

TITLE SIX - Zoning

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- Appendix I - Zoning Map Changes

General Provisions and Definitions

- 1230.01 Short title.
- 1230.02 Conflict of laws.
- 1230.03 Amendments.
- 1230.04 Definitions.

CROSS REFERENCES

- General Code definitions - see ADM.202.03
- Zoning, land use and community development fees - see ADM.210.12
- Compliance of gas stations with Zoning Code - see B.R. & T.824.04
- Zoning Code amendments see P.& Z. 1210.03(l)
- Certificates of occupancy - see P.& Z. 1232.04, 1232.05
- Essential services - see P.& Z. 1232.06
- Interpretation of Zoning Code - see P.& Z. 1234.12(a)
- Landscaping regulations for commercial areas - see P. & Z.Ch. 1281

1230.01 SHORT TITLE.

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

(Ord. 2. Passed 6-22-61.)

1230.02 CONFLICT OF LAWS.

Unless otherwise expressly provided in this Zoning Code, if the provisions of any ordinance or regulation adopted by Council impose requirements for lower heights of buildings and a lower percentage of lot occupancy, or for wider or larger courts or deeper yards, than are imposed by this Zoning Code, the provisions of this Zoning Code and regulations adopted under the provisions of this Zoning Code shall govern.

(Ord. 2. Passed 6-22-61.)

1230.03 AMENDMENTS.

This Zoning Code may be amended after a public hearing has been held on such proposed amendment after fifteen days notice of the time and place of such hearing has been published in a newspaper of general circulation in the City. Any interested person may attend the hearing at the time and place specified. When there is a public utility company or railroad company owning and operating a public utility or railroad within the district or zone affected, not less than fifteen days notice of the time and place of such public hearing shall be given by registered United States mail to such public utility company or railroad company. If a protest against a proposed amendment, supplement or change is presented, duly signed by the owners of twenty percent or more of the frontage immediately in the rear thereof, or by the owners of twenty percent or more of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a three-fourths vote of Council.

(Ord. 2. Passed 6-22-61.)

1230.04 DEFINITIONS.

As used in this Zoning Code, unless otherwise specifically stated:

(1) Abandonment. "Abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

(2) Abutting. "Abutting" means having a common border with, or being separated from such a common border by, a right-of-way, alley or easement.

(3) Accessory Apartment. "Accessory apartment" means a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

(4) Accessory Building or Structure. "Accessory building or structure" means a subordinate structure detached from but

located on the same lot as the principal structure, the use of which is customarily incidental to the principal building or use.

(5) Accessory Use. "Accessory use" means a use of land or of a building or portion thereof conducted in conjunction with another principal use which constitutes only an incidental or insubstantial part of the principal activity that takes place and is commonly associated with the principal use and integrally related to it and (except in the case of accessory off street parking spaces or loading) is located on the same lot with such principal use.

(6) Addition. "Addition" means an extension or increase in floor area or height of a building or structure.

(7) Adult. "Adult" means a person having arrived at the legal age of adulthood defined by the laws of the State.

(8) Adult Business. "Adult business" includes, but is not limited to, the following:

A. "Adult supply store," which means an establishment having ten percent or more of all usable, interior, retail, wholesale or warehouse space devoted to the distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas or specified acts of violence.

B. "Adult motion picture theater," which means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

C. "Adult outdoor motion picture theater," which means an open area, with a capacity for more than fifty persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

D. "Adult mini motion picture theater," which means an enclosed building, with a capacity for fewer than twenty-five persons, used for presenting, by means of a movie screen, video screen, live performance or otherwise, materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

E. "Nude body painting or modeling studio," which means an establishment which provides the services of body painting of the human body or an establishment where materials distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are offered for observation of the patrons therein.

F. "Escort service," which means an establishment which provides the services of escorting members of the opposite sex for payment of a fee.

G. "Group A cabaret," which means an establishment where materials are provided or entertainment is presented or performed which is distinguished or characterized by an emphasis on, or related to, specified sexual activities or specified anatomical areas for observation by persons or patrons therein.

H. "Adult physical culture establishment," which means any establishment, club or business, by whatever name designated, which provides, offers or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths or other similar treatment by any person. The following uses shall not be included within the definition of "adult physical culture establishment":

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse or any other similarly licensed medical professional;

2. Electrolysis treatment by a licensed operator of electrolysis equipment;

3. Continuing instruction in martial or performing arts or in organized athletic activities;

4. Hospitals, nursing homes, medical clinics or medical offices; and

5. Barbershops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, neck or shoulders only.

As used in this subsection, "specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, the pubic region, the buttocks or a breast.

As used in this subsection, "specified anatomical areas" means less than completely and opaquely covered human genitals, the pubic region, the buttocks or a breast below a point immediately above the top of the areola; and human genitals in a discernibly stimulated or turgid state, even if completely and opaquely covered.

As used in this subsection, "specified acts of violence" means the graphic depiction, whether real or simulated, of human or animal decapitation; dismemberment; physical torture; staffing; shooting; strangulation; drowning; electrocution; aggravated assault, whether accomplished by human contact, instruments or weapons; rape; disfigurement; mutilation; burning; and disembowelment.

(9) Adult Foster-Care Facility. "Adult foster-care facility" means an establishment providing habitation for one individual, but not more than twelve individuals, which is licensed by the governmental entity legally empowered to perform the

licensing function, for the purpose of housing persons who are aged, emotionally disturbed, developmentally disabled or physically handicapped and who are thereby in need of supervision on an ongoing basis, but who do not require continuous nursing care, and wherein the operator, who is not legally related to any of the inhabitants, provides room, board, ordinary care and supervision in a family environment.

(10) Adult Foster-Care Family Home. "Adult foster-care family home" means a private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days per week and for two or more consecutive weeks. The adult foster-care family home licensee shall be a member of the household and an occupant of the residence.

(11) Adult Foster-Care Large Group Home. "Adult foster-care large group home" means an adult foster-care facility with the approved capacity to receive at least thirteen, but not more than twenty, adults who shall be provided foster care.

(12) Adult Foster-Care Small Group Home. "Adult foster-care small group home" means an adult foster-care facility with the approved capacity of not more than twelve adults who shall be provided foster care.

(13) Alley. "Alley" means a permanent serviceway providing secondary means of access to abutting properties.

(14) Alteration. "Alteration," as applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities.

(15) Alteration, Structural. "Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

(16) Animal, Domestic. "Domestic animal" means an animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as a tame pet, no longer possessing a disposition or inclination to escape, to bite without provocation or to cause death, maiming or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include, but not be limited to, the following animals:

Bird (caged) Marmoset (bred)
Cat (domestic) Prairie dog (bred)
Chinchilla Rodent (bred)
Dog Snake (nonpoisonous)
Fish Spider (nonpoisonous)
Lizard (nonpoisonous)

(17) Animal, Wild or Exotic. "Wild or exotic animal" means an animal not indigenous to the City that is incapable of being completely domesticated, requiring the exercise of art, force or skill to keep it in subjection. The term "wild animal" shall also mean any animal which a person is prohibited from possessing by law.

Wild or exotic animals shall include, but not be limited to, the following:

Alligator (family) Lemur
Badger Lizard (poisonous)
Bear Marten
Bird (wild) Opossum (family)
Cat (wild family) Primate (family)
Coyote Raccoon
Deer (family) Skunk
Dog (wild family) Spider (poisonous)
Dog-wolf Weasel (family)
Ferret

(18) Apartment House. "Apartment house" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

(19) Arcade. "Arcade" means a place, premises, establishment or room set aside in a retail or commercial establishment in which are located three or more coin-operated amusement devices. "Coin-operated amusement device" means a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill, and for the playing of which a fee is charged. The term does not include vending machines which do not incorporate gaming or amusement features, coin-operated mechanical music devices or mechanical motion picture devices. The definition shall not apply to coin-operated amusement devices owned or leased to establishments that are properly licensed for the sale of beer or intoxicating liquor for consumption on the premises.

(20) Architectural Features of a Building or a Structure. "Architectural features of a building or a structure" includes cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

(21) Automobile Filling and Service Station. "Automobile filling and service station" means a building or buildings that offer the full sales and service facilities to the motoring public of both an automobile filling station and of an automobile service station.

(22) Automobile Filling Station. "Automobile filling station" means a building or buildings and adjoining space used for the retail sale and dispensing of fuel or lubricants from fixed equipment directly into motor vehicles. Such use may have retail sales of items such as pop, groceries, cigarettes and similar products. Automobile filling stations will not have automobile bays that may be used for automobile repair work, such as tune-ups, oil changes, wheel alignments or other related activities. Vehicle wash facilities, however, are permitted as an accessory use.

(23) Automobile Repair Garage. "Automobile repair garage" means a place where one or all of the following services may be carried out: general repair, engine rebuilding, or rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting and rustproofing of motor vehicles.

(24) Automobile Service Station. "Automobile service station" means a building or buildings used for the sale or installation on motor vehicles of automotive parts and accessories, such as tires, batteries, brakes, shock absorbers, window glass, and where services such as battery recharging, chassis lubrication, minor repairs, tire repairing, tune-ups, oil changes and wheel alignments may be rendered, but not to include chain conveyors, blowers and steam cleaners.

(25) Automobile Wash. "Automobile wash" means:

A. Mechanical. A building containing facilities for washing automobiles, using automatic coin-operated devices, or chain conveyors, steam and blower devices and other mechanical machinery.

B. Self-serve. A building containing facilities for washing automobiles and using self-service coin-operated mechanical equipment and supplies from the establishment.

