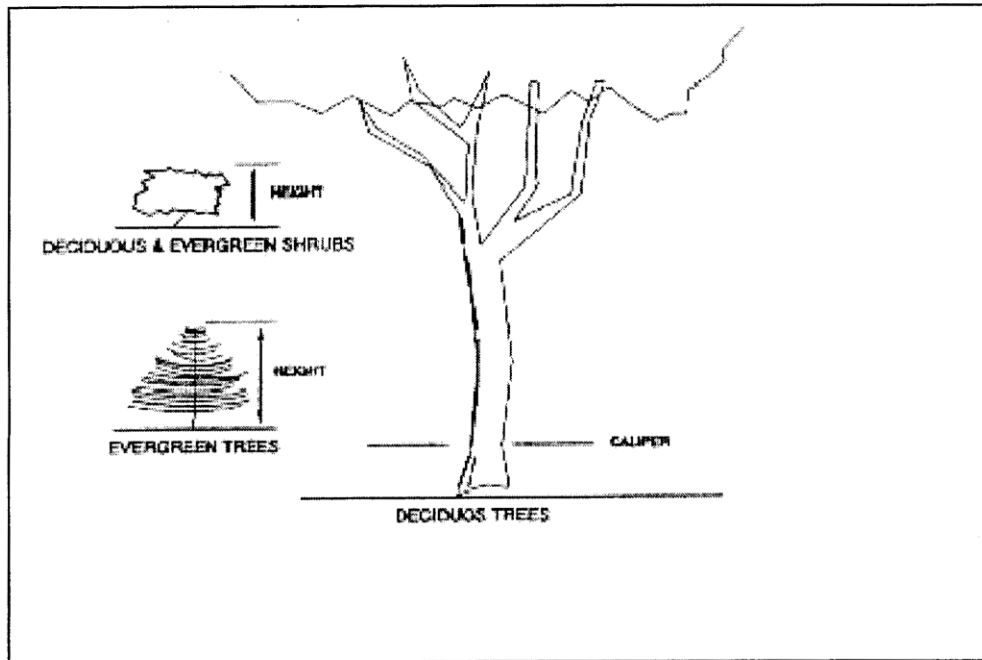
- (1) *Required conditions for landscape planting screens.* Wherever in this article a landscape planting screen is permitted or landscape planting materials are required, such landscape planting materials shall be subject to the following conditions:
 - a. All planting screens and landscape planting materials shall be planted in accordance with an approved planting plan and planted to completion prior to issuance of a certificate of occupancy by the building department. If a use is ready for occupancy between April 1 and September 30, a certificate of occupancy may be issued. If a use is ready for occupancy between October 1 and March 31, a temporary certificate of occupancy may be issued; however, all required planting materials should be placed to completion within 60 days after March 31. Failure to have such required planting material placed to completion within 60 days after March 31 shall be grounds for termination or revocation of a temporary certificate of occupancy. No additional certificate of occupancy, either temporary or final, shall be issued thereafter until all required landscape planting materials are placed to completion. A period of establishment shall start at the completion of all planting and shall continue through the succeeding summer growing season of June, July and August as set forth in this section.
 - b. Whenever any aesthetic planting areas or permitted planting screens approach a street or driveway intersection, the restricted clear corner vision requirements of Article XXIX in this chapter shall be observed. In all cases care shall be taken relative to plant material, height and location so as not to impede the view of pedestrians or motor vehicle traffic.
 - c. Trees of a species whose roots are known to cause damage to public roadways or other public utilities shall not be planted closer than 12 feet to such roadway or public utility unless the tree root system is completely contained within a barrier, for which the minimum interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four inch-thick concrete reinforced with No. 6 road mesh (six inches by six inches by six inches) or equivalent.
 - d. Ground cover used in lieu of grass shall be planted in such a manner that it will not exceed spacing of eight to ten inches on centers depending on the material used and its growth rate, so as to provide reasonably complete coverage.
 - e. Grass (lawn) areas shall be planted and grown as permanent lawns. Lawns may be seeded and mulched or covered with sod and shall be protected from erosion until the coverage is permanently established.
 - f. To prevent vehicular encroachment, including vehicle overhang onto or into landscaped areas including lawns, planting materials in areas involving motor vehicles shall be protected by the use of wheel stops, raised concrete curbs, or other satisfactory and acceptable methods of barrier.
 - g. All open ground areas on any site, including pervious surfaces used in the calculation of lot coverage requirements, yard areas, open ground areas disturbed by construction, and other similar areas where such landscaping is appropriate and feasible, shall be provided with coverage of grass, ground cover, shrubs, or other approved landscaping material. Materials that prevent or

inhibit to an unreasonable extent the percolation of water into the soil shall be considered unacceptable materials for the treatment of these areas.

- h. Trees and shrubs shall be provided with a minimum thickness of at least two inches of mulch no less than at least 24 inches beyond the trunks or stems of all newly planted trees and shrubs. Such mulch shall be provided at the time of planting and shall be maintained and resupplied as needed thereafter.
 - i. All landscaped areas shall be maintained by an automated in ground irrigation system approved by the building department. Individual planters and isolated planting areas shall have appropriate irrigation sources provided within each separate planting area.
 - j. All irrigation systems shall be maintained in an operable condition capable of providing adequate irrigation to landscaped areas as required. Any inoperable irrigation system or components thereof shall be promptly repaired or replaced so that adequate coverage of landscaped areas is restored and maintained.
 - k. All planting materials shall be properly planted so as to be in a healthy, growing condition at the time of establishment. All planting material shall consist of permanent, living plant materials and, when planted to completion, shall thereafter be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests. Top pruning or other severe pruning or maintenance practices of landscaping materials that results in stunted, abnormal, or other unreasonable deviation from the normal healthy growth of trees, shrubs, and other required landscaping components shall be considered as the destruction of these materials, and replacement shall be required as described in this article. Failure of the property owner to maintain the premises in good condition, as set forth in this article, shall make the owner liable for the applicable penalties set forth in this chapter.
 - l. All plant materials shall meet current American Association of Nurserymen standards.
 - m. No approved landscaped area shall be abandoned, paved over, encroached upon by vehicular traffic, or otherwise used without submission of a site plan and approval by the building department or the planning commission pursuant to the procedures set forth in this article.
- (2) *Planting plan.* Whenever a landscaped earth berm or landscape planting screen is permitted under the provisions of this article, a detailed planting plan of such screen shall be submitted to the building department or to the planning commission for review and approval prior to issuance of a building permit. The planting plan shall be drawn to the same scale as the site plan and shall accurately depict the location, spacing, starting size and identification by botanical and common name of each type of plant material proposed for use within the required screening area. Detailed plans shall include at least the following information:
- a. The minimum scale of the drawing shall be one-inch equals 30 feet, or the same scale as the site plan involved, if a requirement for site plan approval.
 - b. Existing and proposed contours shall be depicted with contour intervals not to exceed two feet.
 - c. The planting plan shall indicate the location, size, spacing and root type (bare root, balled in burlap, or container-grown) of all plant materials.
 - d. Where an earth berm is used in conjunction with a planting screen, the planting plan shall provide typical cross-section drawings depicting the slope, height and width of the berm and the type of ground cover intended to be placed on it. If architectural masonry screen walls are used in conjunction with an earth berm, the height of the wall and the type of materials to be used in

the construction of the wall, as well as the type of materials to be used in the wall footings, shall be detailed in cross-section format.

- e. The planting plan shall depict significant construction details, where applicable, to reflect specific site conditions; e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.
 - f. The planting plan shall indicate existing tree cover that is to be used in conjunction with or in place of the screen planting requirements of this article, including types of trees and overall tree height.
- (3) *Layout standards.* Landscape planting screens when permitted as an alternative to a masonry screen wall structure or landscaped earth berm, or in conjunction with either, shall consist of diversified planting materials and shall be laid out in conformance with the following guidelines:
- a. Plant materials, except creeping vine-type planting materials, shall not be located within four feet of the property line.
 - b. Where plant materials are placed in two or more rows, they shall be staggered in rows.
 - c. Except as otherwise specified in this paragraph, evergreen trees shall not be less than six feet in height. When planted in informal groupings, they shall be spaced no less than ten feet on centers. When spaced further apart, additional screen planting materials shall be used to achieve the desired screening effect intended by this article. When planted in rows, they shall be planted not less than ten feet on centers. Narrow evergreen trees shall not be less than six feet in height at the time of planting. When planted in informal groupings, they shall be spaced not more than ten feet on centers. When planted in rows, they shall be planted not more than four feet on centers.
 - d. Except as otherwise restricted in Article XXIX regarding corner clearance, in this chapter, large shrubs shall not be less than 30 inches in height. When planted in informal groupings, they shall be spaced not more than six feet on centers. When planted in single rows, they shall not be spaced more than four feet on centers.
 - e. Small shrubs shall not have a spread of less than 18 inches, and shall not be planted more than four feet on centers.
 - f. Deciduous trees shall not be less than 2½ inches in trunk caliper. For the purpose of this division, the caliper of the trunk shall be taken six inches above ground level, up to and including four-inch caliper size and 12 inches above the ground level for larger trees.



Tree Caliper Size

- g. Small deciduous trees shall not be less than two inches in trunk caliper, measured in the same manner as set forth in this subsection when planted in informal groupings, they shall be spaced not more than 15 feet on centers.

Recommended distances between like and unlike plant materials:

Plant Material Types	Evergreen Trees	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 5'	Min. 15'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3'

Suggested (not required) plant material:

Trees:

Evergreen: Abies (fir), Picea (spruce), Pinus (pine), Psuedostuga (Douglas fir), Tsuga (hemlock)

Note: Exceptions are dwarf, globe, pendulous specie/cultivars.

Narrow evergreen: Juniperus (juniper), Thuja (arborvitae)

Note: Exceptions are dwarf, globe, and spreading specie/cultivars.

Large deciduous: Acer (maple, except Japanese), Betula (birch), Gleditsia (honey locust, thornless Cultivars only), Gingko (ginkgo), Platanus (sycamore, linden), Quercus (oak), Tulip Tree (Liriodendron), Linden (Tilia)

Small deciduous: Amelanchier (juneberry), Cercis (redbud), Cornus (dogwood, tree form), Crataegus (hawthorn), Malus (crabapple, disease-resistant cultivars), Prunus (flowering plum, tree form), Pyrus (flowering pear), Sorbus (mountain ash), Syringa (lilac, tree form)

Large shrubs:

Deciduous/broadleaf evergreen: Cornus (dogwood, shrub form), Cotoneaster (cotoneaster), Forsythia (forsythia), Lonicera (honeysuckle), Philadelphus (mock orange), Prunus (flowering plum), Rhamnus (buckthorn), Rhus (sumac), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), Weigela (weigela)

Note: Defined as plants maturing at five feet and up.

Evergreen: Juniperus (hetzii), pfitzer, savin juniper), Taxus cuspidata 'Capitata' (pyramidal Japanese yew)

Note: Defined as plants maturing at five feet and up.

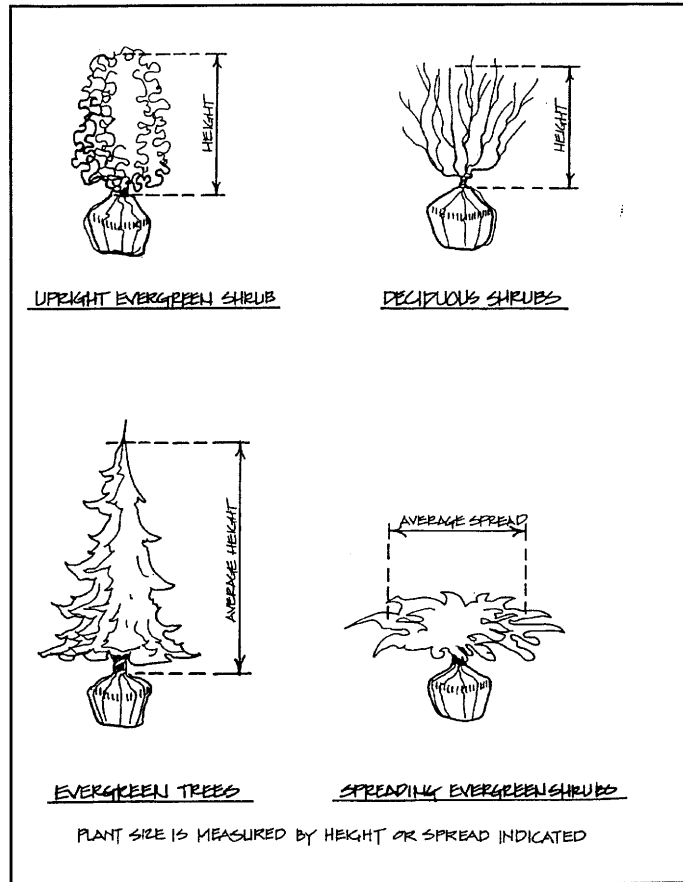
Small shrubs:

Deciduous/broadleaf evergreen: Berberis (barberry), Buxus (boxwood), Chaenomeles (quince), Cotoneaster (cotoneaster) Euonymus (euonymus), Forsythia (forsythia), Hydrangea (hydrangea), Ilex (holly), Ligustrum (privet), Lonicera (honeysuckle), Potentilla (potentilla), Ribes (currant), Salix (willow), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), Weigela (weigela)

Note: Defined as plants maturing less than five feet.

Evergreen: Abies (fir), Chamaecyparis (false cypress), Juniperus (low spreading juniper), Picea (spruce), Pinus (pine), Taxus (globe, spreading, upright yew), Thuja (globe/dwarf arborvitae)

Trees not suggested:



Plant Sizes

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-578. Landscaping for aesthetic purposes.

In addition to any landscaped earth berm or landscape planting screen that may be used on the property in place of an architectural masonry screen wall structure to satisfy any screening requirements of this article, further on-site landscaping shall be required, as follows.

- (1) Landscaping for aesthetic purposes shall be placed throughout the property and shall be placed in compliance with the following guidelines:
 - a. Care shall be taken to make certain that the location and size at maturity of any landscaping materials will comply with the applicable restricted clear corner vision requirements of Article XXIX, in this chapter. Furthermore, care will be taken with regard to the location and the height of all planting materials placed throughout the site so as not to unduly impair the vision of pedestrian or motor vehicle traffic within the site.

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- b. Planting materials placed for aesthetic purposes shall consist of the suggested planting materials outlined in this article or similar and equally acceptable nursery grown stock, but shall not include stock that is not suggested in the same section.
 - c. All landscaping including lawn areas placed for aesthetic purposes shall be maintained by an automated in-ground irrigation system approved by the building department.
 - d. Pedestrian walkways, plazas, planters and other decorative landscape features may be included in such landscape areas when they are made an integral part of a site's overall landscaping.
 - e. Stormwater detention or retention basins when required on site, shall be made an integral feature of the site's landscaping. When the side slopes of a stormwater basin will be steeper than a ratio of three to one, three feet of horizontal plane for each foot of vertical rise, the basin will be fenced with a six-foot-high black or green close link woven wire (chain link) fence to discourage climbing. Any part of a stormwater basin that must be placed in a front or exterior side yard next to a street, and which must be fenced, shall be fenced along the frontage by a decorative wrought iron fence of equal height. When a stormwater basin shall retain water, the water shall be circulated so as to prevent stagnation and pest infestation. A fenced stormwater basin shall be aesthetically landscaped along its fence line with a diversified mix of deciduous and evergreen trees and shrubs.
 - f. The area of a site that lies in a public road right-of-way between the property line and the back edge of the curb line of the pavement or the edge of the pavement when there is no curb, shall be landscaped with grass and/or other live planting materials. Wherever such landscaping shall be installed it shall comply with all applicable landscaping, clear vision or line of sight restrictions that are set forth and regulated by the superintending authority in control of the right-of-way.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-579. Aesthetic landscape areas.

- (a) *Screening between parking areas and public rights-of-way.* Screening of off-street parking areas next to public road or street rights-of-way shall be provided in accordance with the following requirements:
 - (1) Except as otherwise permitted herein, a minimum ten-foot-wide landscaped lawn panel shall be provided between any off-street parking area and any public road or street right-of-way line; except upon review and recommendation from city staff, the planning commission may narrow the width of the lawn, but in no case shall the lawn be less than five feet wide. In making its determination city staff and the planning commission shall find that narrowing a frontage lawn is necessary due to one of the following conditions:
 - a. The small size of the property makes providing a full width frontage lawn impractical.
 - b. The particular configuration of the property does not warrant providing a full width lawn.
 - c. A particular topographic condition that exists in the area of the lawn precludes meeting the full width requirement.
 - d. It is necessary to reduce the width in order to provide sufficient land area to meet the minimum applicable numerical off-street parking requirements of the chapter.
 - (2) *Screening device height.* Except as otherwise specified within a restricted clear corner vision triangle, the height of any screening device or combinations of screening devices placed in a lawn lying between an off-street parking lot and a street right-of-way line shall be in accordance with the following guidelines:

Screening device	Minimum height
Wall	3.0 Feet
Earth berm	3.0 Feet*
Planting materials	Shall follow the applicable guidelines of this article.

* Would require berm to be part of a terraced or retaining wall screen structure in a ten-foot-wide or less lawn panel. See Transition Berm Details illustration in of this article.

- (3) *Permitted screening devices.* The screening device may be in the form of an evergreen or planting materials hedge, an architectural masonry wall, or earth berm. Planting materials shall consist of species that will mature within a limited height. Where the width of the lawn panel permits, plant materials may be taller, except all screening devices shall observe the height restrictions pertaining to clear corner vision requirements.
 - (4) *Screening accents.* When an architectural masonry screen wall is erected, planting materials shall be placed between the screen wall and the road or street right-of-way line. The planting materials are to be placed in a manner that will create an aesthetic visual setting for the wall. When an earth berm is used, evergreen planting materials shall be placed at the ends of the berms to augment the screening effect of the berm.
 - (5) *Additional landscaping required.* Development that occurs in the I Industrial Districts shall provide in addition to the landscaped lawn panels required in this section, additional on-site landscaped areas. These additional landscaped areas shall be equal to not less than ten percent of the area of the site less any land in public rights-of-way and exclusive of land covered by buildings. Pedestrian walkways, plazas, planters and other decorative features may be included in such landscape areas when they are made an integral part of the site's overall landscaping.
- (b) *Landscaping parking lot areas.* Parking lots shall provide landscaping in accordance with the following requirements and in accordance with the applicable requirements of subsection (a) of this section:
- (1) One square foot of interior landscaping shall be provided for every 15 square feet of parking area.
 - (2) The minimum permitted size of any landscaped area within an interior landscaping area shall be 170 square feet.
 - (3) All parking lots shall provide one tree for every 2,800 square feet of paved parking lot area, or one tree for every 100 square feet of interior landscaping area, whichever generates the greater number of trees.
 - (4) All parking lot trees required by the standards set forth in subsection (b)(3) of this section, shall be large deciduous trees; except where special conditions or considerations may prevail, the planning commission may permit the use of evergreen trees.
 - (5) Parking lot trees generated by the standards set forth in Subsection (b)(3) of this section, shall be distributed as evenly as possible throughout the parking lot. At a minimum the islands shall be located at the ends of parking rows so as to offer not only a visually attractive and shading effect, but to help provide for improved traffic circulation. The islands shall also be placed in as uniform a manner as possible so as to facilitate snow removal.
 - (6) Upon recommendation from city staff, or the planning commission may give credit for existing trees if the trees meet the minimum requirements for parking lot trees.
 - (7) Trees at the time of planting shall not be located closer than four feet from any raised curb line in a parking lot.

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- (8) All interior parking lot landscaping shall consist of live plant material and mulch. Mulch shall not include lava, pebbles, stones or rocks.
 - (9) Pedestrian walkways, plazas, planters and stormwater basins, and other decorative features, may be included, in such landscape areas when they are made an integral part of a site's overall landscaping.
 - (10) All interior or exterior landscape planting areas that abut off-street parking spaces, service drives, loading and unloading areas, or any other area where motor vehicles will be parked or moving, shall be protected by raised curbs. Every off-street parking space which fronts into a landscaped planting area, shall be:
 - a. Provided with a concrete wheel stop which shall be placed within each off-street parking space not less than two feet from the front of the parking space, or;
 - b. In place of a concrete wheel stop the minimum required length of an off-street parking space, with city staff approval, may be reduced by two feet in length, provided two feet of concrete shall abut the rear of the raised curb line at the front of the parking space for the full width of the parking space; Except the two feet of concrete shall be in addition to, and shall not be any part or portion of any minimum landscape planting area requirements of this section.

Parking Spaces

- (c) *Required conditions for aesthetic landscape planting.* Wherever in this article aesthetic landscape planting materials are proposed or required, they shall be subject to the following conditions:
 - (1) All landscape planting materials shall be planted in accordance with an approved planting plan and planted to completion prior to issuance of a certificate of occupancy by the building department. If a use is ready for occupancy between April 1 and September 30, a certificate of occupancy may be issued. If a use is ready for occupancy between October 1 and March 31, a temporary certificate of occupancy may be issued; however, all proposed and required planting materials should be placed to completion within 60 days after March 31. Failure to have such required planting material placed to completion within 60 days after March 31 shall be grounds for termination or revocation of a temporary certificate of occupancy. No additional certificate of occupancy, either temporary or final, shall be issued thereafter until all required landscape planting materials are placed to completion. A period of establishment shall start at the completion of all planting and shall continue through the succeeding summer growing season of June, July and August as set forth in this section.
 - (2) Whenever any aesthetic planting areas approach a street or driveway intersection, the restricted clear corner vision requirements of Article XXIX, in this chapter shall be observed. In all cases care shall be taken relative to plant material, height and location so as not to impede the view of pedestrians or motor vehicle traffic.
 - (3) Trees of a species whose roots are known to cause damage to public roadways or other public utilities shall not be planted closer than 12 feet to such roadway or public utility unless the tree root system is completely contained within a barrier, for which the minimum interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four-inch-thick concrete reinforced with No. 6 road mesh (six inches by six inches by six inches) or equivalent.
 - (4) Ground cover used in lieu of grass shall be planted in such a manner that it will not exceed spacing of eight to ten inches on centers depending on the material used and its growth rate, so as to provide reasonably complete coverage.
 - (5) Grass (lawn) areas shall be planted and grown as permanent lawns. Lawns may be seeded and mulched or covered with sod and shall be protected from erosion until the coverage is permanently established.

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- (6) To prevent vehicular encroachment, including vehicle overhang onto or into landscaped areas including lawns, planting materials in areas involving motor vehicles shall be protected by the use of wheel stops, raised concrete curbs, or other satisfactory and acceptable methods of barrier.
 - (7) All open ground areas on any site, including pervious surfaces used in the calculation of lot coverage requirements, yard areas, open ground areas disturbed by construction, and other similar areas where such landscaping is appropriate and feasible, shall be provided with coverage of grass, ground cover, shrubs, or other approved landscaping material. Materials that prevent or inhibit to an unreasonable extent the percolation of water into the soil shall be considered unacceptable materials for the treatment of these areas.
 - (8) Trees and shrubs shall be provided with a minimum thickness of at least two inches of mulch no less than at least 24 inches beyond the trunks or stems of all newly planted trees and shrubs. Such mulch shall be provided at the time of planting and shall be maintained and resupplied as needed thereafter.
 - (9) All landscaped areas shall be maintained by an automated in-ground irrigation system approved by the building department. Individual planters and isolated planting areas shall have appropriate irrigation sources provided within each separate planting area.
 - (10) All irrigation systems shall be maintained in an operable condition capable of providing adequate irrigation to landscaped areas as required. Any inoperable irrigation system or components thereof shall be promptly repaired or replaced so that adequate coverage of landscaped areas is restored and maintained.
 - (11) All planting materials shall be properly planted so as to be in a healthy, growing condition at the time of establishment. All planting material shall consist of permanent, living plant materials and, when planted to completion, shall thereafter be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests. Top pruning or other severe pruning or maintenance practices of landscaping materials that results in stunted, abnormal, or other unreasonable deviation from the normal healthy growth of trees, shrubs, and other required landscaping components shall be considered as the destruction of these materials, and replacement shall be required as described in this article. Failure of the property owner to maintain the premises in good condition, as set forth in this article, shall make the owner liable for the applicable penalties set forth in this chapter.
 - (12) All plant materials shall meet current American Association of Nurserymen standards.
 - (13) No approved landscaped area shall be abandoned, paved over, encroached upon by vehicular traffic, or otherwise used without submission of a site plan and approval by the building department or the planning commission pursuant to the procedures set forth in this article.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-580. Planting plan review.

- (a) *Planting plan.* The planting plan shall be reviewed by the building department or by the planning commission for conformance with the following guidelines:
 - (1) The proper types, spacing, height, placement and location of plant materials relative to the length and width of the screen so as to insure that the required horizontal and vertical obscuring of the land use it is intended to screen will be at least 60 percent obscured at the time of planting.

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- (2) The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners.
 - (3) The choice and selection of plant materials so as to ensure that the type of planting materials selected will be of a type that will thrive in the area in which they are to be located.
 - (4) The proper relationship between deciduous and evergreen plant materials exists so as to assure that the desired obscuring effect will be accomplished.
 - (5) The size of plant material (both starting and ultimate) is sufficient to ensure adequate maturity and optimum screening effect by the proposed plant materials.
 - (6) Compliance with the applicable landscape design principles set forth in this article.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-581. Maintenance and replacement.

Whenever in this article landscape planting materials are called for, or are to be installed either as part of a planting screen or as an aesthetic landscaping feature, once installed, all landscaping shall be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be continuously maintained in a sound, healthy and vigorous living condition, neat and orderly in appearance, and free of plant diseases and insect pests. Should any live planting or group of live planting materials, including sod and other live lawn cover become distressed, diseased or die, the single planting or group of planting materials, including sod and other live lawn cover shall be replaced. Replacement shall take place within 30 days from the date of notification from the city that replacement is required. If deemed justified, the city may extend the replacement time period, which shall be specified on the notice. Any dead or dying planting material shall be removed from the property and replaced by the same type of planting material, unless an acceptable alternative planting material has been approved by the city. Any breakdown or malfunction of any part of an irrigation system shall cause the entity responsible for the maintenance and proper operation of the irrigation system to immediately correct the problem so that adequate maintenance of all live plant materials will be continued.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-582. Cost estimates and surety.

Whenever a landscape planting plan is called for in this article, cost estimates prepared by a licensed landscape architect or certified nurseryman shall be submitted by the applicant as part of the site plan review package. The cost estimate shall cover the cost of all new planting materials proposed on the approved landscape planting plan, the cost of their installation, including the cost of installing the automated in-ground irrigation system required in this article. Verification by the building department or its representative of the correctness of the cost estimate or estimates submitted shall cause surety in a form acceptable to the city to be submitted by the applicant in an amount sufficient to insure completion within the time specified in this article and in accordance with the approved planting plan.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-583. Exterior utility equipment screens.

All exterior climate control equipment and any other exterior mechanical equipment including utility outlets, transformers, other electrical equipment, gas regulators, etc., serving any single-family cluster housing

development, multiple-family residential development, or any nonresidential use are regarded as accessory uses and shall be restricted to locations on the property for accessory uses as set forth in Article XXIX, in this chapter and shall be effectively screened from view from any abutting residential district or from any street in the following manner:

- (1) Ground level equipment shall be screened from view by any screening device permitted in this article. The screening device need be no higher than necessary to effectively screen the equipment from view. When the exterior walls of the principal use of the property for which the equipment is intended to serve contains any brick material and the screening device is to consist of an architectural masonry screen wall structure, its exterior sides shall consist of the same exterior masonry materials that appear on the principal building. When a landscaped earth berm or planting screen is to be used, except for minimum height limitations, they shall comply with the applicable requirements of this article.
- (2) Rooftop equipment that will be visible from the ground on the property or from any abutting residential district or street shall be screened from view by material that shall extend upwards at least one-eighth times higher than the equipment it is intended to screen. Rooftop screening materials may consist of lightweight weather resistant metal or structurally ridged vinyl or glass fiber materials approved by the building department.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-584. Trash receptacle screens.

Whenever a trash receptacle or receptacles will be used in conjunction with any use in any district, the receptacle shall be screened from view in the following manner:

- (1) They shall be placed in architectural masonry screening structures as such structures are permitted and regulated in this article, except the following requirements shall apply:
 - a. The exterior walls of the structure shall consist of the same masonry materials used in the front facade of the principal building when such materials are structurally applicable as a screen wall material and accepted by the building department as such; except concrete masonry units (CMU) shall be prohibited and except when the receptacle screen wall structure is to be made an integral part of an approved architectural masonry screening wall structure, it may consist of the same materials that are to be used in the screen wall structure.
 - b. The minimum height of the screen wall structure shall be six feet.
 - c. The screen wall enclosure shall include a gate consisting of opaque material.
 - d. Posts of adequate size and strength shall be placed at the outside edge of the gates next to the enclosure structure to protect the structure.
 - e. The floor of the enclosure shall be constructed of reinforced concrete in a manner acceptable to the building department and shall extend outward from the gate a distance of ten feet and shall be one foot wider than the width of the gate on both sides.
 - f. Wherever a trash receptacle screen wall structure is erected the area inside the structure and around the outside of the structure shall be maintained in an orderly and structurally sound condition, clean and free from refuse clutter.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-585—110-600. Reserved.

ARTICLE XXVIII. SITE PLAN REVIEW (ALL DISTRICTS)³

Sec. 110-601. Intent.

Site plan review and the procedure for reviewing them is intended to provide an essential vehicle for the design and expeditious review of new land development proposals, redevelopment proposals, and for the occupation of vacant existing buildings in the city. These procedures are further designed and intended to promote compatibility between land use with respect to their internal and external functions and for compliance with the applicable requirements of this chapter, and other local codes and ordinances.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-602. Procedure and requirements.

For the purpose of promoting and protecting the public health, safety and general welfare of the inhabitants of the City of Trenton, and for the preservation and management of its land resources, the following procedures shall be followed:

- (1) *When a site plan is required.* Prior to the issuance of a building permit, a site plan shall be submitted to the planning commission for its review and approval. Every site plan submitted to the planning commission shall be in accordance with the requirements of this code. A site plan shall be required for the following uses:
 - a. Any use or development for which the submission of a site plan is required by any provision of this code.
 - b. Any development, except single-family and two-family residential, for which off-street parking areas must be provided as required in Article XXVI in this chapter.
 - c. Any special land use permitted in any zoning district, including nonresidential uses permitted in the single-family districts.
 - d. Any principal permitted use in the MH, RM, B business, I industrial, WM, P-1, PD, or overlay district.
 - e. All public-related uses in all districts, including but not limited to schools and municipal buildings.
 - f. Building additions or accessory buildings that require more off-street parking in addition to that already provided on the site.
- (2) *Public hearing required.* All uses permitted in any zoning district as a special land use, or a use permitted subject to the conditions attached to it, shall require review and approval by the planning commission at a duly advertised public hearing.
- (3) *Departmental review.*
 - a. Every site plan submitted to the planning commission shall be in accordance with the applicable requirements of this chapter. No site plan shall be approved until the plan has first been

³State law reference(s)—Site plans, MCL 125.584d.

reviewed by the building department in coordination with the engineering department, fire department, police department, and the department of public services for compliance with the applicable standards of their respective departments.

- b. Site plan approval and administrative site plan approval. To improve efficiency and remove unnecessary review procedures, the zoning code provides for two site plan approval processes. The term "site plan review" and "approval" are used in this zoning code to indicate the site plan review process that requires approval by the planning commission.

The terms "administrative site plan review" and "approval" are used to indicate a plan review process that requires approval by the city's administrative site plan review committee. The administrative site plan review committee shall be composed of the building official, planning consultant, and the planning commission chair or their delegate.

The terms "site plan review standards" and revisions to an approved site plan" shall refer to both the administrative site plan review and site plan review.

- c. Site plan review requirements by use or development activity. The list of uses or development activities in table 2 below indicates which activities require site plan approval or administrative site plan approval and which activities are exempt from review.
- d. The building official in conjunction with the planning commission chair shall determine if the project is eligible for administrative site plan review, and/or whether a pre-application meeting is necessary.
- e. Any member of the ASPR committee may at his/her discretion bring site plans that meet the requirements of the administrative site plan review process to the planning commission for their review under the site plan approval process.