(26) Basement. "Basement" means that portion of a building which is partly or wholly below the average grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

(27) Bed and Breakfast Operation. "Bed and breakfast operation" means a use which is inferior to and subordinate to the principal use of a detached single-family dwelling unit and in which transient guests are provided a sleeping room and board for limited duration in return for payment.

(28) Block. "Block" means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right of way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or the corporate boundary lines of the Municipality.

(29) Boarding House. "Boarding house" means a building other than a bed and breakfast operation, hotel or motel, where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Zoning Code.

(29A) Body Art Studio. "Body art studio" means a business properly licensed by the State of Michigan involving body tattoos, piercings, and similar activities. (Ord. 2016-05. Passed 7-5-16.)

(30) Building. "Building" means a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

(31) Building Area. "Building area" means the total area on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

(32) Building Height. "Building height" means the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs.

(33) Building, Principal. "Principal building" means a building in which is conducted the main or principal use of the lot on which such building is situated.

(34) Building Site. "Building site" means that portion of a condominium development consisting of the condominium unit, and limited common element, intended for the exclusive use of less than all the co-owners.

(35) Cellar. "Cellar" means that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5 feet.

(36) Change of Use (Occupancy). "Change of use (occupancy)" means a use which is outside the group number classification of the previous use as set forth in the Standard Industrial Classification manual.

(37) Clinic. "Clinic" means an establishment where human or animal patients who are not lodged overnight are admitted for examinations and treatment by a group of physicians, dentists, veterinarians or similar professionals.

- (38) Common Elements. "Common elements" means portions of the condominium project other than the condominium units.
- (39) Compatibility. "Compatibility" means the characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.
- (40) Composting. "Composting" means a controlled process of degrading organic matter by microorganisms.
- (41) Condominium Act. "Condominium Act" means Act 59 of the Public Acts of 1978, as amended.
- (42) Condominium Project. "Condominium project" means a plan or project consisting of not less than two condominium units established in conformance with the condominium act.
- (43) Condominium Subdivision Plan. "Condominium subdivision plan" means site, survey and utility plans, floor plans and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land, of a condominium subdivision. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- (44) Condominium Unit. "Condominium unit" means that portion of the condominium project designed and intended for separate fee-simple ownership and use, as described in the master deed.
- (45) Convalescent or Nursing Home. "Convalescent or nursing home" means a nursing care facility, including a County medical care facility, but excluding a hospital or a facility created by Act 152 of the Public Acts of 1985, as amended, being M.C.L.A. 36.1 to 36.12, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity.
- (46) Court. "Court" means an open, unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.
- (47) Court, Inner. "Inner court" means a court enclosed on all sides by exterior walls of a building or building exterior walls and lot lines, on which walls are allowable.
- (48) Court, Outer. "Outer court" means a court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
- (49) Coverage. "Coverage" means that percentage of lot area covered by the building area.
- (50) Curb Level. "Curb level" means the officially established grade of the curb in front of the midpoint of the lot.
- (51) Day-Care Center. "Day-care center" means a facility, other than a private residence, receiving one or more persons for care for periods of less than twenty-four hours a day and where persons are unattended by parents or legal guardians. The term "day-care center" includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.
- (52) Drive-In Restaurant. "Drive-in restaurant" means a building where food, frozen desserts and/or beverages are sold to a customer and where such customer consumes, or can do so, such food, frozen desserts and/or beverages in an automobile parked on the premises, at a stand-up counter or at other facilities provided for customer use. "Drive-in restaurant" includes a self-service food sales operation, regardless of spaces provided for eating within a building, and coin-operated dispensing machines.
- (53) Dwelling. "Dwelling" means a building designed or used exclusively as the living quarters for one or more families.
- (54) Dwelling, Multifamily. "Multifamily dwelling" means a building used and designed as a residence for three or more families living independently of each other and having their own cooking facilities therein, including apartment houses, apartment hotels, flats and group houses.
- (55) Dwelling, One-Family. "One-family dwelling" means a detached building designed for or occupied exclusively by one family.
- (56) Dwelling, Two-Family. "Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other.
- (57) Dwelling Unit. "Dwelling unit" means that portion of a dwelling providing complete living quarters for one family.
- (58) Dwelling Unit, Manufactured. "Manufactured dwelling unit" means a dwelling unit which is located and similar in appearance to traditional site-built dwelling units.
- (59) Dwelling Unit, Site Built. "Site built dwelling unit" means a dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. The term "site built dwelling unit" shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as the final location of the dwelling unit.
- (60) Earth Berm. "Earth berm" means a mound of earth of a minimum eighteen inches in height, planted with ground cover, grass, trees or other landscaping material, intended to minimize the view of parking areas and reduce noise and dust

from adjacent uses and passersby.

(61) Easement. "Easement" means a permanent grant of one or more property rights by a property owner to, and/or for use by, the public, a corporation or another person or entity.

(62) Elderly Housing. "Elderly housing" means a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two years of age (or as defined by law) or older, or couples where either spouse is sixty-two years of age (or as defined by law) or older. This does not include a foster care home, home for the aged or nursing home.

(63) Essential Services. "Essential services" means the erection, construction, alteration or maintenance, by public utilities or Municipal departments or commissions, of underground, surface or overhead gas, electric, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, fire hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or Municipal departments or commissions, or for the public health, safety or general welfare, but not including buildings, towers or substations.

(63A) Facility. "Facility" means the entire building or any portion of the building, structure or area, including the site on which the building, structure or area is located, wherein specific services are provided or activities are performed.

(64) Family. "Family" means:

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

B. A collective number of individuals not exceeding specifications specified by the current Michigan National Building Code, as adopted in Section 1410.02 of the Building and Housing Code, domiciled together in one dwelling unit, whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms or other similar determinable period.

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

(66) Farm. "Farm" means a parcel of land containing at least ten acres which is used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures within the prescribed limits and the storage of equipment used, but excluding the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

(67) Fast Food Restaurant. "Fast food restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

A. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposal containers.

B. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

(Ord. 1993-16. Passed 9-21-93.)

(68) Fence. "Fence" means a wall composed of posts carrying boards, rails, pickets or wire, or iron structures consisting of vertical or horizontal bars or of open work.

(69) Fence, Decorative. "Decorative fence" means an open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

(70) Fence, Partition. "Partition fence" means a fence located along the line dividing two lots or parcels of land which are privately owned in the City by different owners, whether subject to an easement or not.

(Ord. 1993-19. Passed 10-19-93.)

(71) Frontage. "Frontage" means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of a dead-end street or City boundary measured along the street line.

(72) Garage, Commercial. "Commercial garage" means any garage, other than a private, community or public garage, for the storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

(73) Garage, Community. "Community garage" means an enclosed building having no public shop or service in connection therewith, for the storage of vehicles.

(74) Garage, Private. "Private garage" means an accessory building not over one story or fifteen feet in height and having not more than 750 square feet of usable floor area, to be used for the storage of noncommercial motor vehicles and not more than one commercially licensed vehicle of not greater than one ton capacity, and wherein no public shop or service is conducted and no retail, wholesale or other commercial storage is conducted.

(75) Garage, Public. "Public garage" means any garage, other than a private garage or community garage, available to the public, which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

(76) General Common Elements. "General common elements" means and includes:

- A. The land in the condominium project;
- B. The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits or communication ways;
- C. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
- D. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
- E. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air conditioning, reservoirs, water tanks, pumps and the like;
- F. The elevators, incinerators and, in general, all devices or installations existing for common use; and
- G. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.

(77) Grade, Established. "Established grade" means the elevation of the centerline of the streets as officially established by City authorities.

(78) Grade, Finished. "Finished grade" means the completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

(79) Greenbelt. "Greenbelt" means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Zoning Code.

(80) Ground Cover. "Ground cover" means a planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

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

(82) Health Care Facility. "Health care facility" means a facility or institution, whether public or private, principally engaged in providing services for animal or human health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition, that allows overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital or chronic disease hospital.

(83) Home for the Aged (Congregate Care Facility). "Home for the aged (congregate care facility)" means a supervised personal care facility, other than a hotel, adult foster-care facility, hospital, nursing home or County medical care facility, that provides room, board and supervised personal care to twenty-one or more unrelated nontransient individuals sixty years of age or older. The term "home for the aged (congregate care facility)" includes a supervised personal care facility for twenty or fewer individuals sixty years of age or older if the facility is operated in conjunction with, and as a distinct part of, a licensed nursing home.

(84) Home Occupation. "Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Activities not deemed to be home occupations include, among others, medical clinics, hospitals, barber shops, auto repair services, nurseries, day medical clinics, day-care centers, beauty parlors, tea rooms, veterinarians' offices, tourist homes, animal hospitals, kennels, offices of insurance and real estate agents, lawyers, doctors, accountants and millinery shops.

(85) Homeless Shelter. "Homeless shelter" means a supervised residential care facility offering temporary shelter, designed, occupied or intended for occupancy by transient persons and families, and which, in addition to providing food and shelter, may also provide any personal care or service, including, but not limited to, supervision and assistance in dressing,

bathing and the maintenance of good personal hygiene, care in emergencies or temporary illness usually for periods of one week or less, supervision in the taking of medications and other services conducive to the residents' welfare.

(86) Hotel. "Hotel" means a building containing rooms intended and designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or within an accessory building.

(87) Hotel, Residential. "Residential hotel" means a dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally for serving the public.

(88) Household. "Household" includes all persons who occupy a house, an apartment, a group of rooms or a single room occupied as separate living quarters.