(4) *The following information shall be included on the site plan:*

- a. Name of the development, including the name, address and telephone number of the developer, designer/firm, and designer's registration number and seal.
- b. Scale of drawing:
 - 1. If less than three acres — 1" = 50'.
 - 2. If more than three acres — 1" = 100'.
 - 3. Sheet size shall not exceed 24" by 36".
 - 4. Legend.
- c. Date, north point, and scale.
- d. A complete legal description of the entire site, i.e.; metes and bounds description if an acreage parcel, or lot number(s) and subdivision name. All legal descriptions shall include the gross number of acres and section number(s). The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- e. Vicinity sketch or site location map, which does not have to be drawn to scale.
- f. Topographic survey of the site and adjacent properties in sufficient detail to accurately indicate the existing contour, drainage pattern of the site and immediate vicinity. The survey shall be referenced to Wayne County datum or the City of Trenton datum and to include:
 - 1. Reference and site benchmark.

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2. The location of all existing sanitary sewers, storm sewers, water mains, ditches/swales, gas mains, power/telephone poles and wires, trees, and sidewalks. Indicate all pipe sizes and the diameter of trees at breast height (DBH).
 3. Rim and invert elevations of the existing upstream and downstream sanitary and storm manholes with the lineal footage between manholes, including the proposed tap invert elevation and the percent of fall, on both the sanitary and storm leads, minimum of one percent required. On all proposed sanitary and storm sewer work that is more than six inches lead installation, include all proposed rim and invert elevations on all manholes, catch basins and inlets, with the proposed pipe sizes, type of pipe, lineal footage between the proposed structures, and the percent of fall.
 4. Rim and invert elevations, with pipe sizes of all existing catch basins and inlets.
 5. Rim and top of pipe elevations of all existing gate wells. On all proposed water main installation indicate all proposed gate well rim elevations, lineal footage between gate wells and fire hydrant locations. All proposed water mains shall have a minimum of six feet of cover. Should the City of Trenton Fire Department require the installation of a fire suppression line, "hydraulic calculations" must be submitted with the site plan for review.
 6. The location of all adjacent buildings that is closest to the parcel or lot being developed.
 7. Elevations of the existing top of curb, gutter, and the road centerline on the lot. Where any road or service drives are to be installed, indicate the proposed top of curb grades, the road width, the right-of-way width, and the percent of fall on the curb.
 8. Dimensions of all existing and proposed underground utilities off of the property lines.
 9. Electric supply (above and below ground).
 10. Telephone (above and below ground).
 11. Gas supply.
 12. Cable TV.
 13. Other.
- g. The existing zoning classification of the parcel, and the existing zoning classification of adjacent property.
 - h. Existing land use on adjacent parcels.
 - i. The location of all buildings and structures on the site, and the location of all existing buildings and structures within 100 feet of the parcel.
 - j. All building and structure heights.
 - k. The location of all off-street loading and unloading facilities.
 - l. The location of all driveways, drives, and turning lanes.
 - m. The location of all drives, driveways, and intersections across abutting streets from the parcel.
 - n. The names, locations, right-of-way widths, centerlines, and pavement widths of all bordering roads, streets, and easements.
 - o. The location of all sidewalks.
 - p. Critical site dimensions:
 1. Along property lines.

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2. Between buildings.
 3. Between parking spaces and buildings.
 4. Between principal and accessory buildings.
 5. Typical parking space width and length.
 6. Vehicle maneuvering lane and service drive widths.
 7. Curb radius of entrances.
 8. Between buildings and property lines.
 9. Between buildings and any retention or detention basins.
- q. Building layouts (typical floor plan) including:
1. Principal entrances and service entrances.
 2. The relationship between units in a building.
 3. Exterior building wall elevation drawings of all exposed walls.
- r. Exterior building wall elevation drawings showing the type and color of exterior building wall materials to be used on all exterior walls and the area(s) to be covered by any signs to be attached to building walls.
- s. The location, size, and types of signs to be utilized shall be provided for the site and buildings on the site. In those instances where signs are not determined due to unknown occupants at the time of site plan review, it shall be required that all signs receive the review and approval of the Trenton Planning Commission prior to occupancy of a structure.
- t. The location and extent of any outdoor storage areas, including the type, height, and extent of screening.
- u. The type and height of screening device for trash receptacles.
- v. The location, type, and extent of any required screening devices.
- w. The location and type of all outdoor site lighting.
- x. A landscape planting plan when prepared as a separate drawing shall be at the same scale as the plan view drawing. A qualified person as stipulated in Article XXVII in this chapter shall prepare all landscape plans and shall contain all applicable information and meet all applicable requirements of that article.
- y. For multiple-family dwelling developments:
1. The maximum lot coverage of all buildings shown.
 2. Site dwelling density computations, including the total number of dwelling units proposed and the number of bedrooms per unit.
 3. When development will be in phases, the requirements shall be shown for each phase.
- z. For nonresidential uses:
1. Proposed use.
 2. The gross and net usable square feet of floor area.
 3. Seating capacity or maximum occupancy permitted.

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4. Number of medical examining rooms, dental chairs, and square feet of waiting rooms or number of beds.
 5. The number of employees in the largest working shift.
- (5) For all principally permitted uses and special land uses in the PD, W-R, I-1, and I-2 Districts, an impact assessment shall be required:
- a. Intent. The purpose of an impact assessment is to evaluate the developmental, ecological, environmental, social, economic, and physical impact of a proposed development on and surrounding the development site. The impact assessment shall, at minimum, assess the following, as applicable:
 1. Water, noise, vibration, odor, fumes, and air pollution (e.g. dirt, dust, and fly ash) associated with the proposed use.
 2. Effect of the proposed use on public utilities.
 3. Historic and archeological significance of the site and adjacent properties.
 4. Displacement of people and other land uses by the proposed use.
 5. Alteration of the character of the area by the proposed use.
 6. Effect of the proposed use on the city's tax base and adjacent property values.
 7. Compatibility of the proposed use with existing topography, and topographic alterations required.
 8. Operating characteristics and standards of the proposed use.
 9. Proposed screening and other visual controls.
 10. Impact of the proposed use on vehicular and pedestrian traffic.
 11. Impact of the proposed use on flora and fauna.
 12. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.
 13. How general on-site drainage will be accommodated in accordance with all applicable federal and state requirements, including soil and sedimentation controls, the prevention of site contamination during development and operation of the facility and if necessary, what performance standards will be observed during development and operation of the facility to control dust, noise, noise, odor, fumes, smoke and vibration during development.
 14. An *environmental* analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant *environmental* features. The hydrology study shall consist of information and analysis in sufficient detail (as determined by the city engineer) to indicate the *impact* of the project on surface water and groundwater.
 15. The presence of site contamination, and shall include a Phase I Environmental Site Assessment. Where available, or where required by the Michigan Department of the Environment, Great Lakes, and Energy or other regulatory agency, the applicant shall also submit a Phase II Environmental Assessment, Baseline Environmental Assessment, and Due Care Plan.
 - b. Evaluation of the impact assessment. The planning commission and city council shall consider the criteria listed below in their evaluation of an impact assessment. Failure to comply with any of

the criteria may be justification to deny approval. The city council and planning commission shall determine that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the master plan.
2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, dust, fumes, glare, noise, vibration or odors.
8. Will not have a detrimental impact on the environment, including but not limited to an impact on waterways, wetlands, woodlands, or other natural features.

(6) *Site plan review standards.* The following criteria shall be used by the planning commission as a basis upon which site plans will be reviewed and approved. The commission shall adhere to sound planning and design principals, yet may allow for design flexibility in the administration of the following standards:

- a. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
- b. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in Article XXIV in this chapter unless otherwise provided in the code.
- c. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- d. There shall be reasonable visual and sound privacy. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users and the conservation of energy.
- e. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- f. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
- g. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.

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- h. The arrangement of public or common ways for vehicular and pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a recognized source of reference.
 - i. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public storm drainage system. Provisions shall be made for the construction of stormwater facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas.
 - j. Off-street parking, loading, and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls, fencing, or landscaping of affective height.
 - k. Exterior lighting shall be so arranged that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
 - l. Adequate services and utilities and improvements shall be available or provided, located, and constructed with sufficient capacity and durability to properly serve the development.
 - m. Any use permitted in any zoning district must also comply with all applicable federal, state, county and city health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gasses, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, and requirements of the state fire marshal.
 - n. In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money in escrow be placed with the municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the clerk in accordance with Article XXIX.
- (7) *Revisions to an approved site plan.* A revision in the approved site plan prior to the issuance of a building permit or during construction shall be subject to review and re-approval in accordance with the procedure as required under subsections (1) through (4) of this section.
- (8) *Procedure for site plan approval.* For the purpose of this chapter, a revision in a site plan shall include such things as but not limited to a change in building location or configuration causing the buildings to be located closer to the property line; a change in the location, layout or number of off-street parking spaces provided; a change in curb cut locations; a change in intended tenancy, thereby affecting residential requirements, in the case of multiple-family residential development; a change in density or number of units. The procedure for obtaining site plan approval is outlined in the following requirements:
- a. If the project requires site plan review:
 - 1. Seven copies of the site plan, including all items required, together with site plan review fees as established by the city council, shall be forwarded to the city review agencies and they shall forward their review comments in writing to the engineering department within seven calendar days from receipt of the site plan.

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2. If all departmental comments are positive and no concerns are expressed by the review agencies relative to the site plan, the engineering department shall notify the applicant that the site plan is in order. If departmental concerns are expressed relative to the site plan, copies of the departmental comments shall be forwarded to the applicant for correction, compliance, or preparation for appeal.
 3. Revised site plans shall be submitted to the engineering department for referral to the city review agencies in the same manner as followed for initial site plan review. The designated agencies shall review the revised site plans and forward their comments to the engineering department within seven days from receipt of the revised site plans.
 4. Upon receipt of 13 additional copies of the site plan from the applicant, the engineering department shall forward 11 copies to the planning commission's clerk to be hand-delivered to the commission members and the planning consultant at a regular planning commission meeting, for review at their next regularly scheduled commission meeting.
 5. Site plans shall be reviewed by the planning commission and approved, disapproved, or approved with conditions. If the planning commission finds a site plan is not in conformance with the provisions set forth in this section, it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon submission of the modified site plan, the planning commission shall review the plan and approve, disapprove, or approve with specific conditions in writing.
- b. If the project is eligible for administrative site plan review:
1. The engineering department shall schedule at least one meeting with the applicant. The engineering department shall schedule a meeting of the administrative site plan review committee, as described in this section. The applicant may be invited to attend the meeting. The administrative site plan review committee shall either approve, table, or deny the site plan. A vote of a majority of the members of the committee shall be required for action. The engineering department shall then submit a report of administrative action on administrative site plans to the planning commission at the next meeting.
 2. If the site plan is tabled by the administrative site plan review committee, the applicant may submit a revised site plan addressing all required concerns for further review of the administrative site plan review committee.
 3. If the site plan is denied by the administrative site plan review committee, the applicant can request a review by the planning commission.
 4. Any member of the ASPR committee shall have the option to require a complete site plan review and approval by the planning commission for sites which do not comply with previous approved site plans, for sites with parking deficiencies, for sites abutting residential districts and for sites with potential problems with drainage, traffic, noise aesthetics or other general health and safety issues.
- c. If the site plan requires a pre-application meeting:
1. The engineering department shall determine whether a preapplication meeting is necessary based on the scope of the plan, the type of use proposed, and other similar circumstances.
 2. The applicant, building official, city engineer, fire department and planning consultant may be invited to the meeting.
 3. Notes or minutes of the meeting, if taken, shall be saved with the file.

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4. Following the meeting, the proposed site plan or a revised site plan addressing concerns of the meeting shall go through the steps of planning commission review.
- d. If the site plan requires planning commission review:
1. The engineering department shall first transmit the site plan to appropriate city departments for a review and written report to the planning commission.
 2. If the site plan contains the required submittal information, the site plan shall be placed on the agenda of a regular planning commission at the next available meeting.
 3. The planning commission, by majority vote of a quorum, shall review the site plan for compliance with the standards set forth in this section after a public hearing is held and take action to table, approve, or deny the approval of site plans submitted for its review.
 4. If the site plan is tabled by the planning commission, the applicant may submit a revised plan addressing all required concerns for further review of the planning commission.
 5. If the site plan is denied, the city shall notify the applicant in writing of the reasons for denial.
- (9) *Building permits time limitations.* Following approval of a site plan the building department shall issue a building permit submission of proper architectural plans, and shall ensure that the development is undertaken and completed in accordance with the approved plans. For any approved site plan, building permits must be obtained encompassing a minimum of at least 25 percent of the gross floor area shown on the site plan within six months of the date of site plan approval or the site plan shall be deemed null and void without any further action by the city.
- (10) *Site plan approval time limitations.* Except as otherwise set forth and regulated in the PD district, approval of any site plan under the provisions of this article, shall be for one year commencing on the date of site plan approval. With or without issuance of a building permit as specified in subsection (8) of this section, if no construction or development takes place on the property within the one-year time period, and an approval extension is not requested by the applicant in the manner set forth in this subsection, site plan approval shall terminate and no construction or development shall take place on the property until site plan approval is again granted by the building department or the planning commission. The applicant may request one one-year approval extension, provided the request is submitted at least 30 days before the date the site plan will expire. If actual construction and development commences within the initial one-year time period and continues without lapse, and the improvements are in conformity with the approved site plan, site plan approval shall continue until all construction and development is completed and accepted by the city. In the event that a lapse in development and construction on the property shall take place, site plan approval shall continue for a period of one year from the last inspection date registered on the building permit. One year after that date, if no construction or development has commenced on the property, site plan approval shall expire and no further construction or development shall thereafter take place on the property until site plan approval has been requested by the applicant and granted by the building department or the planning commission. When site plan approval of a proposed development shall expire for any reason, the site plan shall not again receive approval until or unless the following conditions are met:
- a. Any subsequent amendments to the standards of this chapter, site engineering standards, or city council policies that may be applicable to the proposed development shall be met before site plan approval may be granted.
 - b. Any change in use not part of any previously approved site plan proposed for the development or any part thereof, shall meet all of the requirements of this chapter, site engineering standards or city council policies that may be applicable to the new use before site plan approval may be granted.

The building department shall not issue a building permit for any type of development or construction on the basis of any previously approved site plan when that approval has expired, unless the site plan has received an extension from the planning commission or is a re-approved site plan whose approval had previously expired.

- (11) *Fees.* Fees for the review of an expired site plan may be waived by the city when it shall find that no substantial changes have been made to the previously approved site plan or to abutting land use. In those instances where conditions have changed, the fee for review of an expired site plan shall be the same as charged for the initial review submittal.

*Table 2
Uses or Activities Requiring Site Plan Approval*

Use or Activity		Planning Commission Approval	Administrative Site Plan Review Committee
1.	Construction or erection of permitted accessory buildings and structures for two-family dwelling units and mobile homes within an approved mobile home park		X
2.	Construction, reconstruction, erection and/or expansion of one- or two-family dwelling on parcel used solely for residential purposes		X
3.	Development regulated by the, Land Division Act. See MCL § 560.101 et seq.		
4.	New construction of a permitted industrial, commercial,	X	

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	office or multiple-family development			
5.	All special land uses	X		
6.	Change in use to a special land use	X		
7.	Changes of use to a permitted use		X	
8.	An increase in floor area over 1,000 square feet or over 25 percent of existing gross floor area, whichever is less, in a special land use	X		
9.	Increase in floor area not covered by Item 8 above		X	
10.	Cellular telephone tower, essential service substations, transmission lines, utility company buildings and storage yards	X		
11.	Improvements to outdoor public recreational uses and public parks		X	
12.	Expansion, replacing or alteration of landscaping areas consistent with this chapter		X	

13.	Improvements or installation of walls, lighting, or curbing		X	
14.	Alterations to off-street parking layout or installation of pavement provided the total number of spaces shall remain constant and the construction plans and lot construction are approved by the city staff		X	
15.	Relocation of a waste receptacle to more inconspicuous locations or installation of screening			X
16.	Changes to facade, architectural features or wall signs (elevation plan showing changes and construction materials is required)		X	
17.	City-approved changes to private utility systems		X	
18.	Grading, excavating, filling, soil removal, creation of swimming pool, creation		X	

	of ponds, or tree clearing over 100 square feet in horizontal area			
19.	Change from a nonconforming use to another nonconforming use		X	
20.	Modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or other federal, state or county regulations		X	
21.	Construction of accessory building or structure for the keeping of animals		X	
22.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool			X
23.	Preliminary plans for a mobile home park	X		
24.	Erection of essential public service local distribution lines			X
25.	Construction, erection or relocation of			X

	permitted accessory buildings and structures less than 200 square feet in area accessory to a multiple-family, commercial, office, essential public service, or municipal or industrial use			
26.	Permitted state licensed residential facilities in single-family zoning districts			X
27.	Internal construction or changes in the floor plan that do not increase gross floor area, increase the intensity of use or affect parking requirements on a site			X
28.	Repairing or restriping of parking lots			X
29.	Construction or erection of directional signs, retaining walls, fences, sidewalks, antennas, lights, piles, cooling/heating or other mechanical equipment, telephone booth, newspaper			X

	boxes or similar structures which conform to other city standards			
30.	A change in permitted use within an approved shopping center (if parking is adequate and signs and landscaping are conforming)			X
31.	Uses and facilities which use, store, or generate hazardous substances in quantities greater than 250 pounds per month or 25 gallons per month, whichever is less		X	
32.	Industrial development within 500 feet of a residential district (whether a permitted or special land use)	X		

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-603—110-620. Reserved.

ARTICLE XXIX. GENERAL PROVISIONS

(Supp. No. 31, Update 2)

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Sec. 110-621. Review and approval procedures for special land uses.

- (a) *Intent and applicability.* It is the intent of this section to establish and provide procedures and standards for uses identified in this chapter as special land uses in a particular zoning district, subject to review and approval by the planning commission, and where so required, by the city council. All special land uses shall be subject, unless otherwise required by the planning commission, to all of the minimum, general, and special conditions standards and procedures of this section regarding each use.
- (b) *Notice of request for special land use approval.* Upon receipt of an application for a special land use, a public hearing to be held by the planning commission shall be duly advertised in the manner set forth and regulated in Article XXX in this chapter. The hearing may be called at the initiative of the planning commission, or upon receipt of a request by the applicant for approval of a special land use, or by a property owner or by the occupant of a structure located within 300 feet of the boundary of the property being considered for the special land use. In either case, notice of a public hearing shall be advertised in the manner set forth and regulated in Article XXX in this chapter before a decision or a recommendation shall be made by the planning commission.
- (c) *Decision.* The planning commission or, when specified elsewhere in this chapter, the city council, shall deny, approve, or approve with conditions request for approval of a special land use. The decision on a special land use shall be incorporated in a statement of conclusions relative to the use under consideration. The decision shall specify the basis for the decision, and any conditions imposed thereon by the planning commission or the city council.
- (d) *Site plan required and duration of approval.* For all special land uses as set forth in the various zoning districts, a site plan shall be required. The site plan shall be prepared and submitted in accordance with the applicable requirements of Article XXVIII in this chapter. An approved site plan with or without conditions shall remain valid for the specific time period or periods set forth and regulated in Article XXVIII.
- (e) *Performance guarantees.* Performance guarantees may be required by the planning commission or by the city council to ensure compliance with the applicable requirements of this code pertaining to any special land use approval, including any conditions that may be attached to an approval.
- (f) *Standards.* In addition to or in conjunction with any specific standards which may be applicable to a special land use, the following standards shall also serve the planning commission and the city council as the basis for decisions involving the review of any special land use, and any discretionary decisions that may be involved in the review of a special land use in this chapter. Each such use or activity shall:
 - (1) Be compatible with adjacent uses and the zoning of the land around it.
 - (2) Be consistent with and promote the intent and purpose of this code.
 - (3) Be compatible with the natural environment and conserve natural resources and energy.
 - (4) Be consistent with existing and future capabilities of public services and facilities that will be affected by the proposed use.
 - (5) Protect and promote the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent to the proposed land use or activity and the city as a whole.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Performance guarantees, MCL 125.584e.

Sec. 110-622. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

It is recognized that there exists within the districts established by this chapter or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter.

It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict application of requirements for nonconformities under this chapter and, therefore, two classes of nonconforming use and structure are designated, being class A and class B. All nonconforming uses and structures are classified as class B nonconforming uses or structures unless designated class A nonconforming uses or structures.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Nonconforming uses and structures, MCL 125.583a.

Sec. 110-623. Class B nonconforming uses and structures.

All nonconforming uses or structures not designated class A shall be class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this article relative to nonconforming uses and structures.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Nonconforming uses and structures, MCL 125.583a.

Sec. 110-624. Class A nonconforming uses and structures.

Nonconforming uses or structures shall be designated class A providing that the planning commission finds all the following exists with respect to the use or structure:

- (1) The use or structure was lawful at its inception.
- (2) Continuance of the use or structure is not likely to significantly depress property values of nearby properties.
- (3) Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the chapter.
- (4) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Nonconforming uses and structures, MCL 125.583a.

Sec. 110-625. Class A conditions.

The decision to grant a class A designation shall be made in writing setting forth its findings of fact and basis for the designation. For changes or improvements to a class A use or structure, site plans shall be required and the planning commission may condition its approval on the following, and by the following procedure to assure the public health, safety or welfare or the spirit and purpose of this chapter:

(1) *Conditions.*

- a. Screening and landscaping in keeping with community standards to provide compatibility with adjacent uses.
- b. Restrictions on lighting, noise, or visual impact.
- c. Prohibition of curbside parking to an extent greater than the immediate property frontage of the nonconforming use, where such use is in close proximity to homes.
- d. Signage in compliance with zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
- e. Exterior building materials utilized in any alteration or rebuilding of the building shall be harmonious with materials on abutting properties whenever practical.
- f. Enlargement or replacement of a building that does not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
- g. Other reasonable safeguards and improvements imposed to protect conforming uses in the surrounding area.

(2) *Procedure.*

- a. A class A designation shall be deemed temporary until the planning commission has received written verification from the building official that the party requesting the class A designation has complied with all of the conditions set forth by the planning commission.
- b. Once the planning commission has received written verification from the building director that the party requesting the class A designation has complied with said conditions, the class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.
- c. No class A nonconforming use or structure shall be resumed if it has been discontinued for six consecutive months, or 18 months total in any three-year period. No class A nonconforming use or structure shall be used, altered, or enlarged in violation of any conditions imposed in its designation.
- d. A temporary class A nonconforming use or structure designation shall be void after six months if any conditions imposed by the designation remain unmet, unless the planning commission grants a written request for an extension of six months. No more than two extensions may be granted.

(Ord. No. 802, § 1, 12-14-2020)

State law reference(s)—Nonconforming uses and structures, MCL 125.583a.

Sec. 110-626. Reserved.

Sec. 110-627. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this code shall not be increased.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-628. Uses under exception provisions not nonconforming uses.

Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such district.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-629. Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-630. Accessory uses.

- (a) *Accessory buildings.* Except as otherwise permitted in this chapter, shall be subject to the following regulations:
- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to the main building.
 - (2) Accessory buildings shall not be erected in any minimum side yard setback or in any front yard.
 - (3) Any accessory building shall not occupy more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard, provided that in a residential district, the accessory building shall not exceed the ground floor area of the main building.
 - (4) No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than three feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
 - (5) No accessory building in R-1 through R-4, RT, RM-1, B-1 and P-1 districts shall exceed 15 feet in height if a flat roof building and may only be a flat roof building if the principal building it is intended to serve is a flat roof building. An accessory building with a sloping or pitched roof shall not exceed a height of 20 feet, or the maximum building height of the principal building it is intended to serve, whichever results in the lesser height. For an accessory building over 144 square feet, the slope of the roof shall be the same in pitch and appearance as that of the principal building it is intended to serve. Accessory buildings in all other districts may be constructed to a height equal the permitted maximum height of the principal building it is intended to serve, except when an accessory building in the other districts will exceed 20 feet in height, they shall require review and approval by the planning commission.

For the purpose of this subsection, building height shall be measured from the finish grade at the base of the building, or from the average grade, as defined in this chapter, to the top, or ridgeline of the roof.

- (f) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten feet to a street right-of-way line.
- (b) *Accessory structures.* Except as otherwise permitted in this chapter, accessory structures shall be subject to the following regulations:
 - (1) Accessory structures shall not be erected in any minimum side yard nor in any front yard.
 - a. Flagpoles may be located in any minimum required front or exterior side yard.
 - b. Canopy or canopies covering gasoline pump islands may extend into the required front or exterior side yard to a point not less than ten feet from a street or alley right-of-way line.
 - (2) Ground mounted private communication antennas shall be located in the rear yard, except when it can be shown that such antennas will not be highly visible from a street, or adjacent residential oriented property, they may be located in a nonrequired interior side yard. No private communications antenna, including so called extendable antennas shall exceed the maximum building height limitations of the district in which it is located when fully extended and shall be placed so that a horizontal distance at least equal to the vertical height of the antenna shall be provided between the base of the antenna and the nearest property line; except, in those instances where an antenna extending upward from the ground is also securely attached elsewhere to a building, the required distance to the nearest property line may be measured from the building attachment to the top of the antenna. All such antennas may be attached to a pole, tower, or rooftop of a principal or an accessory building, provided all applicable structural and electrical code requirements are met.
 - (3) Wind-powered generators shall be permitted, provided:
 - a. They are located in the rear yard only;
 - b. They do not exceed the maximum building height limitation of the district;
 - c. They are located on the premises so that a distance at least equal to the height of the generator blades at their apogee is provided to the nearest property line; and
 - d. They meet all applicable structural and electrical codes.
 - (4) Solar energy panels when located on the ground shall observe all applicable electrical codes and all applicable requirements pertaining to an accessory building. When roof mounted, they shall not project more than four feet outward from the roof, measured from the surface of the roof where affixed, to the farthest outward projection of the panel or unit.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-631. Exterior site lighting.

The intent of this section is to encourage site lighting that will be attractive to the eye while at the same time adequately illuminating a site for safety and convenience. It is further the intent of this section to discourage excessively bright and harsh site illumination that creates undesirable halo effects on the property, diminishes the residential environment of abutting and nearby dwellings and presents a potential hazard to vehicle and pedestrian traffic on abutting streets and sidewalks.

All exterior site lighting designed and intended to light private property shall comply with the following applicable requirements.

(1) *Exterior site lighting in nonresidential zoning districts.*

- a. Overall exterior site illumination limitations.
 1. All outdoor lighting must be so designed and arranged so as not to shine on adjacent properties or occupied dwellings, or adversely impact vehicular or pedestrian traffic on nearby streets, drives, walkways, or general rights-of-way. Outdoor lighting originating on a site must not exceed 0.5 foot-candle at the lot line. Proposed light fixtures must be down directed and shielded where necessary. The source of the illumination (luminaire) must not be visible from adjacent properties and be International Dark Sky Association compliant. Lights may be required to be full cutoff where they may impact residential uses.
 2. Outdoor lighting fixtures must not exceed a height of 30 feet in height or the height of the principal building on the site, whichever is less. For development sites abutting properties, lots used or zoned for one- and two-family residential uses, lights must not exceed a height of 16 feet. The Planning Commission may modify the height restrictions in commercial and industrial districts, based on consideration of the following: the position and height of buildings, the character of the proposed use; and the character of surrounding land use.
 3. Where outdoor lighting is required by this chapter, the light intensity provided at ground level must be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity must average a minimum of 0.5 foot-candle over the entire area, measured five feet above the surface.
- b. Pole requirements. Freestanding light poles:
 1. Shall be constructed of metal, concrete, wood laminates or composite materials and shall be of an architectural nature. Decorative streetlights and poles are required in the Town Center Overlay District and shall be approved by the Planning Commission prior to site plan approval.
- c. Architectural exterior lighting.
 1. Architectural exterior lighting that is designed and intended only to enhance the architecture of a building or to highlight a particular architectural feature of a building, and to provide lighting for no other purpose, shall consist of:
 - i. Low-wattage luminaire designed to cast soft light only on the subject.
 - ii. The luminaire, when directly visible from a fixture, shall not be an irritant to pedestrians or to vehicle traffic within the site or to traffic on adjacent streets, or to residents on any abutting residential properties.
- d. Wiring requirements. All electrical service to any exterior light source shall be placed underground and within the interior of any canopy structure and shall meet all applicable electrical wiring codes and ordinances.

(2) *Exterior site lighting in the multiple-family residential districts.*

- a. Freestanding light fixtures:
 1. May consist of a low-voltage incandescent luminaire contained in a decorative light fixture attached to the top of a low-profile yard type of light pole. All wiring to pole fixtures shall be underground and shall comply with all applicable electrical codes and ordinances.
- b. Wall- and roof-mounted fixtures.

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1. Carports in a multiple-family dwelling development may be lighted so long as all such lighting is contained in fixtures attached to the underside of the carport roof. The fixtures shall be placed no closer to the front of the roof structure than $\frac{1}{2}$ the distance from the rear of the roof structure to the front of the roof structure. Luminaires shall not exceed 100 watts and may be housed in fixtures with clear lenses.
 2. Wall-mounted fixtures shall consist of low-voltage incandescent luminaires contained in decorative fixtures. Wall-mounted fixtures may be placed next to the main entrance to a dwelling unit or building entrance and next to any rear entry.

(3) *General lighting exemption.*

- a. To request a waiver of up to 20 percent of the full lighting requirements of this section, an applicant must submit evidence to demonstrate that the waiver or exemption does not result in any unnecessary hardship on surrounding properties, business, and residences, and meets all of the criteria listed in this section. A public hearing shall be held in accordance with Article XXX of this chapter.
- b. The planning commission may approve such waiver or exemption upon finding that such waiver or exemption does not result in any unnecessary hardship on surrounding properties, business, and residences, and meets all of the criteria listed in this section.
- c. Although not necessary, an applicant may elect to apply for an exemption in lighting requirements for projects located in business districts. This application is not applicable for projects located in zoning districts other than the B-1, B-2, and B-3.
- d. In approving an exemption in lighting requirements authorized by this Code, the planning commission shall consider and apply the following criteria:
 1. The exemption in the lighting requirement is justified by the reasonably anticipated usage by businesses of and visitors to the project; and
 2. The exemption in the lighting requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity; and
 3. The pattern of land use and character of development in the vicinity; and
 4. Such other criteria as the planning commission deems appropriate in the circumstances of the particular case.

(4) *Prohibition.* The following is a list of prohibitions:

- a. *Searchlights.* The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
- b. *Recreational facilities.* No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting event or any other activity conducted at a ballpark, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.
 5. Outdoor building or landscaping illumination. The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited.
 6. Mercury vapor fixtures.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-632. Signs.

The purpose of this section is to permit and regulate signs of all types in all zoning districts. The regulation of signs is intended to enhance the physical appearance of Trenton, to preserve scenic and natural beauty and to create a climate that is attractive to business while preserving the general health, safety and welfare of the community. It is further intended by the provisions of this chapter to improve traffic safety by avoiding sign distractions and the "canceling out" effect of conflicting overlapping signs.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-632.1. Definitions.

Accessory sign: A sign which pertains to the principal use of the premises.

Billboard: A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A billboard sign differs from a freestanding sign based on size. A billboard sign is typically 200 square feet or greater in size.

Billboard, Digital: A digital billboard is a billboard that displays digital images that are changed by a computer every few seconds. Digital billboards are primarily used for advertising, but they can also serve public service purposes.

Business center: For purposes of this chapter, a business center shall mean any group of two or more commercial or industrial establishments having not less than 100 feet of frontage on a major or secondary thoroughfare as defined by the Trenton Master Plan and which are under common ownership or management, have a common arrangement for the maintenance of the grounds and/or are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or share a common parking area.

Changeable copy sign: A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using LED, LCD, or flipper matrix.

Directional sign: An accessory sign provided to clarify circulation patterns on a site.

Exterior building entrance: For the purposes of this section, an exterior building entrance includes only those available for use by customers or patrons and does not include service or employee entrances.

Festoon sign: a sign where incandescent light bulbs, banners or pennants or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve.

Flashing, animated or moving sign: A sign that intermittently reflects lights from either an artificial source or from the sun or which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity or has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

Ground sign: A sign not attached to any building and supported by uprights or braces or some object on the ground and is a type of free-standing sign.

Height: The height of a sign is the distance from the ground to the highest point of the sign, including the sign frame.