(89) Junk. "Junk" means materials recovery.

(90) Junk Yard. "Junk yard" means materials recovery facility.

(91) kennel, Commercial. "Commercial kennel" means any lot or premises on which four or more dogs, cats or other household pets of more than four months of age are either permanently or temporarily boarded, groomed, bred, trained or sold.

(92) Limited Common Elements. "Limited common elements" means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

(93) Loading Space. "Loading space" means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(94) Lot. "Lot" includes the words "plat" and "parcel" and means a portion or parcel of land considered or used as a single unit.

(95) Lot, Corner. "Corner lot" means a parcel of land at the junction of and fronting on two or more intersecting streets.

(96) Lot, Depth of. "Depth of lot" means the average horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

(97) Lot, Interior. "Interior lot" means a lot other than a corner lot.

(98) Lot Lines. "Lot lines" means any line dividing one lot from another.

(99) Lot, Through. "Through lot" means an interior lot having frontage on two parallel or approximately parallel streets.

(100) Lot Width. "Lot width" means the length of a straight line parallel to the street line drawn between the points where the required front setback intersects the side lot lines.

(101) Lot, Zoning. "Zoning lot" means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. "Zoning Lot" also means a single tract of land, located within a single block in a one-family residential district, which, prior to, or at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a one-family dwelling unit, under single ownership or control, providing the ZBA determines it to be buildable as defined in the next sentence below. A zoning lot shall satisfy this Zoning Code with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located unless the ZBA, in the exercise of its power of interpretation, as set forth in Section 1234(a)(3), decides upon a modification of open space and other provisions for nonconforming lots of record in accordance with Section 1288.02(h). A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or a portion of a lot of record.

(102) Master Deed. "Master deed" means the condominium document recording the condominium project as approved by the Director of Building and Planning 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.

(103) Master Plan. "Master Plan" means the Comprehensive Community Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and including any unit or part of such Plan and any amendment to such Plan or parts thereof. Such Plan may or may not be adopted by the Planning Commission and/or the legislative body.

(103A) Materials Recovery. "Materials recovery" means used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements, or portion thereof, glass, plastic, cordage, building materials, rubber tires or other waste the original use of which has been abandoned.

(103B) Materials Recovery Facility. "Materials recovery facility" means an open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled. The term "materials recovery facility" includes automobile wrecking yards and any area of more than 200 square feet for the storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

(103C) Medical Marijuana Facility or Facility. "Medical Marijuana Facility" or "Facility" means one of the following:

- A. "Grower" or "Grower Facility" as that term is defined in the Medical Marihuana Facilities Licensing Act.
- B. "Safety Compliance Facility" as that term is defined in the Medical Marihuana Facilities Licensing Act.
- C. "Provisioning Center" as that term is defined in the Medical Marihuana Facilities Licensing Act.
- D. "Processor" as that term is defined in the Medical Marihuana Facilities Licensing Act.
- E. "Secure Transporter" as that term is defined in the Medical Marihuana Facilities Licensing Act.

(Ord. 2018-05. Passed 7-10-18.)

(104) Mini-Warehouse (Self-Storage Facility). "Mini-warehouse (self-storage facility)" means a facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

(105) Mobile Home. "Mobile home" means any portable structure exceeding thirty- two feet in length, at least eight feet in width, designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. Any such structure shall be considered to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

(106) Mobile Home Lot. "Mobile home lot" means a designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

(107) Mobile Home Park. "Mobile home park" means a tract of land under single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this Zoning Code and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long-term occupancy basis.

(107A) Money services businesses. "Money services businesses means an establishment engaged in check cashing, payroll or payday advances or loans, or similar financial transactions that is required to be licenses by the State of Michigan. Establishments not included in the above definition are entities chartered or licensed by the federal or state government such as a bank, thrift institution, credit union or similar institution legally authorized to accept and maintain deposits.

(Ord. 2006-04. Passed 2-21-06.)

(108) Motel. "Motel" means a group of attached, semi-detached or detached rooming units of which not more than ten percent contain cooking or eating facilities, each unit having an entrance leading directly from the outside of the building. Such units, with the exception of the unit occupied by the management staff, must be used and intended primarily for the overnight accommodation of transients.

(109) Motor Vehicle Bump and Paint Shop. "Motor vehicle bump and paint shop" means a building or a portion of a building, arranged, intended and designed to be used for automobile collision service and bumping and painting of automobiles with activities such as repair, replacement, rebuilding, reconditioning, painting and straightening of automobile bodies, fenders, bumpers, frames, glass and trim, but not including rustproofing, engine or motor repair or rebuilding, or general repair.

(110) Motor Vehicle Repair Shop. "Motor vehicle repair shop" means a building or portion of a building arranged, intended and designed to be used for making repairs to motor vehicles.

(111) Nonconforming Building. "Nonconforming building" means a building or portion thereof lawfully existing on the effective date of this Zoning Code, or amendments thereto, that does not conform to the provisions of the district in which it is located.

(112) Nonconforming Use. "Nonconforming use" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

(113) Nuisance Factor. "Nuisance factor" means 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, the following:

- 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 from the congregation of people, particularly at night;
- N. Passenger traffic; and
- O. Invasion of nonabutting street frontage by traffic.

(114) Occupied. "Occupied" includes any land or structure arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited or used.

(115) Offensive. "Offensive" means that the work in which the representations appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays material in a manner which, taken as a whole, lacks literary, artistic, political or scientific value.

(116) Off-Street Parking Lot. "Off-street parking lot" means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

(117) Office. "Office" means a place, such as a building, room or suite, in which services, clerical work, professional duties or the like are carried out.

(118) Open Air Business Use. "Open air business use" includes any of the following businesses when said business is not conducted from a wholly enclosed building:

- A. Home equipment sale or rental services;
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard courts, horsehoe courts, miniature golf courses, golf driving ranges, children's amusement parks or similar recreational uses.

(119) Open Front Store. "Open front store" means 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.

(120) Open Space. "Open space" means an unoccupied space open to the sky on the same lot with the building.

(121) Outdoor Storage. "Outdoor storage" means the keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

(122) Parking Space. "Parking space" means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

(123) Place of Religious Worship (Church). "Place of religious worship (church)" means an institution that people regularly attend to participate in or hold religious services, meetings or other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

(124) Plat. "Plat" means a map, plan or layout of a township, city, village, section or subdivision, or any part thereof, including the boundaries of individual properties.

(125) Porch. "Porch" means a covered projection on a building or structure containing a floor, which may be either totally enclosed or open, except for columns supporting the porch roof, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

(126) Public Buildings. "Public buildings" means buildings that are publicly owned and are available for public use, as distinguished from buildings that are publicly owned but are intended for private use, e.g. public housing.

(127) Public Utility. "Public utility" means any person, firm, corporation or Municipal department or board, duly authorized to furnish and furnishing, under State or Municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water, sewerage or sewage disposal service.

(128) Rooming House. "Rooming house" means a dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals, including a boarding house.

(129) Satellite Television Dish. "Satellite television dish" means a device that is designed to receive and/or process microwave communication via satellite and which is also known as a satellite earth station.

(130) Sign. "Sign" means any announcement, declaration, display, billboard, illustration and insignia, when designed and placed so as to attract general public attention. This shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. The term "sign" includes any banner, bulb or other lighting device, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any kind, whether bearing lettering or not.

(131) Site Area. "Site area" means the total area within the property lines of a project, excluding external streets.

(132) Site Condominium. "Site condominium" means a condominium development consisting of single-family detached residential dwelling units.

(133) Site Plan. "Site plan" means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including: topography, vegetation, drainage, flood plains, marshes, waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signs, lighting, screening devices and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

(134) Special Exception Land Use. "Special exception land use" means a conditional use permitted only after review and approval or conditional approval by the Board of Zoning Appeals, such review being necessary because the provisions of this Zoning Code covering conditions, precedent or subsequent, are not precise enough for all applications without interpretation, and such review is required by this Zoning Code.

(135) Specifically Designated Dealer's Establishment. "Specifically designated dealer's establishment" means a retail establishment, consisting of less than 8,000 gross square feet of usable retail space, or any retail establishment where more than ten percent of the usable retail space is utilized for the distribution of alcoholic liquor, which establishment is licensed by the State Liquor Control Commission to distribute alcoholic liquor, other than wine containing less than twenty percent of alcohol by volume, and beer, in the original package for consumption off the premises.

(136) Specifically Designated Merchant's Establishment. "Specifically designated merchant's establishment" means a retail establishment consisting of less than 8,000 gross square feet of usable retail space, or any retail establishment where more than ten percent of the usable retail space is utilized for the distribution of alcoholic liquor, which establishment is licensed by the State Liquor Control Commission to sell beer and/or wine for consumption off the premises.

(137) Standard Restaurant. "Standard restaurant" means any establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes one or both of the following characteristics:

A. Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.

B. Foods, frozen desserts or beverages are generally consumed within the restaurant building of a cafeteria-type operation.

(138) Story. "Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between a floor and the ceiling next above it.

(139) Story, One-Half. "One-half story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, and the floor area of which does not exceed two-thirds of the area of the floor below.

(140) Street. "Street" means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property. Streets are further classified by the functions they perform as follows:

A. "Local (minor) streets" means streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.

B. "Collector (secondary) streets" means streets primarily designed to provide access to abutting land parcels and also enabling moderate quantities of traffic to move expeditiously between local streets and the major street network.