Inflatable sign: A sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Maximum size of sign: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is

placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Nameplate: An accessory sign stating the name or street number of a person, firm, building or institution of a certain permitted use.

Natural materials: Includes, but are not limited to, wood, stone, and brick. Substances specifically excluded from this definition are plywood, pressed board, drywall, concrete block, poured concrete, wood or metal paneling, sheet metal, or any substances synthetically created in a manufacturing process.

Painted wall sign: A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

Portable sign: A sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be portable only if such sign is manifestly designed to facilitate its movement from one zoning lot to another.

Projecting sign: A sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

Pylon sign: A ground sign which is elevated by one or more bearing columns.

Roof sign: An accessory sign erected and maintained upon the top of a sloping roof or upon the top of a flat roof with the principal supporting base being the roof.

Sign: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as to show an individual firm, profession, business, product or message and which are visible to the general public.

Sign area: The gross surface area within a single continuous perimeter enclosing the extreme limits of a sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural or framing elements, lying outside the limits of such sign and not forming an integral part of the display. For computing the area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all the letters and descriptive matter.

Snipe sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Swinging sign: A sign installed on an arm, mast, spar or building overhang that is not rigidly attached to such arm, mast, spar or building overhang.

Vehicle business sign: A vehicle, upon which a sign is painted or attached, which is not used for transportation on a daily basis as a part of the operation of such business and is parked or placed on a property for advertising purposes.

Wall sign: a sign erected or fastened to the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected or fastened.

Window sign: A permanent or temporary sign painted, placed, or affixed to a window or within 12 inches of a window so as to be visible from the exterior of the premises where displayed.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-632.2. Signs not permitted.

The following signs shall not be permitted in any use district unless otherwise provided for in this chapter:

- (1) Festoon sign.
- (2) Flashing, animated or moving sign.
- (3) Projecting sign (except swinging signs in the B-2/B-3 district).
- (4) Snipe sign.
- (5) Vehicle business sign.
- (6) Roof mounted signs.
- (7) Portable signs.
- (8) Billboard.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-632.3. General provisions.

The following conditions shall apply to all signs erected or located in any use district.

- (1) Except for signs erected by the City of Trenton, Wayne County, State or Federal governments, no sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement except in those instances where a wall sign is affixed to the wall of a structure which lies on a right-of-way line. In such cases the wall sign may project a distance of 18 inches into the right-of-way, provided such sign is no closer than 12 feet from the ground. Otherwise, except for permitted swinging signs, signs mounted on a building, shall not project beyond or overhang the wall by more than 12 inches.
- (2) Wall signs mounted on a building shall not project above the highest point used to measure the height of the building.
- (3) Signs shall be permitted in any required yard and for the purposes of determining required height and required front setbacks, signs shall be exempt from the schedule of regulations of the Zoning Ordinance and the standards provided in this section shall apply.
- (4) No sign shall be erected which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- (5) Accessory signs shall be permitted as provided for herein in any zoning district.
- (6) Non-accessory signs shall be permitted in zoning districts as provided for in the City of Trenton Zoning Ordinance.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-632.4. Sign standards/illumination.

Illuminated or illumination refers to lighting of a sign by any type of artificial light, whether by emission or reflection. In all zoning districts all sign illumination shall adhere to the following requirement and/or the International Dark Sky Association standards (<http://www.darksky.org/>) whichever is more restrictive in terms of Standards/Illumination:

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- (1) Electrical requirements pertaining to signs shall be in accordance with the *State of Michigan Electrical Code*.
 - (2) If illuminated, sign shall be illuminated only by the following means:
 - a. By an external, steady, stationary light of reasonable intensity, shielded and directed solely by the sign.
 - b. By whiter interior light.
 - (3) To prevent glare, illuminated signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn. All illuminated electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other applicable law, the interface that programs an electronic sign shall be made available to city staff for inspection upon request. If the interface is not or cannot be made available upon the city's request, the sign shall cease operation until the city has been provided proof of compliance. Regardless of any other requirement, illuminated signs shall not project light that exceeds $\frac{1}{100}$ of a foot candle above the ambient light at any property line bordering any residential zoning district, as defined in the Zoning Ordinance.
 - (4) Changeable copy signs.
 - a. The changeable copy portion of a sign shall not exceed 50 percent of the area of the sign and shall not exceed 30 square feet per sign and 15 square feet per sign face.
 - b. Scrolling or traveling of a message on changeable copy is prohibited.
 - c. Changeable copy shall not change more than once every one minute.
 - d. Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.
 - (5) Digital billboards.
 - a. should not display moving or flashing images (or lighting) or
 - b. change in a way that produces an impression of movement
 - c. Transition Time between images should be instantaneous.
 - (6) LED shall be no more than 20 percent of any sign.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-633. Entranceways for residential developments.

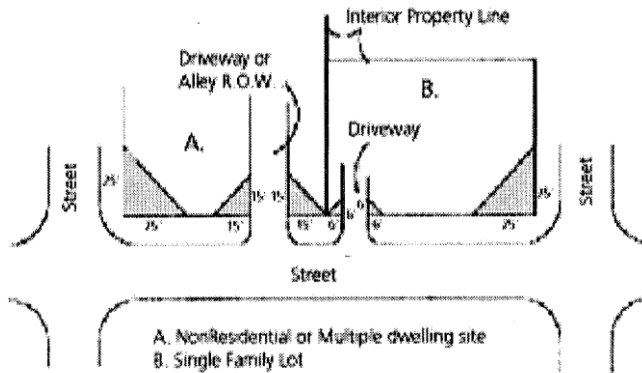
In all Residential Districts, so-called entranceway structures, including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, except as provided in this Article regarding corner clearance, provided that such entranceway structures shall comply to all codes of the City of Trenton and shall be approved by the building department and a permit issued.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-634. Corner clearance.

The following standards are designed to provide for clear corner vision areas and shall be complied with where applicable:

- (1) *Street intersections.* No fence, wall, shrubbery, sign, or other obstruction to vision above a height of three feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines to a distance along each line of 25 feet from their point of intersection. Except a freestanding pole sign/pylon sign supported by only one pole the diameter of which shall not exceed ten inches and which has at least eight feet of unobstructed clearance from the ground at the base of the pole to the bottom of the sign, may be permitted;
- (2) *Driveway and alley intersections.* Wherever a driveway intersects a public right-of-way serving multiple-family residential building, or a nonresidential use, no fence, wall, shrubbery, sign or any other obstruction to vision above the height of three feet measured from the established street grade shall be permitted within the triangular area formed at the intersection of the driveway with a street or alley by a straight line drawn between said driveway and the intersecting street or alley right-of-way lines to a distance along each line of 15 feet from their point of intersection. For a driveway serving a single-family or two-family dwelling building the minimum distance for computing the clear vision triangle shall be six feet. The same distances shall apply when a driveway or alley right-of-way a public right-of-way near an abutting lot line.
- (3) *Public safety exception.* In the interest of public safety, the minimum corner clearance requirements of this section may be increased at the recommendation of the Trenton Police Department.



Restricted Clear Corner Vision Areas

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-635. Frontage on a public street.

No lot shall be used for any purpose permitted in this chapter unless said lot abuts a public street, unless otherwise provided in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-636. Access to major thoroughfare or collector street.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare or collector street; provided, however, that the planning commission may grant an exception to this requirement where the commission finds that the properties on both sides of the street between the site and the major thoroughfare, freeway service drive or collector street are developed, zoned or planned for multiple-family residential or nonresidential purposes.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-637. Fences.

Fences shall be subject to the conditions set forth in Chapter 18, Article IV, as amended, which regulates fences in the city.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-638. Roofs, awnings and canopies.

Fixed roofs, awnings, canopies or other shading or decorative devices, whether freestanding or structurally attached, which are intended to cover a porch, patio or door wall opening and not otherwise provided in this article regarding accessory uses, shall be subject to all of the setback and lot coverage limitations set forth and regulated in this chapter. Window awnings shall be excluded from these requirements.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-639. Parking and storage of recreational vehicles in residential districts.

- (a) *Restrictions.* The off-street parking or storage of any recreational vehicle, including, but not limited to, boats, jet skis, snowmobiles, truck camper bodies, travel trailers, off-road or other altered vehicles, motor homes, and utility trailers (as well as their trailers for carrying or storage) shall not be permitted in residential districts, except under the following conditions:
- (1) *Parking.* A total of one recreational vehicle may be parked on a public street or in any hard surfaced driveway on a residential lot with the permission of the owner of such lot for the purpose of loading or unloading the vehicle or for general maintenance of the vehicle not to exceed 72 hours. Parking of the vehicle for other purposes shall be considered storage under this section and shall be subject to the limitations provided in this section.
 - (2) *Storage.* Recreational vehicles may be stored on a residential lot, provided:
 - a. Each vehicle shall be stored fully within the rear yard, or within an interior side yard.
 - b. When stored within a rear yard, the vehicle shall meet the setback requirements of an accessory building as set forth in this Article, and the vehicle may be stored within any portion of a dedicated easement provided the vehicle shall be maintained so that it can be readily move in case of an emergency.
 - c. When stored in an interior side yard, the vehicle shall not project beyond the front wall of the house, or extend above a height of six feet, measured from the surface of the driveway to the highest point of the vehicle, including the trailer, but excluding vehicle masts, antennas and open windshields extending upwards from the main deck; Except a vehicle may exceed this maximum

height limitation provided the vehicle shall be stored no closer to the nearest wall of the principal building on the adjoining lot than a distance which shall be the remaining height of the vehicle above six feet, plus four feet in the R-3 districts, or plus five feet in the R-1 and R-2 districts.

- d. The storage of such vehicles as indicated in this section shall not occupy more than 25 percent of a required rear yard, or 40 percent of any nonrequired rear yard, or exceed the ground floor area of the main building.
 - e. When a storage area is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the storage area shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall a storage area be located nearer than ten feet to a street right-of-way line.
 - f. Vehicles shall not be used to store flammable or explosive fuels or materials that are contrary to federal, state, or local regulations.
 - g. Vehicles shall be fully operable and kept in good repair and shall display the current license plate and/or registration as may be appropriate under state law for the particular type of vehicle. For the purpose of this subsection, the term "current" shall mean having an expiration date not more than six months old in the case of a semiannual or seasonal license.
 - h. At no time shall a recreational vehicle be used for living or housing keeping purposes, nor shall it be connected to water, gas, electrical or sanitary sewer facilities, except for the purpose of heating, cooling or battery charging preparatory to departure, or for general vehicle maintenance purposes.
- (3) *Requests for exceptions or special approvals; variances.* Notwithstanding the provisions of Article XXXI, Zoning Board of Appeals, in this chapter, no requests for exceptions or special approval shall be heard or granted by the zoning board of appeals regarding the enforcement of the provisions of this section. However, nothing in this section shall be construed to prohibit or prevent persons from bringing administrative or variance appeals to the zoning board of appeals in accordance with the applicable sections of Article XXX in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-640. Exterior building wall materials guidelines.

The purpose of this section is to serve as a guideline for the establishment of a harmonious building wall appearance on all exterior walls of a building so as to create, enhance and promote a uniform and quality visual environment throughout the city. The reader is encouraged to follow the guidelines to the extent possible to create a more attractive building in the City of Trenton, thereby sustaining the city beautiful efforts currently enjoyed by the residents of the city. The guidelines presented herein are just that, guidelines. They are not a mandatory requirement. The reader may choose to follow all, or any part, of the exterior building wall appearance guidelines presented in this section.

- (1) To encourage proper and effective attention will be given to the visual appearance of both residential and nonresidential buildings, the exterior building walls of a new building should consist of the same uniform exterior building wall finish materials as the front wall of the building. The building department must recognize all materials as acceptable finish materials.
 - a. Whenever the exterior building wall materials standards set forth in this section are chosen to be followed, they should include a brief written statement describing how the exterior building wall material, or combination of materials, as set forth in this section, will be consistent with the

materials on a majority of the same type of buildings in the surrounding area. For the purpose of this subsection, the reader is encouraged to apply the following guidelines:

- b. When four or more new single-family or two-family dwelling buildings are erected on contiguous lots on condominium home sites, they shall consist of face brick materials as defined in Article II (definition of *Face brick*) in this chapter, on all exterior building walls.
 - c. When three or less single-family, two-family, or multiple-family dwelling buildings are erected on contiguous lots or condominium home sites, they should consist of the same exterior building wall materials as a majority of the single-family, two-family, or multiple-family dwelling buildings in the surrounding area.
 - d. A residential dwelling building should be provided with basically the same or similar exterior building wall and roof designs and roofing materials found on a majority of the residential dwelling buildings in the surrounding area.
 - e. A residential dwelling building shall be provided with exterior finish materials, such as doors and windows that are like or similar to a majority of the residential dwelling buildings in the surrounding area.
 - f. For the purpose of determining the surrounding area, the same procedure may be applied as set forth in Article IV, in this chapter.
 - g. In the case of a nonresidential building in a residential zoning district, all of the exterior walls of the building should consist of face brick materials as defined in Article II (definition of *Face brick*), in this chapter.
 - h. In the case of a nonresidential building in a nonresidential zoning district, the exterior walls of the building should consist of the same materials as exists on a majority of the nonresidential buildings in the surrounding or nearby area as set forth and regulated in Article IV, in this chapter.
- (2) The exterior building wall materials guidelines the reader is encouraged to follow are outlined below.
- a. New single-family, two-family or multiple-family residential dwelling buildings.
 - 1. These buildings should have exterior walls that consist mostly of face brick material, as defined in this chapter, or a similar type of acceptable material that is consistent with the majority of the residential buildings in the surrounding area. A second story may consist of the same exterior building wall materials as the first floor, or if the first floor walls consists mostly of approved masonry materials, the second floor walls may consist of a different type of exterior building wall material, so long as the material and its appearance is like or similar to a majority of the residential buildings in the surrounding area.
 - 2. New single-family, two-family or multiple-family residential dwelling buildings with basements and/or chimneys whose exterior walls will extend upwards above the grade at the base of the wall should consist of the same exterior masonry or cementitious materials as appears on the first floor of the building. In the instance of a new residential building that will be erected without a basement, the first, or ground floor, should be elevated to resemble a majority of the residential buildings in the surrounding area, if those residential buildings have basements.
 - b. Nonresidential buildings.
 - 1. Except where otherwise outlined in this section, the exterior building walls of a nonresidential building and any related accessory building should to the extent possible, consist of the exterior building wall materials and/or combinations of materials outlined in

this section that are like or directly similar to the exterior walls of a majority of the nonresidential buildings in the surrounding area, and no exterior building wall should consist of any materials that are outlined in this section.

2. The exterior building walls of a nonresidential building should to the extent possible, consist of the following materials or combinations of materials:
3. Face brick for nonresidential buildings as defined in Article II in this chapter.
4. Glazed kiln baked clay or shale ceramic masonry units, or cut stone or fieldstone, when these materials are used only in limited proportions as accent materials.
5. Precast concrete in form and pattern that may consist of its natural color or may be treated (impregnated, not painted) with earth tone colors, as defined in this chapter.
6. Finished cementitious materials, including finished systems and stucco. The use of architectural masonry block such as split face, ribbed, and rough-hewn masonry units may be used only as accent materials but the reader is encouraged to limit the use of such materials so that they will not make up more than 25 percent of any exterior wall, except when used in conjunction with E.I.F.S. (so called dryvit) material, such block materials should be placed from the ground upwards a minimum height of three feet, even if their use may exceed the 25 percent coverage limitation for this material on an exterior building wall.
7. Metal materials, including flat sheets, standing seamed or ribbed panels, stainless steel and porcelain clad materials. The reader is encouraged to limit the use of these materials to 25 percent of the exterior building walls.
8. Materials other than those specifically outlined in subsection (2) of this section are expressly prohibited. Expressly prohibited materials shall include:
 - i. Standard smooth face concrete masonry units (CMU).
 - ii. Tarred paper products, felt, tin and corrugated iron.
 - iii. Pressed or laminated wood products.
 - iv. Similar products or materials.
9. After review and approval by the building department, other materials not discouraged in subsection (2)b.8. in this section, may be substituted in place of, or in combination with, the materials set forth in subsection (2)a. and b. in this section.

The building department may approve alternative materials only when it determines that such materials will:

- i. Be in direct harmony with the intent and purpose of this section and will stand to further promote the uniform and quality visual environment of the city.
- ii. Meet all applicable requirements of federal, state, and local building codes.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-641. Textile recycling and donation bins.

- (a) Bins shall not be placed on any property without express written permission from the property owner and after receiving approval and a permit (sticker) from the city.
- (b) Bins shall only be allowed in the B-1, B-2, and B-3 zoning districts.

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- (c) There shall be not more than two bins per property.
 - (d) Bins shall not be located adjacent to any public rights-of-way, public sidewalks, or greenways, to the maximum extent practicable.
 - (e) Bins shall not be located within required parking spaces or landscape areas.
 - (f) Each bin shall be placed on a concrete pad not to exceed eight feet wide by five feet long and in a manner that is publicly accessible.
 - (g) Except for a secure safety chute in which donations are deposited, bins shall remain locked at all times to prevent access by animals or unauthorized persons.
 - (h) Bins shall be emptied and refuse around them collected and removed promptly.
 - (i) Bin operator and property owner on which bins are located shall have two business days after receipt of a notice from the city to correct any violations of this section.
 - (j) Applicant for a bin shall:
 - a. Provide a plan detailing
 - 1. The access route of the vehicle used to unload the contents of the bin.
 - 2. The dedicated parking space used for patrons to unload donations.
 - b. Provide a schedule for normal pick up of donations.
 - c. Provide written permission from the property owner, owner's agent or an officer, director, member, or manager of an entity owning the property.
 - d. File an application with the city each year. The filing of an application does not designate approval of a bin. Approval of a bin is only received after an application is submitted, reviewed, and stamped "approved" by the engineering department of the city if all requirements are met. Upon approval of an application the applicant will receive a sticker from the city to be placed in the appropriate location on the bin.
 - (k) Aesthetic standards:
 - a. Bins shall not exceed six- and one-half feet in height.
 - b. Bins shall be constructed of a durable metal, UV-resistant molded hard plastic or fiberglass material.
 - c. Bins shall prominently display the name, address, and telephone number of the owner/operator of the bin in characters no less than one-half inch in height and not greater than six inches in height.
 - d. Bins shall at all times be maintained in good repair, and clean condition, and shall remain free of graffiti, or other markings.
 - e. Bins shall not be utilized for the display of any advertising, signage or promotional materials other than the information of the owner/operator/charitable organization of the bin as stated in this section.
 - (l) Fee required per bin:
 - (1) Initial application (one-year period) \$110.00, or such other amount determined by council.
 - (2) Renewal application (one-year period) \$60.00, or such other amount determined by council.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-642. Dumpsters and temporary storage containers.

- (a) *Prohibited.* It shall be prohibited to store dumpsters or temporary storage containers on private property except as hereinafter provided. Dumpsters and temporary storage containers shall include, but are not limited to, the following illustrative examples, construction dumpsters, roll-offs, portable on demand storage containers, shipping containers, over-seas containers, inter-modal containers, moving containers.
- (b) *Limitations.* Dumpsters and temporary storage containers are allowed on private property or private streets provided the following:
- (1) Line of sight shall not be obstructed, as defined in this Article.
 - (2) Dumpsters and temporary storage containers shall not be located in a public right-of-way and shall not obstruct public sidewalks.
 - (3) Dumpsters and temporary storage containers shall clearly identify the providing company's name and phone number.
 - (4) Only one dumpster or temporary storage container may be placed on a property at any one time.
 - (5) Dumpsters and temporary storage containers are allowed on a property for a period of an accumulative period not to exceed 21 days within a six-month period.
 - (6) Dumpsters and temporary storage containers shall not be used to store household trash or other items or waste that will cause offensive odors, attract insects or vermin, and/or create a nuisance in general.
 - (7) Open containers shall not be filled beyond the top edge.
 - (8) When not in use, open containers shall be securely tarped.
 - (9) Dumpsters and temporary storage containers shall comply with all other applicable codes, ordinances, and zoning requirements of the city.
- (c) *Exemptions.*
- (1) In cases where the physical limitations of a property prevent a dumpster or temporary storage container from being stored on private property, the city engineer or his/her designee may, upon application, permit a dumpster or temporary storage container to be located on public property, provided however, that such approval is in writing and in compliance with all other regulations. In granting this exemption, the timeframe for which the placement may be allowed can be restricted below that otherwise permitted, or extended beyond that specified in this section, if approved and individual circumstances warrant.
 - (2) Construction dumpsters are allowed on a property for a period of six months, provided that a valid construction permit exists for the same location and compliance with all other regulations occurs.
 - (3) Dumpsters required for demolitions are allowed on a property for the term of a valid demolition permit for the same location and there is compliance with all other regulations.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-643. Conditional rezoning.

- (a) It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions attach as part of a request for rezoning. It is the intent of this section to provide a process consistent with the provisions of section 405, Michigan Zoning Enabling Act 110 of 2006 (MCL125.3405) by which an owner seeking a rezoning

may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(1) *Application and offer of conditions.*

- a. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.
- b. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
- c. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- d. Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of the Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- e. Any use or development proposed as part of an offer of conditions that require variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.
- f. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are agreed to by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice, new recommendation, and fees.

(2) *Planning commission review.* Planning commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(3) *City council review.* After receipt of the planning commission's recommendations, the city council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The deliberations shall include, but not be limited to, a consideration of the factors for rezoning of this chapter. Should the city council consider amendments to the proposed conditional rezoning advisable and if such a contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the city council shall, in accordance with section 405 of the Michigan Zoning Enabling Act (MCL125.3405), refer such amendments to the planning commission for a report thereon within a time specified by the city council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

(4) *Approval.*

- a. If the city council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall

be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested zoning.

- b. The statement of conditions shall:
 - 1. Be in a form recordable with the register of deeds of the county or, in the alternative, be accompanied by a recordable affidavit, or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the city council.
 - 2. Contain a legal description of the land to which it pertains.
 - 3. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - 4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the petitioner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - 5. Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the city with the register of deeds of the county.
 - 6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
 - c. Upon rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The city clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 - d. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the city with the register of deeds of the county. The city council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the city or to any subsequent owner of the land.
 - e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- (5) *Compliance with conditions.*
- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this Zoning Ordinance, result in a reversion of the zoning classification to its previous designation and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - b. No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- (6) *Time period for establishing development or use.* Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion within a pre-determined time

period. This time limitation may upon written request be extended by the city council if (1) it is demonstrated to the city council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the city council finds that there has not been a change in law or surrounding development that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- (7) *Reversion of zoning.* If approved development and/or use of the rezoned land do not occur within the time frame specified under subsection (6) above, or the conditions of zoning are violated, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act (MCL125.3405). The reversion process shall be initiated by the city council requesting that the planning commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- (8) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to the subsection (g.) above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. The city clerk shall record with the register of deeds of the county that the statement of conditions is no longer in effect.
- (9) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (6) above or during any extension thereof granted by the city council, the city shall not add to or alter the conditions in the statement of conditions.
- (10) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (MCL125.3405).
- (11) *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 an owner's rights under this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-644. Impervious surface standards.

Impervious surfaces, usually found in developed areas, can have a significant impact on water quality. Impervious surfaces increase the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Impervious surfaces can accumulate large amounts of pollutants that are then "flushed" into local water bodies during storms. Impervious surfaces also can interfere with recharge of ground water and the base flows to water bodies. Examples of common impervious surfaces include roads, rooftops, buildings, parking lots, driveways, sidewalks and patios. Almost any contemporary urban land use produces over ten percent impervious coverage, with the most significant amount of that coverage coming from roads, driveways, and parking lots. Degradation of water quality and loss of habitat value can occur as impervious surface coverage in a watershed approaches ten percent. Greater impacts to water quality occur as impervious surfaces begin to dominate the landscape.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-644.1. Intent.

The objective is to infiltrate all, or almost all, rainfall on the site by minimizing the effective impervious surfaces. Effective impervious surface means that the necessary impervious surfaces, such as driveways and buildings, are buffered by pervious surfaces that provide the infiltration necessary to effectively eliminate the impact of the impervious surfaces.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-644.2. General impervious requirements.

The impervious surface requirements apply to the following districts:

- (1) All districts except the Town Center Overlay District and within the DDA boundaries.
- (2) Impervious cover (not mitigated by on-site vegetated swales, infiltration basins or other techniques approved by the City of Trenton) shall not exceed 20 percent percent of the total subject site area draining to each drainage discharge point.
- (3) Minimum pervious surface percentage requirements: The minimum pervious surface percentage requirement shall be applicable only in conjunction with the following:
 - a. The construction of a new principal structure;
 - b. An addition to a principal or accessory structure, other than a historic resource, that increases the existing lot occupancy at the time of a building permit application by ten percent or more;
 - c. The construction of a new accessory structure that increases the existing lot occupancy at the time of a building permit application by ten percent or more; or
 - d. An addition to a historic resource that increases the existing lot occupancy at the time of building permit application by 25 percent or more.
- (4) Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:
 - a. Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;
 - b. Permeable or pervious pavers or paving that facilitate the infiltration of water into the soil; and
 - c. Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.
- (5) Pervious surfaces on a lot shall not include:
 - a. On-grade surface treatments used for purposes of recreation (e.g. patios), outdoor stairways, walking, driving and parking areas made of concrete, brick, asphalt, decorative pavers, compacted gravel or other material that does not facilitate the infiltration of water directly into the subsurface of the lot;
 - b. The building footprint based on its foundation perimeter, whether located below grade or at grade;
 - c. Where a building does not have a foundation, the area of the roof; and
 - d. The area dedicated to a below or above grade swimming pool.

The percent of pervious surface area shall be calculated by dividing the total area of pervious surfaces on the lot by the total area of the lot.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645. Wetlands preservation ordinance.

Preservation and enhancement of wetlands is essential to maintaining and improving the city's aesthetic character, its ecological stability, its economic well-being, its educational opportunities, and its quality of life.

Wetlands are protected to help reduce damage to aquatic resources from erosion, turbidity, siltation, and contamination. They are protected to minimize the loss of native plants and animals, to help preserve biological diversity and to minimize the loss of wildlife habitat within the city and to sustain many benefits wetlands can help provide - including flood control, stormwater storage and release, ground water recharge, and water quality improvement.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.1. Definitions.

Words and phrases used in this chapter shall have their usual and customary meaning, provided, however, that all words defined in the Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and used in this chapter, shall have the meaning specified in that Act and the administrative regulations passed pursuant to that Act, except that the following words and phrases are defined as follows:

- (1) *Noncontiguous wetland.* A wetland which is not "contiguous" as defined by law for wetland regulation.
- (2) *Use permit.* The city approval required for activities regulated by this chapter.
- (3) *Use permit fee.* An amount paid to the city to obtain a use permit.
- (4) *Wetland.* Any land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.
- (5) *Storm water retention/detention basin.* An artificial impoundment constructed in upland which serves to restrain or filter storm water runoff.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.2. Relationship to other permit requirements.

Approvals under this chapter shall not relieve a person of the need to obtain other required permits nor shall issuance of another permit relieve a person of the need to obtain approval under this chapter, if applicable.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.3. Wetland determination.

- (a) The physical boundary and extent of wetlands shall be identified by a professional having technical ability and experience sufficient to accurately identify wetland boundaries.
- (b) Wetland determination shall be made using the same criteria as provided for Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and administrative rules as amended.

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- (c) To facilitate verification, the boundary of the wetland shall be flagged in the field by the applicant prior to the application for a use permit.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.4. Activities which require a use permit.

Except as otherwise provided by this chapter or by a use permit obtained from the city, a person shall not:

- (1) Deposit or permit the placing of fill material in a wetland.
- (2) Dredge, remove, or permit the removal of soil or minerals from a wetland.
- (3) Construct, operate, or maintain any use or development in a wetland including draining or directing water from an upland activity into a wetland.
- (4) Drain surface water from a wetland.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.5. Non-regulated activities.

The following activities and uses are not regulated by this chapter:

- (1) The activities which are allowed in a wetland without a permit by Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- (2) Stormwater retention/detention basins not intended nor acting as mitigation of any wetland disturbed by development.
- (3) Construction of or addition to a single- or two-family dwelling on an approved subdivision or condominium lot that is less than $\frac{3}{4}$ acre in size and zoned solely for residential purposes where the wetland is wholly contained on the lot.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.6. Application for use permit.

Applications for a use permit shall be filed with the engineering and building department as prescribed below:

- (1) The application material for a use permit shall consist of the following:
 - a. Ten copies of the state-approved "Application for Permit" and "Application for Local Wetland Permit," with each section thoroughly completed.
 - b. Ten copies of drawings which contain, at a minimum, the information provided for on the "Application for Permit."
 - c. A signed letter from the applicant which explains why the project meets the use permit standards and criteria contained in Article XXV of this chapter.
- (2) Ten copies of the mitigation plan shall be submitted, if mitigation is proposed. In order to adequately review a proposed mitigation plan, the following information should be provided to the city:
 - a. A brief overview of the plan including the short-range and long-range objectives for vegetation, hydrology, grading, and monitoring.

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- b. A schedule of all mitigation activities, including coordination with other local and state agencies, if applicable.
 - c. A planting plan and plant list for the area(s) to be established. The use of native plants characteristic of local conditions is encouraged. Species should be selected based on the need for wildlife, restoration, landscaping, and recovery. The engineering and building department shall, in consultation with knowledgeable persons, maintain and update a list of botanical species which are considered invasive. Mitigation activities shall be performed without the use of invasive species.
 - d. A grading and soil erosion control plan including existing and proposed conditions.
 - e. A description of all soils and materials to be used including their approximate volumes and origin.
 - f. Hydro-geological information sufficient to determine the site's suitability for the mitigation.
 - g. Construction detail drawings for planting, soil erosion control, stabilization, water conveyance, and all other items necessary to facilitate the review.
- (3) Ten copies of a monitoring plan (text or drawings or both) shall be submitted, if mitigation is proposed. In order to adequately review a monitoring plan, the following information should be provided to the city:
- a. Schedule and list of activities to be contracted and conducted related to the site's hydrology, including sub-surface and surface water for a period of at least five years. A report and recommendation on the hydrologic conditions of the site should be submitted to the engineering and building department annually.
 - b. Schedule and list of activities to be contracted and conducted related to the site's plant establishment and control of invasive exotic species for a period of at least five years. A report and recommendation on the plant establishment of the site should be submitted to the engineering and building department annually.
 - c. To assure that the objectives established in the mitigation plan are successful, the monitoring plan should indicate the mechanisms necessary to execute the recommendations from the annual reports and provide for additional monitoring after the five-year period.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.7. General review requirements.

Upon receipt of an application, the application shall forward the application and supporting documentation and plans to the Michigan Department of Environmental Quality. The city shall review the application pursuant to this chapter and shall modify, approve (with or without conditions), or deny the application within 90 days after receipt. An application for a permit shall not be deemed as received or filed until all information requested on the application form, the application fee, and other information required by this chapter and necessary to reach a decision. The period for modifying, approving, or denying an application begins as soon as all such information and the application fee are received by the city. The failure to supply complete information with a permit application may be reason for denial of a permit. The denial of a permit shall be accompanied with a written reason for denial. If the city does not modify, approve, or deny the permit application within 90 days, the permit application shall be considered approved.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.8. Departmental review of use permit application.

- (a) After application is made to the engineering and building department, application documents shall be distributed to the following for review and comment:
 - (1) City engineer.
 - (2) Building official.
 - (3) Planning consultant.
- (b) The engineering and building department shall review the use permit application to verify that all required information has been provided. At the request of the petitioner or the city, an administrative meeting may be held to review the proposed activity in light of the purposes of this chapter.
- (c) Upon receipt of a complete application, the engineering and building department may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received. The receipt of a use permit application shall comprise permission from the owner to complete an on-site investigation.
- (d) If a state permit is required, the engineering and building department shall coordinate field investigations with state agency personnel to the maximum feasible extent.
- (e) Plans for wetland mitigation shall be reviewed only after the requirements of this section have been met.
- (f) It shall be the responsibility of the city engineer to select a qualified wetlands consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the city, if the department determines its necessity.
- (g) When a use permit application is not related to a development or activity necessitating review and approval of a site plan or plat by the planning commission or city council, the city engineer shall be responsible for granting or denying the application.
- (h) Prior to the decision of the engineering department, notice of the use permit application shall be sent by first-class mail to property owners within 300 feet of the boundary of the property upon which the activity is proposed at least 15 days before the city engineer makes his or her decision, which notice shall indicate where and when the use permit application may be examined and that said owner(s) may file comments with the engineering and building department.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.9. Planning commission review of use permit application.