C. "Major (primary) streets" means streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access provided. Capacity is obtained by provision of wide street cross-sections and high capacity controls at intersections or by elimination of intersections by grade separation. Speed results from the provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

(141) Street Line. "Street line" means the dividing line between a street and a lot.

(142) Structure. "Structure" means a combination of materials, other than a building, forming a construction that is safe and stable, including, among other things, stadiums, platforms, radio towers, wind turbines, sheds, storage bins, fences and display signs.

(Ord. 1993-16. Passed 9-21-93; Ord. 2012-03. Passed 3-6-12.)

(143) Swimming Pool. "Swimming pool" means a pool used for swimming purposes rather than wading purposes and which has a depth of twenty-four inches or greater.

(Ord. 1993-19. Passed 10-19-93.)

(144) Temporary Use or Building. "Temporary use or building" means a use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.

(145) Tourist Home. "Tourist home" means a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

(146) Truck Terminal. "Truck terminal" means a facility for temporary parking and storing of currently licensed trucks, truck tractors, road tractors and trailers, as those terms are defined in the Michigan Motor Vehicle Code, including incidental maintenance and repair of such vehicles and warehousing incidental to the use.

(147) Usable Floor Area, Nonresidential. "Nonresidential usable floor area" means the area between the exterior face of exterior walls on the first story and any other story connected by a fixed stairway, escalator, ramp or elevator, which may be made fit for human habitation. Such measurement includes the floor area of all accessory buildings measured similarly, but excludes the floor area required for unenclosed porches, light shafts, public corridors and public toilets.

(148) Use. "Use" means 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.

(149) Variance. "Variance" means an exception to the provisions of this Zoning Code granted by the Board of Zoning Appeals.

(150) Variance, Nonuse. "Nonuse variance" means a departure from the provisions of this Zoning Code relating to setbacks, side yards, frontage requirements, lot size, parking, signage and other requirements of the applicable zoning district.

(151) Variance, Use. "Use variance" means a variance granted for a land use that is not permitted in the applicable zoning district.

(152) Vehicle Sales, Accessory. "Vehicle, sales, accessory" means the sales of the automobiles or other motor vehicles that are incidental to the primary use of an approved commercial garage.

(Ord. 1993-16. Passed 9-21-93.)

(153) Vehicle Sales Establishment. "Vehicle sales establishment" means an area of land and/or a structure used for the display and sale of new or used automobiles, panel trucks, vans, trailers or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

(Ord. 1993-16. Passed 9-21-93.)

(154) Vehicle Sales, Open Air. "Vehicle Sales, Open Air" means an outdoor area of land used for the display and sale of new or used automobiles, panel trucks, vans, trailers or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

(155) Vehicle Sales, Showroom. "Vehicle Sales, Showroom" means a room or other space within an enclosed structure used for the display and sale of new or used automobiles, panel trucks, vans, trailers or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

(156) Wall. "Wall" means an artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen or protect areas of land.

(Ord. 1993-19. Passed 10-19-93.)

(157) Wall, Obscuring. "Obscuring wall" means an artificially constructed upright barrier of any material or combination of materials approved by the Building Official erected to enclose, divide, screen or protect areas of land.

(158) Way. "Way" means a street, alley or other thoroughfare or easement permanently established for the passage of persons or vehicles.

(159) Yard, Front. "Front yard" means an open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building, projected to the side lines of the lot. Its depth shall be measured between the front line of the building and the street line.

(160) Yard, Rear. "Rear yard" means an open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building, projected to the side lines of the lot and measured between the rear line of the lot or the centerline of the alley, if there is an alley, and the rear line of the building. However, this provision shall not be construed to prohibit parking of an owner's or occupant's motor vehicle or the construction of necessary accessory buildings.

(161) Yard, Side. "Side yard" means an open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. If no

rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. However, this subsection shall not be construed to prohibit the parking of an owner's or occupant's motor vehicle.

(162) Zoning Code. "Zoning Code" means Ordinance 2, passed June 22, 1961, as amended, codified herein as Title Six of Part Twelve - the Planning and Zoning Code.

(Ord. 1993-16. Passed 9-21-93; Ord. 2001-01. Passed 1-2-01; Ord. 2002-33. Passed 11-4-02; Ord. 2005-26. Passed 7-5-05; Ord. 2019-11. Passed 12-12-19.)

CHAPTER 1232

Administration, Enforcement and Penalty

- 1232.01 Enforcement.
- 1232.02 Building permit required.
- 1232.03 Moving of buildings. (Repealed)
- 1232.04 Certificates of occupancy.
- 1232.05 Temporary certificates of occupancy.
- 1232.06 Essential services.

- 1232.99 Penalty.

CROSS REFERENCES

Fees for building permits - see ADM.210.06

Zoning, land use and community development fees - see ADM.210.12

Planning Commission - see P. & Z.Ch. 1210

Conflict of laws - see P. & Z.1230.02

Interpretation of Zoning Code - see P. & Z.1234.12(a)

Moving of buildings - see B. & H.Ch. 1446

1232.01 ENFORCEMENT.

This Zoning Code shall be enforced by the Building Official and no building permit or certificate of occupancy shall be granted by him or her except in compliance with the provisions of this Code.

(Ord. 2. Passed 6-22-61.)

1232.02 BUILDING PERMIT REQUIRED.

No building or structure or part thereof shall be erected, constructed, reconstructed, moved, added to or altered until a permit therefor has been issued.

(Ord. 2. Passed 6-22-61.)

1232.03 MOVING OF BUILDINGS. (REPEALED)

(EDITOR'S NOTE: Section 1232.03 was repealed by Ordinance 99-26, passed December 21, 1999.)

1232.04 CERTIFICATES OF OCCUPANCY.

No land shall be occupied or used, and no building or structure, or part thereof, hereafter erected, constructed, reconstructed, moved, added to or altered, shall be used or changed in use, until a certificate of occupancy has been issued by the Building Official stating that the building and proposed use thereof complies with the provisions of this Zoning Code.

(Ord. 2. Passed 6-22-61.)

1232.05 TEMPORARY CERTIFICATES OF OCCUPANCY.

Under such rules and regulations as may be established by the Board of Zoning Appeals, a temporary certificate of occupancy, for not more than thirty days, for a part of a building, may be issued by the Building Official.

(Ord. 2. Passed 6-22-61.)

1232.06 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Zoning Code.

(Ord. 2. Passed 6-22-61.)

1232.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1234

Board of Zoning Appeals

- 1234.01 Establishment; membership; general powers and duties.
- 1234.02 Terms of office.
- 1234.03 Removal of members.
- 1234.04 Vacancies.
- 1234.05 Officers.
- 1234.06 Rules and regulations.
- 1234.07 Quorum.
- 1234.08 Meetings.
- 1234.09 Oaths; attendance of witnesses.
- 1234.10 Public meetings and minutes.
- 1234.11 Records.
- 1234.12 Specific powers.
- 1234.13 Limitations on powers.

CROSS REFERENCES

Authority re gas stations - see B.R. & T.824.04, 824.05

Appeals from decisions re Planning Commission plats, permits and buildings - see P.& Z.1210.05(j), (k)

Subdivision Regulations variances - see P. & Z.1222.02

Authority re planned projects - see P. & Z.1274.05

Zoning Code variances - see P. & Z.1276.07

1234.01 ESTABLISHMENT; MEMBERSHIP; GENERAL POWERS AND DUTIES.

(a) There is hereby established in and for the City a Board of Zoning Appeals. The Board shall consist of nine members appointed by Council and shall have the duties, responsibilities and powers that are provided for it by Act 207 of the Public Acts of 1921, as amended.

(b) Council may appoint up to two additional members to the Board who shall be designated as alternates. If one or more of the members of the Board cannot attend a regularly scheduled or special meeting of said Board, then the City Clerk shall contact the alternates. Any alternate attending a Board meeting shall have the same power and authority to vote as a regular member of the Board for that meeting which he or she is attending.

(Ord. 1994-06. Passed 10-18-94.)

1234.02 TERMS OF OFFICE.

(a) The original appointments to the Board of Zoning Appeals shall be made within thirty days after the effective date of this Zoning Code (Ordinance 2, passed June 22, 1961) and shall be for staggered terms of three years each, ending on the first Tuesday in July of the third year after appointment, except that in the original instance, three members shall be appointed for terms expiring on the first Tuesday in July, 1962; three members for terms expiring on the same date in 1963 and three members for terms expiring on the same date in 1964.

(b) Council may appoint up to two alternate members to the Board whose terms shall be for three years each and shall commence on the date of their appointment by Council.

(Ord. 1994-06. Passed 10-18-94.)

1234.03 REMOVAL OF MEMBERS.

Any member of the Board of Zoning Appeals may, after a public hearing, be removed by Council.

(Ord. 2. Passed 6-22-61.)

1234.04 VACANCIES.

The office of any member of the Board of Zoning Appeals shall become vacant upon the occurrence of one or more of the following events before the expiration of the term of office:

(a) For any reason specified by State law creating a vacancy of public office;

(b) When such member misses two consecutive regular meetings of the Board or twenty-five percent of such meetings in any fiscal year of the City, unless such absence is excused by the Board and the reason therefor entered in the proceedings of the Board at the time of such absence; or

(c) Upon resignation, in writing, filed with the Secretary of the Board.

(Ord. 2. Passed 6-22-61.)

1234.05 OFFICERS.

At the first meeting of the Board of Zoning Appeals, which shall be called by the City Clerk within ten days after the members are appointed and annually in their first meeting in July after the first Tuesday, the members shall elect a Chairperson, a Vice-Chairperson and such other officers as it may deem necessary for the ensuing year, and the City Clerk or his or her duly authorized deputy shall act as Secretary to the Board.

(Ord. 2. Passed 6-22-61.)

1234.06 RULES AND REGULATIONS.

The Board of Zoning Appeals may adopt such rules and regulations as may be deemed necessary to properly conduct its meetings and to assist the public in bringing matters before it.

(Ord. 2. Passed 6-22-61.)

1234.07 QUORUM.

Two-thirds of the membership shall constitute a quorum of the Board of Zoning Appeals but less than a quorum may adjourn a meeting to a future date.

(Ord. 2. Passed 6-22-61.)

1234.08 MEETINGS.

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such other times as a quorum of the Board may determine.

(Ord. 2. Passed 6-22-61.)

1234.09 OATHS; ATTENDANCE OF WITNESSES.

The Chairperson, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses.

(Ord. 2. Passed 6-22-61.)

1234.10 PUBLIC MEETINGS AND MINUTES.

All meetings of the Board of Zoning Appeals shall be open to the public and accurate minutes of the proceedings shall be kept showing the vote of each member on each question, and, if a member is absent or fails to vote, indicating such fact.

(Ord. 2. Passed 6-22-61.)

1234.11 RECORDS.

The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and the action thereon, which records shall be public.

(Ord. 2. Passed 6-22-61.)

1234.12 SPECIFIC POWERS.

The Board of Zoning Appeals shall have the following powers, including the power to order the issuance of certificates of occupancy to implement its decisions herein duly authorized:

(a) Interpretation of the Zoning Code

- (1) To interpret the location of district boundaries on the Zoning Map in accordance with Section 1236.04;
- (2) To decide upon modification of height limits in accordance with Section 1288.02(c);
- (3) To decide upon modification of open space and other provisions for nonconforming lots of record in accordance with Section 1288.02(h);
- (4) To decide on accessory uses in accordance with Section 1288.02(g);
- (5) To interpret off-street parking requirements in accordance with Section 1282.01(a), (d), (e) and (f);
- (6) To decide upon conformity of alterations, extensions or enlargement of nonconforming uses, in accordance with Chapter 1286;
- (7) To decide whether or not the type of nonconformity recorded by the Building Official actually exists, in accordance with Chapter 1286; and
- (8) To hear and decide appeals where it is alleged by the appellant that there is error, in regard to the interpretation of a provision of this Zoning Code, in any order, requirement, permit, decision or refusal made by the Building Official in carrying out or in enforcing any provision of this Zoning Code. This power of the Board shall be construed to clarify any uncertainty that exists in the meaning of the provisions of this Zoning Code. Deciding against the action of the Building Official is conditional upon a finding that the Building Official is incorrect in his or her action under this Zoning Code, has overstepped the authority granted to him or her, or has acted in a manner that is in conflict with the letter and spirit of this Code.

(b) Special Exceptions. To authorize, in special situations specifically described in this Zoning Code, exceptions to the general regulations, to the extent that such special exceptions are specifically authorized, and, in this connection:

- (1) To hear and decide applications for special exceptions to the use regulations in accordance with Section 1288.01(a) and the relevant provisions of Chapters 1238 through 1272;
- (2) To hear and decide applications for special exceptions to the area, height, bulk, placement and use regulations for planned projects, in accordance with Chapter 1274; and
- (3) To permit the erection and use of a building, or an addition to an existing building, of a public service corporation, or for public utility purposes, in any permitted district, to a greater height or of larger area than the district requirements established in this Zoning Code, and permit the location in any use district of a public utility building, structure or use if the Board finds such use, height, area, building or structure reasonably necessary for the public convenience and service.

Uses requiring a special exception permit from the Board are permissible only when, in the finding of the Board, adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this Zoning Code and the intent and principal uses of the district. Otherwise, such uses are prohibited uses. In issuing a special exception permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to ensure that:

- A. All proposed structures, equipment or materials are readily accessible for fire and police protection.
- B. The proposed use will not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.
- C. The proposed use will provide sufficient space for the off-street parking of all vehicles attracted by its presence and conforms to the regulations set forth in this Zoning Code for such use and its particular district.
- D. No proposed building is out of harmony with the predominant type of building in the particular district, by reason of its size, character, location or intended use.
- E. All supplementary regulations required by this Zoning Code are satisfied.
- F. Conditions indicated in each respective zoning district are satisfied for the particular use.

(c) Variances. To authorize, upon an appeal, a variance from the strict application of the provisions of this Zoning Code, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Code (Ordinance 2, passed June 22, 1961), or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of a provision of this Zoning Code would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardships upon, the owner of such property. The authorization of a variance for minimum lot size based on area in square feet and width in feet is not required in the case of a lot of record where the Board has determined the property to be a buildable zoning lot. Variance of the type of use from that permitted by this Zoning Code is not authorized.

(Ord. 2005-26. Passed 7-5-05.)

A variance can only be allowed by the Board in cases involving practical difficulties or unnecessary hardships, when the evidence in the official record, on appeal from a decision or order of the Building Official, supports, in the opinion of the Board, all of the following affirmative findings:

- (1) The variance is in harmony with and serves the general intent and purposes of this Zoning Code.
- (2) Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Zoning Code and the individual hardships that will be suffered by a failure of the Board to grant the variance.
- (3) The variance, if allowed, will not interfere with or injure the rights of others in the use district whose property would be affected by allowance of the variance.
- (4) The alleged hardship or practical difficulty is unique and singular, as regards the property of the party requesting the variance, and is not those suffered in common with other property similarly located.
- (5) The alleged hardship or practical difficulty that will result from failure to grant the variance includes more than personal inconvenience and financial hardship.

When a requested variance is allowed by the Board, there shall be entered in the minutes of the Board, as a part of the record in each case of a requested variance, the affirmative findings enumerated herein in support of the variance.

When a requested variance is denied by the Board, there shall be entered in the minutes of the Board, as a part of the record in each case of a requested variance, the matters as to which the Board is unable, by virtue of the whole record before it, to make the requisite affirmative findings enumerated herein.

When granting a variance under this Zoning Code, the Board may impose such conditions and limitations as are necessary to limit the use of the premises so as to make whatever parking space is provided adequate to the extent of preventing congestion in streets due to parking of passenger vehicles of occupants, patrons or employees of enterprises in buildings which such off-street parking facility is intended to serve.

(Ord. 2. Passed 6-22-61.)

(d) Regulated Uses.

(1) In the development and execution of this Zoning Code, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary 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 subsection.

The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

The establishment of the following kinds of uses is prohibited if the establishment of such use will constitute the second such use within a 500-foot radius (i.e. not more than one such use within 500 feet of another such use):

- A. Adult supply store;
- B. Adult motion picture theater;
- C. Adult mini motion picture theater;
- D. Adult outdoor motion picture theater;
- E. (Intentionally left blank);
- F. Group A cabaret;
- G. (Intentionally left blank);
- H. (Intentionally left blank);
- I. Massage parlors;
- J. Pawnshops;
- K. (Intentionally left blank);
- L. Boarding and rooming houses;
- M. (Intentionally left blank);
- N. (Intentionally left blank);
- O. (Intentionally left blank);
- P. Money services businesses;
- Q. Person engaged in the occupation or business of fortune telling, palmistry or clairvoyancy.

(Ord. 2006-23. Passed 12-5-06; Ord. 2009-15. Passed 11-2-09; Ord. 2011-03. Passed 8-2-11.)

R. (EDITOR'S NOTE: Subparagraph (d)(1)R. was repealed by Ordinance 2016-05, passed July 5, 2016.)

(2) An application to establish any of the regulated uses set forth in paragraph (d)(1) hereof shall be made to the Board of Zoning Appeals which shall not approve any such request if there is already in existence one such regulated use within a 500-foot radius of the property line of the site of the proposed regulated use, except as provided in paragraph (d)(3) hereof.

(Ord. 1986-15. Passed 11-3-86.)

(3) The Board may waive the location restrictions set forth in this subsection for the enumerated regulated uses, except adult uses and bars or establishments for the sale of beer, wine or intoxicating liquor for consumption on the premises, which establishments derive less than sixty percent of the total gross receipts from the sale of food or other goods and services other than beer, wine or intoxicating liquor.

(Ord. 1987-01. Passed 1-20-87.)

(4) Prior to granting a waiver of the location restrictions set forth in this subsection, and not less than fifteen days before the request for a waiver is considered or a public hearing is held pursuant to paragraph (d)(6) hereof, the Board shall publish, in a newspaper of general circulation in the City, a notice that a request for a waiver to establish a regulated use has been received, and shall send by mail or personal delivery a copy of such notice to the owner of property for which the waiver is being considered, to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question and to the occupants of all structures within 300 feet of such boundary. 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 structure, except that if a structure contains more than one dwelling 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 structure 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 structure who shall be requested to post the notice at the primary entrance to the structure.

(5) The notice of application shall inform the recipient of the applicant's name, shall describe the nature and type of use proposed, shall indicate the local address, lot number and subdivision name of the property in question and shall provide the section of the Zoning Code under which the proposal is being processed. Such notice shall also invite written comments, statements or opinions and shall indicate the place and date upon which written comments concerning the proposed use must be received.

(6) Such notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for the regulated use. If the applicant or the Board requests a public hearing, only notification of the public hearing need be made by the Board. Any person requesting a hearing under this section may be represented by any person, firm, organization, partnership, corporation, board or bureau.