After the appropriate parties have completed their review of a use permit application, the application shall be referred to the planning commission if it relates to a proposed development or activity which requires review by the commission pursuant to the terms of another chapter. A public hearing with regard to the use permit application shall be held by the planning commission at the same meeting at which it considers the related site plan or preliminary plat. Public hearing requirements shall be the same for the wetland application as for the related site plan or preliminary plat. The public hearing on the wetland permit application shall be held concurrently with the public hearing required by another chapter. After conducting a public hearing, the planning commission shall:

- (1) In the case of a site plan, an amendment to an approved site plan, or a preliminary plat, make a recommendation to the city council with regard to whether the use permit application shall be issued and in connection with a favorable recommendation may suggest conditions; or

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- (2) In the case of a site plan for minor modification, modify, approve (with or without conditions), or deny the use permit application.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.10. City council review of use permit application.

Upon receipt of the planning commission recommendation with regard to a use permit application and the related site plan or preliminary plat which relates to a proposed development or activity which requires city council approval, the city council shall hold a public hearing with regard to the use permit application at the same meeting at which it considers the related site plan or preliminary plat. The public hearing on the wetland permit application shall be held concurrently with the public hearing required by another chapter for a site plan or plat. The city council, after conducting the public hearing, shall modify, approve (with or without conditions), or deny the use permit application.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.11. Use permit conditions.

- (a) A use permit shall allow development of land consistent with the permit plans, regulations, laws, and ordinances in effect at the time the use permit is approved.
- (b) Any permit issued under this chapter does not obviate the necessity of receiving, when applicable, approval from other federal, state, and local government agencies.
- (c) A use permit shall become invalid if the authorized work is not commenced within six months of the date issued, or is suspended or abandoned for a period of six months after termination of substantial operations as determined by the City Engineer.
- (d) Whenever the city approves the issuance of a use permit, it may:
 - (1) Issue permits on a city-wide basis for a category of activities if the city determines that the activities are similar in nature, will cause only minimal environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.
 - (2) Impose conditions on a permit for a use or development if the conditions are designed to remove an impairment to benefits gained from wetlands, or if they are designed to mitigate the impact of a discharge of fill material, or if they will otherwise improve water quality.
 - (3) Establish a reasonable time when the construction, development, or use is to be completed or terminated.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.12. Use permit standards and criteria.

In making a determination whether to approve a use permit application, the planning commission, the council, or the engineering and building department shall consider the following standards and criteria:

- (1) Except as provided in subsection (4) of this section, a permit for an activity listed in this section shall not be approved unless the city determines that the issuance of a use permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.

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- (2) In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect local, state, and national concern for protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:
- a. The relative extent of the public and private need for the proposed activity.
 - b. The availability of feasible and prudent methods and alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private uses to which the area is suited, including the benefits the protected wetland provides.
 - d. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e. The probable effect on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f. The size of the wetland being considered.
 - g. The amount of remaining wetland in the general area.
 - h. Proximity to any waterway.
 - i. Economic value, both public and private, of the proposed land change to the general area.
- (3) A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria set forth in Section 30302 of Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and this section shall be considered. A permit shall not be issued unless the applicant also shows either of the following:
- a. The proposed activity is primarily dependent upon being located in the wetland.
 - b. A feasible and prudent alternative does not exist.
- (4) Upon application for a wetland use permit in a noncontiguous wetland that is less than two acres in size, the city shall approve the permit unless the city determines that the wetland is essential to the preservation of the natural resources of the city. The city shall provide these findings in writing to the permit applicant, stating the reasons for its determination. In making this determination, the city must find that one or more of the following exist at the particular site:
- a. The site supports state or federal endangered or threatened plants, fish or wildlife appearing on a list specified in Part 365 of the Natural Resources and Environmental Protection Act, 1994 PA 451.
 - b. The site represents what is identified as a locally rare or unique ecosystem.
 - c. The site supports plants or animals of an identified local importance.
 - d. The site provides groundwater recharge documented by a public agency.
 - e. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

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- f. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
 - g. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
 - h. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
 - i. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 - j. The site provides sources of nutrients in water food cycles and nursery grounds, and sanctuaries for fish.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.13. Mitigation.

- (a) As authorized by this section, the city may impose conditions on a use permit for a use or development if the conditions are designed to remove an impairment to the wetland benefits, to mitigate the impact of a discharge of fill material, or otherwise improve the water quality.
- (b) The city shall consider a mitigation plan if submitted by the applicant and may incorporate the mitigation actions as permit conditions for the improvement of the existing wetland resources or the creation of a new wetland resource to offset wetland resource losses resulting from the proposed project. Financial assurances may be required to ensure that mitigation is accomplished as specified by the permit conditions. The city shall, when requested by the applicant, meet with the applicant to review the applicant's mitigation plan.
- (c) In developing conditions to mitigate impacts, the city shall consider mitigation to apply only to unavoidable impacts that are otherwise permissible utilizing the criteria under Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Mitigation shall not be considered when it is feasible and prudent to avoid impacts or when the impacts would be otherwise prohibited under this chapter.
- (d) When considering mitigation proposals, the city shall make all of the following determinations:
 - (1) That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.
 - (2) That all practical means have been considered to minimize impacts.
 - (3) That it is practical to replace the wetland resource values which will be unavoidably impacted.
- (e) If the city determines that it is practical to replace the wetland resource values which will be unavoidably impacted, the city shall consider all of the following criteria when reviewing an applicant's mitigation proposal:
 - (1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources.
 - (2) When subdivision (a) of this subsection does not apply, mitigation shall be provided in the immediate vicinity of the permitted activity where practical to the wetland resources provided that mitigation shall be within the same watershed of the Ecorse Creek within which the proposed wetland use is located.
 - (3) Only when it has been determined by the City Engineer that subdivisions (a) and (b) of this subsection are inappropriate and impractical shall mitigation be considered elsewhere.

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- (4) Any proposal shall assure that, upon completion, there will be no net loss to the wetland resources. Any mitigation plan approved under this chapter shall provide replacement of wetlands disturbed at a ratio of no less than 1.5:1 and no more than 2:1, in accordance with the federal rules and state operating procedures. Should such rules and procedures change, the most current ratio shall be used.
 - (5) The proposal shall give consideration to replacement of the predominant functional values lost within the impacted wetland.
 - (f) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule is agreed upon between the city and the applicant.
 - (g) Monitoring to establish documentation of the functional performance of the mitigation may be required as a permit condition, as well as necessary corrective actions required, to deliver the wetland resource values identified.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.14. Approval for legitimate public need.

City council may determine that there may be a legitimate public need for a proposed public project that is greater than the need to protect a wetland, and that the project may be exempted from certain requirements of this chapter.

- (1) For a project to be considered for exemption from any requirement of this chapter, city council must find, after full review and public hearing, all of the following exist:
 - a. The project is either being performed by or required by a public agency;
 - b. There is a legitimate public need, as per the requirements of this section, for the project that is greater than the need to protect a wetland;
 - c. The proposed use cannot reasonably be accomplished utilizing alternative designs on-site;
 - d. A reduction in the size, scope, configuration, or density of the design which would avoid, or result in less, adverse impact on a regulated wetland cannot be reasonably accomplished; and
 - e. Mitigation shall be provided to the maximum extent possible within the scope of the project.
- (2) In determining whether the legitimate public need for the project exceeds the need to protect a wetland, the City Council must find that the benefit which reasonably may be expected to accrue from the project shall be greater than the reasonably foreseeable detriments of the activity. The following general criteria shall be considered:
 - a. The relative extent of the public need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public uses to which the area is suited, including the benefits the wetland provides.
 - d. The probable impact of the project in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f. The size of the wetland being considered.

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- g. The amount of remaining wetland in the general area.
 - h. Proximity to any waterway.
 - i. Economic public value of the proposed land change to the general area.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.15. Protection of wetlands during and after construction.

An applicant who has received a use permit under this chapter shall comply with the requirements of this section in connection with any construction or other activity on the property for which the use permit has been issued. Conditions may be established by the city to ensure that the intent of this chapter is carried out. The activity or use shall be conducted in such manner as to cause the least amount of disruption of the protected wetland, including, but not limited to, the following requirements:

- (1) Prior to any development, clearing, filling, or other activity for which a use permit is required, protective construction fencing intended to restrict access shall be erected between the protected area and the area subject to development. Such protection shall remain until it is authorized to be removed by the city, or until issuance of a final certificate of occupancy. Nails, wires, or other objects may not be attached to any tree, nor otherwise cause damage to any tree.
- (2) All protected wetland and watercourse areas within or adjacent to the use permit activity area shall be protected with barrier fencing at least four feet in height staked in place at ten-foot (minimum) intervals. No filling, excavating, or storage of materials, debris, or equipment shall take place within the barrier fencing.
- (3) Where vehicle and driveway access is permitted, any existing hydrological connection shall not be disrupted.
- (4) When the use of fill is permitted, it shall be clean and free of garbage, refuse, toxic or contaminated material, or any material that through the action of leaching may cause degradation of surface or ground water quality.
- (5) Soil erosion control structures and measures shall be maintained, including, but not limited to, silt fences, straw bale berms, and sediment traps. The landowner shall provide for periodic inspections and maintenance of such installations throughout the duration of the project.
- (6) A copy of the city use permit and state permits, if applicable, shall be prominently displayed or available at the site. They shall be displayed continuously when authorized activities are conducted and for ten days following completion. The owner shall allow city representatives to enter and inspect the premises at any reasonable time, and failure to allow inspections shall constitute a violation of this section.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.16. Nonconforming activities.

A use or activity regulated by this chapter that was lawfully begun before the passage of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following:

- (1) No such use or activity shall be expanded or enlarged in any way unless it is permanently changed to a conforming use.

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- (2) If a nonconforming use or activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.
 - (3) If nonconforming use or activity is destroyed, it shall not be resumed except in conformity with the provisions of this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.17. Fees.

Applications to the city for a use permit shall be accompanied by a non-refundable use permit fee set by resolution of city council. The use permit fee will be for review of application and plans, and field inspections. A property owner may request of the engineering and building department a preliminary assessment of the site to determine whether or not the site will be affected by the ordinance. No fee shall be charged for this determination.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.18. Penalties and enforcement.

- (a) The city engineer may issue a stop work order on the remaining portion of construction or shall refuse a certificate of occupancy or other construction permits related to the project whenever there is a failure to comply with the provisions of this chapter.
- (b) If, on the basis of information available to the city, the city finds that a person is in violation of this chapter or of a condition set forth in a permit, the city shall issue an order requiring the person to comply with the prohibitions or conditions or the city shall take such enforcement action as it deems appropriate.
- (c) An order issued under subsection (b) shall state with reasonable specificity the nature of the violation and shall specify a time for compliance, not to exceed 30 days, which the city determines is reasonable, taking into account the seriousness of the violation and good faith efforts to comply with acceptable requirements.
- (d) A person who violates any provision of this chapter shall be responsible for a civil infraction for which the court may impose a civil fine of not more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the city has incurred in connection with the violation.
- (e) In addition to the penalties provided in subsection (d), the court may order a person who violates this chapter to restore as nearly as possible the wetland affected by the violation to its original condition immediately before the violation, and may issue any other orders permitted by law. The restoration may include the removal of fill material deposited in a wetland or the replacement of soil, sand, minerals, or plants.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.19. Assessment revaluation.

- (a) If a wetland permit is denied by the city for a proposed use, the landowner may request a revaluation of the affected property for assessment purposes to determine its fair market value under the use restrictions.
- (b) A landowner who is aggrieved by a determination, action, or inaction under this section may protest and appeal that determination, action, or inaction pursuant to the General Property Tax Act (Act 206, Public Acts of 1893), being Sections 211.1—211.157 of the Michigan Compiled Laws.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-645.20. Appeal or variance.

- (a) A decision by an administrative official of the city regarding a use permit may be appealed to the Zoning Board of Appeals, in accordance with procedures established in Article XXXI.
- (b) A variance may be granted from the provisions of this chapter when evidence supports at least one of the following affirmative findings:
 - (1) That the public benefit intended to be served by this chapter will be retained, despite more disruption of the wetland than permitted.
 - (2) That the topographical features or special characteristics of the site create conditions such that strict application of the provisions of this chapter will result in less protection of the wetland.
 - (3) That the application of this chapter would deny all reasonable use of the property.
 - (4) That practical difficulties or unnecessary hardship exist or will occur as specified in Article XXXI of this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-646—110-660. Reserved.

ARTICLE XXX. HEARING PROCEDURES FOR SPECIAL LAND USES, PD PLANNED DEVELOPMENTS, AND USE PERMITS⁴

Sec. 110-661. Intent.

It is the intent of this article to establish public hearing procedures and standards for those uses identified as special land uses in the various zoning districts in this chapter, and for special land use requests that may be approved on discretionary grounds, including specific types of land use that require issuance of a use permit, as set forth and regulated in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-662. Special land uses.

Uses identified in various zoning districts as special land uses shall comply fully with all of the standards of the zoning district in which they are permitted and the conditions attached to each such use, unless such standards and conditions have been varied by the zoning board of appeals. Special land uses shall be subject to review by all applicable city departments and by the planning commission. In those zoning districts that allow mixed land use, which may be approved based on discretionary grounds, the planning commission at its discretion, may attach such conditions to its recommendation to the city council and the city council at its discretion, may attach those conditions, as well as its own, to its approval.

(Ord. No. 802, § 1, 12-14-2020)

⁴State law reference(s)—Special uses, MCL 125.584a, 125.584c.

Sec. 110-663. Specific land use requiring issuance of a use permit.

Specific land use identified in Article XXV in this chapter as uses requiring issuance of a use permit shall fully comply with all standards of this chapter applicable to them, and to review by all applicable city departments who shall submit their reviews to the planning commission for their review and recommendation to the city council. Since discretionary review latitude is given by statute to the planning commission and the city council, the planning commission at its discretion, may attach conditions to its recommendation to the city council and the city council at its discretion, may attach those conditions, as well as their own, to its approval.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-664. Public hearing notice.

Upon receipt of an application for approval of a special land use, or an application for approval of a PD planned development, or an application for approval of a use requiring issuance of a use permit, and upon completion of the review by all applicable city departments, but before forwarding its review comments to the planning commission, the building department shall prepare and forward an official notice to a newspaper of general circulation in the City of Trenton, and shall send same by general mail or by personal delivery to the owners of the subject property, and to all persons to whom real property is assessed within 300 feet of the peripheral boundaries of the subject property, and to the occupants of all buildings within 300 feet of the peripheral boundary of the subject property. Such notice shall be given not less than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a building, except that if a building contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single building containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the building who shall be requested to post the notice at the primary entrance to the building. The notice shall:

- (1) Describe the nature of the land use request.
- (2) Indicate the property that is the subject of the land use request.
- (3) State when and where the land use request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Indicate that a property owner may request a public hearing on the land use request or the occupant of a building located within 300 feet of the peripheral boundary of the property being considered for a particular land use.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-665. Public hearing.

At the initiation of the planning commission, or upon request of an applicant for approval of a special land use, or a use which permits discretionary approvals by the city council such as those in the PD Planned Development district, or upon the request of an applicant for approval of a specific use that requires issuance of a use permit, or a property owner or the occupant of a building located within 300 feet of the peripheral boundary of the subject property, a public hearing with notification, as required in this article, shall be held before a decision may be made. A decision on a special land use request, a request that is based on discretionary grounds, or a

decision that requires issuance of a use permit, will not be made unless notification of the request given as required in this chapter.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-666—110-680. Reserved.

ARTICLE XXXI. ZONING BOARD OF APPEALS

Sec. 110-681. Board established; membership.