(7) No person shall hereafter establish any regulated use if the proposed regulated use will be within a 500-foot radius of a Residential District or a district zoned PDD Planned Development District which has been approved pursuant to Section 1253.10 for a residential project or within a 500-foot radius of any primary or secondary or nursery school. This prohibition shall be deemed waived upon presentation to the Board of a validated petition requesting such waiver, signed by fifty-one percent of those persons owning, residing or doing business within 500 feet of the proposed location. No waiver shall be given or obtained to permit a regulated use to locate within a 500-foot radius of any primary, secondary or nursery school. The Board shall adopt rules and regulations governing the procedure for securing any petition of consent which may be provided in this section. The rules shall provide that the circulator of the petition requesting a waiver subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with such rules, that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

(Ord. 2006-04. Passed 2-21-06; Ord. 2009-09. Passed 5-19-09.)

(8) In conjunction with the waiver process for the establishment of any regulated use, the Board may impose any condition or limitations upon the establishment, location, construction, maintenance or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith be fulfilled.

(Ord. 2009-09. Passed 5-19-09.)

(e) Invalidation of Special Land Use Permits

(1) In any case where a special land use has not been established within six months after the granting of a permit therefor, and without further notice or action by the City Planning Commission or the Board, the special land use permit shall become null and void.

(2) A special land use permit shall be deemed to authorize only one specific special land use and shall expire if the special land use ceases for more than six consecutive months for any reason.

(Ord. 1986-15. Passed 11-3-86.)

(f) Waiver of Materials Recovery Facility Fence Requirements. To grant waivers of the requirements for materials recovery facility side and rear screening fences, as provided in Section 832.15, upon a showing by the applicant that such waiver will not cause an adverse environmental impact on, or a diminution in value of, adjacent premises. Such waivers

shall be granted on an annual basis only, and only after public hearing, for which at least twelve days notice is given to the applicant and all property owners of record within 300 feet of the premises in question, which notice is to be delivered personally or by mail, addressed to the respective owners at the addresses given in the last assessment roll.

(Ord. 1989-16. Passed 9-5-89; Ord. 2001-01. Passed 1-2-01.)

1234.13 LIMITATIONS ON POWERS.

(a) In accordance with Act 207 of the Public Acts of 1921, as amended, the concurring vote of two-thirds of all members of the Board of Zoning Appeals shall be necessary in deciding on any interpretation, special exception or variance.

(b) Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this Zoning Code shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Zoning Code.

(c) Nothing contained herein shall be construed to authorize the Board to change the provisions of this Zoning Code, to effect changes in the Zoning Map or to add to the uses permitted in any district, except where specifically authorized to do so. The powers of the Board shall be so construed that the provisions of this Zoning Code are strictly enforced.

(d) Appeals for an interpretation, special exception or variance shall be commenced by the appellant filing with the Board, through the City Clerk, a notice of appeal, in which are specified with particularity the grounds upon which the appeal is based. Fees, if any, for appeals shall be paid to the City Clerk in an amount fixed by a schedule established by resolution of Council. The City Clerk shall forward the notice of appeal to the Building Official, the Board and the Planning Commission as an interested public party.

(Ord. 2. Passed 6-22-61.)

(e) The Chairperson of the Board shall fix a reasonable time, not to exceed forty-five days from the filing of an appeal, for the hearing of appeals, and shall give at least twelve days notice to the appellant and all owners of record of property within 300 feet of the premises in question, such notice to be delivered personally or by mail, addressed to the respective owners at the addresses given in the last assessment roll.

(Ord. 2-A-4. Passed 12-18-62.)

(f) Parties to an appeal shall be accorded the right to appear in person or by or with an authorized agent.

(g) Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts, provided that:

(1) The submission of evidence in written form shall be provided for by the procedures of the Board where the interest of any party will not be prejudiced thereby.

(2) The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence, and, in the furtherance of this policy, the Board may limit cross-examination.

(3) There may be an informal disposition of an appeal by stipulation, an agreed settlement not in conflict with the requirements of this Zoning Code, a consent order or default.

(h) The City Clerk or his or her duly authorized deputy, acting as Secretary for the Board, shall prepare an official record for each appeal and the Board shall base its decision on this record alone. The official record shall include:

(1) The relevant administrative records and administrative orders issued, respecting the matters as to which an appeal has been taken, that are offered in evidence in the hearing on the appeal;

(2) Official communications from the Planning Commission relative to the appeal;

(3) Such testimony and additional documents or exhibits as may be offered in evidence in the hearing on the appeal;
and

(4) The requisite written findings of fact and orders disposing of the appeal that may be made by the Board.

(Ord. 2. Passed 6-22-61.)

(i) No appeal to the Board which has been denied wholly or in part shall be resubmitted for one year from the effective date of an order of denial, except on the grounds of new evidence or proof of a change of conditions found to be valid by the Board. An application for a rehearing shall be in writing and subject to the same rules as an original hearing.

(j) If the conditions prescribed by the Board in making any grant or approving any application are not complied with within six months from the effective date of such grant or approval, then without further action by the Board the grant shall be null and void. Extensions of time for compliance may be granted by the Board upon application of the appellant.

(k) Decisions rendered by the Board shall not become final until the expiration of five days from the day of entry of such order, unless the Board finds the immediate effect of such order necessary for the preservation of property or personal

rights and so certifies on the record.

(l) Upon the payment of costs, a copy of the record of any matter on appeal shall be made available to the parties. The official record of an appeal shall be open for examination as a public record.

(m) Any decision of the Board may be appealed to the Circuit Court as specified in Section 125.585 (M.S.A. 5.2935) of the Zoning Enabling Act of Michigan, Act 207 of the Public Acts of 1921, as amended.

(Ord. 1986-15. Passed 11-3-86.)

CHAPTER 1236

Districts Generally and Zoning Map

- 1236.01 Establishment of districts.
- 1236.02 Required conformity to district regulations.
- 1236.03 District boundaries shown on Zoning Map.
- 1236.04 Interpretation of Zoning Map.
- 1236.05 Annexed areas.
- 1236.06 Lots in two districts.
- 1236.07 Vacated streets and alleys.

CROSS REFERENCES

Amendments - see P. & Z. 1230.03

General provisions and definitions - see P.& Z.Ch. 1230

Essential services - see P. & Z. 1232.06

Administration, enforcement and penalty - see P. & Z.Ch. 1232

Performance standards - see P. & Z.Ch. 1278

Supplementary regulations - see P. & Z.Ch. 1288

1236.01 ESTABLISHMENT OF DISTRICTS.

The City is hereby divided into zoning districts as follows:

- (a) R-1AA One-Family Residential District
- (b) R-1A One-Family Residential District
- (c) R-1B One-Family Residential District
- (d) R-1C One-Family Residential District
- (e) R-2 Two-Family Residential District
- (f) R-3 Multifamily Residential District
- (g) R-4 Multifamily Low-Rise Residential District
- (h) R-5 Multifamily High-Rise Residential District
- (i) PRD Planned Residential District
- (j) B-1 Limited Business District
- (k) B-2 Neighborhood Business District
- (l) B-3 Business Extensive District
- (m) B-4 Business Intensive District
- (n) IND-B Industrial-Business District
- (o) IND-1 Light Industrial District
- (p) IND-2 Heavy Industrial District
- (q) HD Historic District
- (r) T-I Transitional Industrial District

(s) P-1 Parking District

(t) RV River Valley District

(Ord. 2. Passed 6-22-61; Ord. 2-A-14. Passed 6-21-66; Ord. 2-A-21. Passed 1-16-68; Ord. 2-A-41. Passed 4-25-72; Ord. 1987-10. Passed 9-14-87; Ord. 1988-05. Passed 4-5-88.)

1236.02 REQUIRED CONFORMITY TO DISTRICT REGULATIONS.

Except as otherwise provided in this Zoning Code, no structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved or altered, unless the same is in conformity with the regulations herein specified for the district in which the structure or land is located.

(Ord. 2. Passed 6-22-61.)

1236.03 DISTRICT BOUNDARIES SHOWN ON ZONING MAP.

The boundaries of the districts established in Section 1236.01 are hereby established as shown on the Zoning Map, which accompanies original Ordinance 2, passed June 22, 1961, and which, with all notations, references and other information shown thereon, is as much a part of this Zoning Code as if fully described herein. Such Map shall be certified as the official copy by the City Clerk and shall be kept on display in the City Clerk's office. Maps and descriptions accompanying enacted amendments shall be displayed adjacent to the official copy until such time as the official copy is corrected. When so ordered by resolution of Council, the official copy shall be corrected to show all amendments, and the accuracy and completeness of such corrections shall be certified thereon by the City Clerk.

(Ord. 2. Passed 6-22-61.)

1236.04 INTERPRETATION OF ZONING MAP.

Where, due to the scale, lack of detail or illegibility of the Zoning Map, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary, as shown thereon, an interpretation concerning the exact location of the district boundary line shall be determined by the Board of Zoning Appeals. The Board, in arriving at a decision on these matters, shall apply the following standards:

(a) District boundary lines are intended to follow centerlines of alleys, streets, rights of way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise obviously indicated as shown on the Zoning Map.

(b) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property, or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale shown thereon.

(d) If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board shall determine and fix the location of such line in a reasonable manner.

(Ord. 2. Passed 6-22-61.)

1236.05 ANNEXED AREAS.

Whenever any land is hereafter annexed to the City, such land shall automatically become an R-1AA One-Family Residential District and shall remain as an R-1AA District until changed by the adoption of a Zoning Map amendment by Council.

(Ord. 2. Passed 6-22-61.)

1236.06 LOTS IN TWO DISTRICTS.

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulation for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

(Ord. 2. Passed 6-22-61.)

1236.07 VACATED STREETS AND ALLEYS.

Where a street or alley shown on a district map is hereafter vacated, the land formerly in such street or alley shall be included within the district of adjoining property on either side of such vacated street or alley, and in the event such street or alley was a district boundary between two or more different districts, the new district boundary shall be the former centerline of such vacated street or alley.

(Ord. 2. Passed 6-22-61.)

CHAPTER 1238

R-1AA One-Family Residential District

- 1238.01 Intent.
- 1238.02 Permitted principal uses.
- 1238.03 Permitted accessory uses.
- 1238.04 Uses requiring a special exception permit.
- 1238.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Performance standards - see P. & Z. Ch. 1278
- Residential fences - see P. & Z. 1279.03
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Manufactured one-family detached dwelling units - see P. & Z. Ch. 1290
- Area requirements for residences - see B. & H. Ch. 1422

1238.01 INTENT.

The provisions of this chapter are intended to encourage a suitable environment for families typically with children. Uses are limited to one-family dwellings along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood environment. Development is regulated to low density. Commercial and other uses which tend to be incompatible with the intent are prohibited.

(Ord. 2. Passed 6-22-61.)

1238.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the R-1AA District:

- (a) One-family dwellings; and
- (b) Neighborhood public parks, playgrounds and elementary schools primarily for the use of neighborhood residents, having a minimum standard of 500 square feet per pupil.

(Ord. 2. Passed 6-22-61.)

1238.03 PERMITTED ACCESSORY USES.

(a) The following accessory uses are permitted in the R-1AA District:

- (1) Private garages;
- (2) Garden houses, tool houses, swimming pools, playhouses or greenhouses, none being used for commercial purposes;
- (3) Motor vehicle parking, not in excess of the motor vehicles owned or leased by the occupants, except as provided in subsection (b) hereof, plus two additional spaces;
- (4) Signs, in accordance with Chapter 1280;
- (5) Fences, in accordance with Chapter 1279;
- (6) Satellite television dishes and wind turbines, but not more than one such dish and one such turbine shall be located in the rear yard, upon a free-standing pole or stanchion, at a height not to exceed fifteen feet from the uppermost part of

such device to ground level, in accordance with setback provisions applicable to other accessory structures; and

(7) Uses customarily incidental to the permitted principal uses.

(Ord. 1995-27. Passed 12-19-95; Ord. 2012-03. Passed 3-6-12.)

(b) Outside storage of lawnmowers, garden tractors and articles of similar nature is hereby prohibited.

(c) Except as provided for in subsection (d) hereof, the permanent storage of motor homes in excess of ninety-six inches in height or twenty-four feet in length, including their towing mechanisms, and other recreational vehicles (including utility trailers) of any size such as, but not limited to, boats, snowmobiles, campers, or travel trailers, shall be prohibited, unless they are completely enclosed within a permanent structure. The temporary storage of licensed and operational recreational vehicles, with their towing mechanisms (if any), may be permitted for routine maintenance, cleaning, loading and unloading, and similar activities for not more than three consecutive days, provided that such vehicles are stored on a paved driveway.

(d) The permanent storage of motor homes in excess of ninety-six inches in height or twenty-four feet in length, including their towing mechanisms, and other recreational vehicles (including utility trailers) of any size such as, but not limited to, boats, snowmobiles, campers, or travel trailers, is permitted on parcels in excess of one acre in size, provided that the following criteria are met: The storage shall only be permitted if it occurs on a paved surface of a consistency and depth consistent with the applicable codes in existence at the time of said construction. Further, the storage must be confined to the rear yard of said premises. The rear yard is defined as the area of the rear property from the back of the dwelling unit to the rear lot line.

(e) For purposes of this section, recreational equipment is identified as and shall include the following:

(1) A boat shall include boats, floats, rafts and canoes, plus the normal equipment to transport the same on the highway.

(2) A snowmobile shall include all motorized tracked recreational vehicles for use on snow and ice and normal equipment to transport the same on the highway.

(3) A camper is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

(4) A 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 with self-contained sanitary, water and electrical facilities.

(5) A motor home is a recreational vehicle intended for temporary human habitation, mounted upon a chassis with wheels and capable of being moved from place to place under its own power.

(6) Other recreational equipment shall include personal watersport vehicles and all-terrain and special terrain vehicles.

(f) Whoever violates this section shall be responsible for a Municipal civil infraction and shall be fined not less than fifty dollars (\$50.00). Within a one-year period, whoever violates this section two or more times shall be fined not less than one hundred dollars (\$100.00). Within a two-year period, whoever violates this section three or more times shall be fined not less than two hundred fifty dollars (\$250.00).

(Ord. 98-01. Passed 1-6-98; Ord. 2004-17. Passed 12-7-04.)

1238.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

The uses listed herein are permitted in the R-1AA District only when, in the opinion of the Board of Zoning Appeals, after a public hearing, adequate conditions exist or can be imposed that will make such uses compatible with the intent of the R-1AA District and the purposes of this Zoning Code, subject to Chapter 1234.

The following uses are subject to Board conditions requiring front, side and rear open space, but in no case less than the required area, height, bulk and placement; appropriate location of off-street parking; and adequate provision for the location of noisy activities on such part of the lot as to protect the character of the District:

(a) Churches and parochial schools;

(b) Nonprofit schools, provided, however, that the Board shall be guided by the following minimum standards concerning the ratio of pupils to the total size of lots:

(1) For nursery schools, 300 square feet per pupil, exclusive of buildings and required front yard space; and

(2) For elementary and junior and senior high schools, 500 square feet per pupil;

(c) Nonprofit recreational areas operated by membership organizations for the benefit of their members;

(d) Nonprofit educational, social, neighborhood, community and recreational uses, such as parks, playgrounds, golf courses, ball fields, athletic fields and stadiums;

(e) Municipal, State or Federal uses, public libraries, museums, public utility buildings, telephone exchanges, transformer stations and substations, electric transmission towers, fire stations and gas regulator stations;

(f) Hospitals, limited to a 200-bed minimum, and convalescent or nursing homes, limited to a 100-bed minimum, provided

that they are located on primary or secondary thoroughfares; and

(g) Cemeteries.

(Ord. 2. Passed 6-22-61.)

1238.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement requirements for the R-1AA District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

35 35 10 20 35

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

30 2-1/2 12,000 100

(Ord. 2. Passed 6-22-61.)

CHAPTER 1240

R-1A One-Family Residential District

1240.01 Intent.

1240.02 Permitted principal uses.

1240.03 Permitted accessory uses.

1240.04 Uses requiring a special exception permit.

1240.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Special exceptions - see P. & Z.1234.12(b)

Variances - see P. & Z.1234.12(c), 1276.07

District boundaries - see P. & Z.1236.03

Lots in two districts - see P. & Z.1236.06

Performance standards - see P. & Z.Ch. 1278

Residential fences - see P. & Z.1279.03

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Manufactured one-family detached dwelling units - see P. & Z.Ch. 1290

Area requirements for residences - see B.& H.Ch. 1422

1240.01 INTENT.

The provisions of this chapter are basically the same as those for the R-1AA District, except that the minimum lot area

requirement is less, thereby providing for a higher density of development than is permitted in the R-1AA District.
(Ord. 2. Passed 6-22-61.)

1240.02 PERMITTED PRINCIPAL USES.

Permitted principal uses are the same as those permitted in the R-1AA District.
(Ord. 2. Passed 6-22-61.)

1240.03 PERMITTED ACCESSORY USES.

Permitted accessory uses are the same as those permitted in Section 1238.03(a) for the R-1AA District.
(Ord. 2. Passed 6-22-61; Ord. 2012-03. Passed 3-6-12.)

1240.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.
(Ord. 2. Passed 6-22-61.)

1240.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement requirements for the R-1A District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

35 30 7 17 35

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

30 2-1/2 9,600 80

(Ord. 2. Passed 6-22-61; Ord. 2-A-3. Passed 6-19-62.)

CHAPTER 1242

R-1B One-Family Residential District

1242.01 Intent.

1242.02 Permitted principal uses.

1242.03 Permitted accessory uses.

1242.04 Uses requiring a special exception permit.

1242.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

District boundaries - see P. & Z. 1236.03

Lots in two districts - see P. & Z. 1236.06

- Performance standards - see P. & Z.Ch. 1278
- Residential fences - see P. & Z.1279.03
- Signs - see P. & Z.Ch. 1280
- Off-street parking and loading - see P. & Z.Ch. 1282
- Nonconforming uses - see P. & Z.Ch. 1286
- Supplementary regulations - see P. & Z.Ch. 1288
- Manufactured one-family detached dwelling units - see P. & Z.Ch. 1290
- Area requirements for residences - see B.& H.Ch. 1422

1242.01 INTENT.

The provisions of this chapter are basically the same as those for the R-1A District, except that the minimum lot area requirement is slightly less, thus permitting a greater density of one-family dwelling development.

(Ord. 2. Passed 6-22-61.)

1242.02 PERMITTED PRINCIPAL USES.

Permitted principal uses are the same as those permitted in the R-1AA District.

(Ord. 2. Passed 6-22-61.)

1242.03 PERMITTED ACCESSORY USES.

Permitted accessory uses are the same as those permitted in Section 1238.03(a) for the R-1AA District.

(Ord. 2. Passed 6-22-61; Ord. 2012-03. Passed 3-6-12.)

1242.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.

(Ord. 2. Passed 6-22-61.)