- (a) The zoning board of appeals shall perform its duties and exercise its powers as provided in Article VI of Public Act 110 of 2006 and in such a way that the objectives of this code shall be observed, public safety secured, and substantial justice done. The Trenton Zoning Board of Appeals shall be composed of not less than five persons nor more than six members, and two alternate members. One regular member of the board shall also be a member of the Trenton Planning Commission. The remaining regular members and the alternate members shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government. The mayor with the consent of the city council shall appoint all members. One regular member may be a member of the Trenton City Council, but that member shall not serve as the chair of the board. An employee or contractor of the city council may not serve as a member of the zoning board of appeals.
- (b) The terms of office for members appointed to the zoning board of appeals shall be for three years, except for members serving because of their membership in the planning commission or city council, whose terms shall be limited to the time they are members of those bodies. Appointments shall be as follows: Two members appointed for a period of one year, two members appointed for a period of two years, two members appointed for a period of three years, one alternate appointed for two years, and one alternate appointed for a period of three years, respectively. Thereafter, each member or alternate is to hold office for a full three-year term.
- (c) Each member and each alternate of the board shall have been a resident of the city for at least two years prior to the date of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office. Appointed members and alternates may be removed for cause by the city council during their term only after consideration of written charges and a public hearing. Any appointed vacancies on the board shall be filled by the mayor with the consent of the city council for the remainder of the unexpired term. The board shall annually elect its own chairperson, vice-chairperson, and secretary. The compensation of the appointed members and alternates of the board shall be fixed by the city council.
- (d) The mayor or his designee may call the alternate members of the board on a rotating basis whenever a regular member of the board has indicated that they will be absent from a scheduled meeting. The mayor or his designee may also call an alternate to serve in the place of a regular member for the purpose of reaching a decision on a matter in which the regular member has abstained for reasons of a conflict of interest.
- (e) If an alternate is seated for any portion of a public hearing on a matter, he shall serve in that matter in lieu of the regular member, until a final determination has been made on that matter. The regular member, replaced by an alternate, may reclaim his position on the board at any time during the course of a meeting, except with respect to those matters which were the subject of a public hearing held in the presence of his alternate, if any, during the regular member's absence.

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- (f) Each alternate member when seated shall have the same voting rights as a regular member of the board of appeals.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-682. Meetings of board.

All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such times as such board may determine. All hearings conducted by the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Four members of the board shall constitute a quorum for the conduct of its business. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-683. Appeals.

- (a) Any person, officer, department, board, or bureau affected by a decision of the city engineer, may appeal that decision to the zoning board of appeals. Such appeal shall be taken within such time as shall be prescribed by the board by general rule, by filing with the city engineer and with the board a notice of appeal, specifying the grounds thereof. The city engineer shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from were taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city engineer certifies to the board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the zoning board of appeals or by a court of record on application, on notice to the city engineer and on due cause shown.
- (c) The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (d) A fee, established by resolution of the city council, shall be paid to the city at the time the notice of appeal is filed, which fee is to assist in defraying the expenses of the hearing, such as newspaper advertising and postage and other incidental expenses.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-684. Jurisdiction of board.

- (a) The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms of this code, nor to allow a use not otherwise permitted in a zoning district, but does have power to act on those matters where this code provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Such powers include:

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- (1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the city engineer or any other administrative official in carrying out or enforcing any provisions of this chapter.
 - (2) Variances.
 - a. Except in the case of planned development districts regulated by Article XXII in this chapter to authorize, upon an appeal, a variance from the strict application of the provisions of this code where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the ordinance from which this chapter is derived, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or hardship upon the owner of the property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the board 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 chapter. In granting a variance, the board shall state the grounds upon which it justifies the granting.
 - b. The zoning board of appeals is not bound by past precedent and shall decide all matters properly before it on an independent basis.
 - c. No such variance or modification of ordinance provisions shall be granted unless it appears beyond a reasonable doubt that all four of the following facts and conditions exist.
 - (3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
 - (4) Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 - (5) The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 - (6) The granting of such variance will not adversely affect the purpose or objectives of the master plan of the city.
 - (b) Exceptions and special approvals. To hear and decide, in accordance with the provisions of this code, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board to pass.
 - (c) Any exception or special approval shall be subject to such conditions as the board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:
 - (d) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying the ordinance codified in this chapter and made part of this code, where street layout actually on the ground varies from the street layout as shown on the map.
 - (e) Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.

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- (f) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - (g) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot, which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - (h) Permit temporary uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.
 - (i) Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months, with the granting of 12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature. The zoning board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:
 - (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the zoning board of appeals.
 - (4) In classifying uses as not requiring capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (5) The use shall be in harmony with the general character of the district.
 - (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided in Article XXX in this chapter. Further, the zoning board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
 - (j) In consideration of all appeals and all proposed variations to this code, the board shall, before making any variations from this code in a specific case, first determine that the proposed variation 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, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the city engineer, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing contained in this article shall be construed to give or grant to the board the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the mayor and the city council, in the manner provided by law.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-685. Issuance of orders.

In exercising the powers specified in this division, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the city engineer from whom the appeal is taken.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-686. Notices.

- (a) The zoning board of appeals shall make no recommendation except in a specific case and after a public hearing conducted by the board. It shall notice all owners of record of property and the occupants of all single-family and two-family dwellings within 300 feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.
- (b) If the tenant's name is not known, the term "occupant" may be used. The board may require any party applying to the board for relief to give such notice to other interested parties, as it shall prescribe. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the city not less than 15 days prior to the hearing. Such notice shall contain the address if available and the location of the property for which the variation or other ruling by the board is sought, as well as a brief description of the nature of the appeal.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-687. Expiration of orders.

- (a) No order of the board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (b) No order of the board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-688—110-700. Reserved.

ARTICLE XXXII. PERMITS, CERTIFICATES AND INSPECTIONS

Sec. 110-701. Duties of building official.

- (a) The building official shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to in the enforcement of this chapter. It shall be unlawful for

the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until such plan has been inspected in detail and found to conform to this code.

- (b) Under no circumstances is the building official permitted to make changes to this chapter or to vary the terms of this code.
- (c) The building official shall not refuse to issue a permit when conditions imposed by this code are complied with by the applicant, despite violations of contracts such as covenants or private agreements that may occur upon the granting of the permit.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-702. Plot plan.

The city engineer shall require that all applications for building permits to be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this code are being observed.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-703. Permits.

The following shall apply in the issuance of any permit:

- (1) *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 chapter, unless the zoning board of appeals has granted a variance.
- (2) *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.
- (3) *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.
- (4) *Building permit 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. For purposes of this subsection, 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, or means of ingress and egress, or other changes affecting or regulated by the building code, housing law, or this code, except for minor repairs or changes not involving any of such features.
- (5) *Zoning permits.* No fence, driveway, building or other structure shall be erected, moved or added to, or structurally altered, without a zoning permit issued by the engineering and building department. No zoning permit shall be issued by the engineering and building department for a fence, building or

structure that is not in conformance with the provisions of this chapter unless the board of appeals has granted relief in the form of a variance. Application in the form determined by the chief building inspector and fees as determined by city council from time to time shall be completed and paid by all applicants for a zoning permit.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-704. Certificate of occupancy.

No land, building or part thereof shall 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:

- (1) *Certificates not to be issued.* No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this code, unless the zoning board of appeals has granted a variance.
- (2) *Certificate of occupancy required.* Any building or structure, or part thereof, which is hereafter erected, or altered, or when a change of use for any building or structure or part thereof is proposed, or a when a change of ownership of any building or structure, or part thereof shall occur, the building or structure or part thereof, shall not be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (3) *Applicability of certificates required by building code.* Certificates of occupancy as required by the building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (4) *Temporary certificates.* Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this code. A six-month extension may be granted provided actual building construction has been diligently carried on.
- (5) *Records.* A record of all certificates issued shall be kept on file in the office of the city engineer, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (6) *Certificates for buildings accessory to dwellings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificates of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (7) *Application.* Application for certificates of occupancy shall be made in writing to the city engineer on forms furnished by the engineering and building department. Such certificates shall be issued within ten working days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land, is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof within the ten-day period.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-705. 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 city engineer immediately upon the completion of the work authorized by such permit, for a final inspection.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-706. Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the city engineer in advance of issuance. The amount of such fee shall be established by the city council and shall cover the cost of inspection and supervision resulting from enforcement of this code.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-707—110-720. Reserved.**ARTICLE XXXIII. GENERAL EXCEPTIONS****Sec. 110-721. General exceptions.**

The regulations in this chapter shall be subject to the following interpretations and exceptions:

- (1) *Essential services.* Essential services shall be permitted as authorized and regulated by law and other codes and ordinances of the municipality, it being the intention of this subsection to exempt such essential services from the application of this chapter.
- (2) *Voting places.* The provisions of this code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- (3) *Height limit.* The height limitations of this code shall not apply to farm buildings, chimneys, spires, flagpoles, public monuments, or wireless transmission towers; provided, however, that the zoning board of appeals may specify a height limit for any such structure when such structure requires authorization as a special land use, or a use requiring issuance of a use permit as set forth in this chapter.
- (4) *Lot area.* Any lot existing and of record on the effective date of the ordinance from which this code is derived may be used for any principal use permitted in the district, other than special land uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area and width requirements of this code. Such use may be made provided that all requirements, other than lot area and width, prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this code for required lot area for each dwelling unit.
- (5) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this code, one-half the width of such alley abutting the lot shall be considered as part of such lot.

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- (6) *Yard regulations.* When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or site arrangement, such regulations may be modified or determined by the zoning board of appeals.
- (7) *Porches and patios.* Upon review and approval by the city, an open, unenclosed porch or paved terrace may project from the main structure into a minimum required front yard setback for a distance not to exceed seven feet. This porch or paved terrace may be fully or partially covered with a permanent roof structure, which may be an integral projection of the roof of the main building or may be a canopy or awning, provided:
- a. The covered projection is intended solely for appearance or to protect the open porch or terrace from the elements and shall not in any way enclose the porch or terrace, or any part thereof;
 - b. The projection will not significantly diminish light and air to the main building or to homes on either side of the main building; and
 - c. The projection will not significantly alter or diminish the visual impression of the minimum required front yard setback as an open, unobstructed lawn panel in common with other front lawn panels along the block frontage.
 - d. The covered porch or terrace will continue to create a uniform visual impression of a common front yard area along the block frontage.
 - e. The projection of the covered porch or terrace into the minimum required front yard will be such that it will not become a visually predominant structural feature along the block frontage, diminishing the common front yard appearance of the block frontage.
- (8) *Projections into yards.* Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.
- (9) *Access through yards.* For the purpose of this code, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this code not be considered to be a structure, and shall be permitted in any required yard.
- (10) *Lots having water frontage.* On those lots or parcels having water frontage, a covered and/or uncovered boat well shall be permitted after review and approval of plans by the planning commission.
- (11) *Private swimming pools.* The lot coverage limitations of this chapter shall not apply to private aboveground swimming pools less than 113 square feet in area or 12 feet in diameter and 42 inches in depth at the pool side. Aboveground pools larger than 113 square feet in area or 12 feet in diameter and 42 inches in depth at the pool side and in-ground pools shall be subject to the lot coverage limitations of this chapter.
- (12) *Parking requirements on existing business lots.* Lots of record in B-1 and B-3 districts, at the time this chapter became effective, and platted as 20-foot frontage lots, and those business lots abutting lots of record and having a depth of 100 feet or less, shall provide at least two off-street parking spaces for each 20 feet of frontage. The number of spaces required in Article XXVI in this chapter shall not represent the minimum requirement on these lots.

(Ord. No. 802, § 1, 12-14-2020)

ARTICLE XXXIV. CITIZEN PARTICIPATION

(Supp. No. 31, Update 2)

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Sec. 110-722. Intent.

The intent of this section is: 1) to ensure that petitioners seeking approval of projects in the planned development districts amendments to the zoning map, and other petitions that require public hearings pursue early and effective citizen participation in conjunction with their proposed developments, giving citizens an early opportunity to learn about, understand, and comment upon proposals, and providing an opportunity for citizens to be involved in the development of their neighborhood and community; 2) to provide clear expectations and formal guidance for petitioners to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed development may have on the community; and 3) to facilitate ongoing communications between petitioners and interested or potentially affected citizens throughout the application review process.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-723. Citizen participation requirements for planned development districts, amendments to the zoning map, and major projects.

For purposes of this section, a major project is a proposed project that may require additional citizen participation depending on the scope, nature, or any unique or unusual characteristics as determined by the engineering and building department. Before the engineering department may accept a petition for a new or amended project in the planned development zoning district or amendments to the zoning map, the following requirements shall be completed by the petitioner:

- (1) *Preliminary meeting with the engineering and building department.* The petitioner shall meet with the engineering and building department to review the requirements set forth in this section.
- (2) *Required notice.* If citizen participation as described in this section is determined to be necessary by the engineering and building department, the petitioner shall mail written information about citizen participation to all property owners, addresses, and registered neighborhood groups within 300 feet of the proposed petition site, as well as engineering and building department, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the engineering and building department. An electronic copy of the information must also be provided to the engineering and building department at least ten business days prior to the date of the citizen participation meeting to be forwarded to other interested citizens registered with the engineering and building department. At a minimum, the written information shall include all of the following in a format provided by the engineering and building department:
 - a. A statement explaining the citizen participation requirements, including explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the petitioner.
 - b. A statement that a petition is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the development and site plan.
 - c. The petitioner's schedule for citizen participation meetings, the anticipated petition submittal date, and the anticipated city review and approval schedule.
 - d. The date, time, and location of the meetings.
 - e. How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.

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- (3) *Citizen participation meeting.* If a meeting is deemed necessary, the petitioner shall hold at least one citizen participation meeting at least ten business days prior to the established petition submittal deadline. The meeting shall be organized and held in accordance with the citizen participation meeting guidelines provided by the engineering and building department.
 - (4) *Final citizen participation report.* The petitioner shall provide a written report in a format provided by the engineering and building department on the results of its citizen participation activities along with the required petition. At a minimum, the report shall include all of the following information in a format provided by the engineering and building department:
 - a. Detailed description of the petitioner's efforts used to involve citizens, including: dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications;
 - b. A written statement of the number of citizens sent notices by mail, email, or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
 - c. A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the petitioner has addressed or intends to address these concerns, issues or problems, or why a concern, issue, or problem cannot or will not be addressed.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-724. Citizen participation requirements for other projects.

For any other type of petition that requires a public hearing under this chapter, but is not specified in this section, the provisions in Article XXX shall apply.

(Ord. No. 802, § 1, 12-14-2020)

Secs. 110-725—110-795. Reserved.

ARTICLE XXXV. VIOLATIONS/PENALITES

Sec. 110-796. General penalty; continuing violations.

- (a) In this section, the term "violation of this Code" shall mean any of the following:
 - (1) Doing an act which is prohibited or made or declared unlawful, an offense or a violation by ordinance or rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense or a violation or by ordinance or rule or regulation authorized by ordinance.
- (b) Any provision of this Code which is made or declared to be a misdemeanor, civil infraction or municipal civil infraction shall be a violation of this Code.

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- (c) Except as otherwise provided, violations of this Code shall be deemed civil infractions or municipal civil infractions shall be subject to the provisions of chapter 24 Law Enforcement, article II, Municipal Civil Infractions and article III, Municipal Ordinance Violations Bureau.
 - (d) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00, and costs of prosecution, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00, and costs of prosecution, or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.
 - (e) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that a violation continues shall be a separate offense. With respect to other violations, each violation shall constitute a separate offense.
 - (f) The imposition of a penalty under this section shall not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
 - (g) Violations of this Code are also deemed a nuisance per se and may be abated by injunctive or other equitable relief. The imposition of a penalty shall not prevent injunctive relief or civil or quasi-judicial enforcement.

(Ord. No. 802, § 1, 12-14-2020)

ARTICLE XXXVI. SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION

Sec. 110-797. Severability.

This chapter and the various parts, sentences, paragraphs, sections, and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be adjudged unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this chapter to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the township, unless otherwise stated in the judgment.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-798. Repeal.

The Zoning Ordinance adopted by the City of Trenton on December 14, 2020, and all amendments thereto, shall be repealed on the effective date of this chapter. The repeal of the above ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

(Ord. No. 802, § 1, 12-14-2020)

Sec. 110-799. Effective date.

Made and passed by the city council for the City of Trenton, Michigan on this December 14, 2020, and effective upon the expiration of seven days after publication, pursuant to the provisions of Sections 401 and 402 of Public Act 110 of 2006, as amended.

This chapter shall be in full force and effect from and after its passage and publication according to law.
(Ord. No. 802, § 1, 12-14-2020)