1242.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement requirements for the R-1B District are as follows:

Maximum	<u>Minimum Required Set-back Dimensions in Feet</u>			
Building Area				
Coverage of				
Lot, Including	<u>Side Yards</u>			
Accessory				
Buildings, in	Front		Rear	
Percent of				
<u>Lot Area</u>	<u>Least One</u>	<u>Total of Two</u>		
35	25	5	15	30
<u>Maximum Building Height</u>		<u>Minimum Lot Size</u>		
Area in				
<u>In Feet</u>	<u>In Stories</u>	<u>Square Feet</u>	<u>Width in Feet</u>	
30	2-1/2	7,700	70	

(Ord. 2. Passed 6-22-61; Ord. 2-A-3. Passed 6-19-62.)

CHAPTER 1244

R-1C One-Family Residential District

- 1244.02 Permitted principal uses.
- 1244.03 Permitted accessory uses.
- 1244.04 Uses requiring a special exception permit.
- 1244.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Performance standards - see P. & Z. Ch. 1278
- Residential fences - see P. & Z. 1279.03
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Manufactured one-family detached dwelling units - see P. & Z. Ch. 1290
- Area requirements for residences - see B.& H. Ch. 1422

1244.01 INTENT.

The provisions of this chapter are intended to be similar to those for the R-1B District, except that the provisions of this chapter permit a smaller lot size and thereby provide for a higher single-family density. The highest density permitted for single-family housing is in the R-1C District.

(Ord. 2. Passed 6-22-61.)

1244.02 PERMITTED PRINCIPAL USES.

Permitted principal uses are the same as those permitted in the R-1AA District.

(Ord. 2. Passed 6-22-61.)

1244.03 PERMITTED ACCESSORY USES.

Permitted accessory uses are the same as those permitted in Section 1238.03(a) for the R-1AA District.

(Ord. 2. Passed 6-22-61; Ord. 2012-03. Passed 3-6-12.)

1244.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.

(Ord. 2. Passed 6-22-61.)

1244.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement requirements for the R-1C District are as follows:

Maximum	<u>Minimum Required Set-back Dimensions in Feet</u>	
Building Area		
Coverage of		
Lot, Including	<u>Side Yards</u>	
Accessory		
Buildings, in	Front	Rear
Percent of		
<u>Lot Area</u>	<u>Least One</u>	<u>Total of Two</u>

35 25 5 15 30

For lots of record less than 45

feet wide

5 13

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

30 2-1/2 6,600 60

(Ord. 2. Passed 6-22-61; Ord. 2-A-3. Passed 6-19-62.)

CHAPTER 1246

R-2 Two-Family Residential District

1246.01 Intent.

1246.02 Permitted principal uses.

1246.03 Permitted accessory uses.

1246.04 Uses requiring a special exception permit.

1246.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Special exceptions - see P. & Z.1234.12(b)

Variances - see P. & Z.1234.12(c), 1276.07

District boundaries - see P. & Z.1236.03

Lots in two districts - see P. & Z.1236.06

Residential buildings in R-2 Districts - see P. & Z.1274.03

Performance standards - see P. & Z.Ch. 1278

Residential fences - see P. & Z.1279.03

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Area requirements for residences - see B.& H.Ch. 1422

Registration and inspection of rental dwellings and rental units - see B. & H.Ch. 1486

1246.01 INTENT.

The provisions of this chapter are intended to provide suitable area for the proper development of two-family dwellings which will provide adequate areas suitable for family living and environment.

(Ord. 2. Passed 6-22-61.)

1246.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in an R-2 District:

(a) The same uses permitted in the R-1AA District; and

(b) Two-family dwellings.

(Ord. 2. Passed 6-22-61.)

1246.03 PERMITTED ACCESSORY USES.

Permitted accessory uses are the same as those permitted in Section 1238.03(a) for the R-1AA District.
(Ord. 2. Passed 6-22-61; Ord. 2012-03. Passed 3-6-12.)

1246.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.
(Ord. 2. Passed 6-22-61.)

1246.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the R-2 District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

35 25 5 15 30

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

30 2-1/2 6,000 60

(Ord. 2. Passed 6-22-61.)

CHAPTER 1248

R-3 Multifamily Residential District

1248.01 Intent.

1248.02 Permitted principal uses.

1248.03 Permitted accessory uses.

1248.04 Uses requiring a special exception permit.

1248.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

District boundaries - see P. & Z. 1236.03

Lots in two districts - see P. & Z. 1236.06

Residential buildings in R-3 Districts - see P. & Z. 1274.03

Performance standards - see P. & Z. Ch. 1278

Residential fences - see P. & Z. 1279.03

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Nonconforming uses - see P. & Z. Ch. 1286

Supplementary regulations - see P. & Z. Ch. 1288

Area requirements for residences - see B.& H.Ch. 1422

Registration and inspection of rental dwellings and rental units - see B. & H.Ch. 1486

1248.01 INTENT.

The provisions of this chapter are intended to provide a suitable residential environment for families living in two-family or multifamily dwellings. Such provisions are designed to provide adequate open space in proportion to building area and the number of rooms per dwelling unit. This proportion is directly related to the open space needs of various sized families. These provisions are designed to flexibly reflect the different types of family accommodations permitted.

(Ord. 2. Passed 6-22-61.)

1248.02 PERMITTED PRINCIPAL USES.

The following uses are permitted in an R-3 District:

- (a) The same uses permitted in an R-2 District;
- (b) Multifamily dwellings;
- (c) Boarding and rooming houses; and
- (d) Adult foster-care facilities.

(Ord. 2. Passed 6-22-61; Ord. 2-A-74. Passed 10-2-84.)

1248.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the R-3 District:

- (a) A community garage serving the principal building, containing space for no greater number of motor vehicles than twice the number of dwelling units in the principal building;
- (b) A private swimming pool designed and operated only for occupants of the principal building and their personal guests;
- (c) A maintenance and management building associated with multifamily dwellings;
- (d) Any use customarily incidental to the permitted principal use;
- (e) The same accessory uses permitted in the R-1AA District;
- (f) Parking, in accordance with Chapter 1282:

Uses Spaces Per Dwelling Unit

- (1) One and one-half room efficiency
and one bedroom in use 1-1/2
- (2) Two and three-bedroom living unit 2
- (3) Four or more bedroom unit 3

(Ord. 2. Passed 6-22-61.)

(g) A satellite television dish, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed the existing roof elevation by more than twelve feet and in no case shall the height of the uppermost part of such device exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1248.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.

(Ord. 2. Passed 6-22-61.)

1248.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the R-3 District are as follows:

Maximum	<u>Minimum Required Set-back Dimensions in Feet</u>
Building Area	
Coverage of	

Lot, Including Side Yards
 Accessory
 Buildings, in Front Rear
 Percent of
Lot Area Least One Total of Two

For a single-family dwelling on a single lot, regulations for the R-1C District shall apply.

For a two-family dwelling on a single lot, regulations for the R-2 District shall apply.

Minimum lot 25 Each side yard shall have 30

area in a depth of one foot for

square feet every foot of height of the

(applies) principal building, except

that for lots of record, the

required total of two side

yards shall not be less

than forty percent of the

width of the lot and the least

side yard shall not be less

than five feet.

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

40 3 Lot area per 60

dwelling unit:

1-bedroom -

3,000

2-bedroom -

3,500

3-bedroom -

5,000

(Ord. 2. Passed 6-22-61; Ord. 2-A-42. Passed 7-5-72.)

CHAPTER 1250

R-4 Multifamily Low-Rise Residential District

1250.01 Intent.

1250.02 Permitted principal uses.

1250.03 Permitted accessory uses.

1250.04 Uses requiring a special exception permit.

1250.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

District boundaries - see P. & Z. 1236.03

Lots in two districts - see P. & Z.1236.06

Performance standards - see P. & Z.Ch. 1278

Residential fences - see P. & Z.1279.03

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Manufactured one-family detached dwelling units - see P. & Z.Ch. 1290

Area requirements for residences - see B.& H.Ch. 1422

Registration and inspection of rental dwellings and rental units - see B. & H.Ch. 1486

1250.01 INTENT.

The provisions of this chapter are intended to serve the residential needs of persons desiring apartment-type accommodations with central services as opposed to the one-family residential patterns found in other City areas. R-4 Districts are intended to provide strategically located areas in the community adjacent to major thoroughfares. They are also intended to provide open space to encourage the development and construction of multifamily residential buildings. These multifamily dwellings may be, but are not limited to, row houses, town houses and apartments, both terrace and garden-type.

The provisions of this chapter are designed to provide flexibility for different types of permitted residential accommodations and freedom of architectural design to encourage the development of building forms.

(Ord. 2-A-14. Passed 6-21-66.)

1250.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in an R-4 District:

- (a) Multifamily dwellings;
- (b) Apartment hotels;
- (c) Boarding and rooming houses; and

(Ord. 2-A-14. Passed 6-21-66.)

(d) Efficiency apartments as part of a multifamily housing development, provided that not more than twenty-five percent of the dwelling units are efficiency apartments.

(Ord. 1986-02. Passed 2-18-86.)

1250.03 PERMITTED ACCESSORY USES.

Uses to serve the principal multifamily building solely for the use of the residents are permitted in the R-4 District. Uses considered as accessory uses include:

- (a) A parking garage serving a principal building, containing motor vehicle spaces no greater than two times the number of dwelling units in the principal building;
- (b) A private swimming pool;
- (c) A maintenance and management building;
- (d) Pavilions, cabanas and similar uses;
- (e) Any use customarily incidental to a permitted principal use; and
- (f) The same accessory uses permitted in the R-3 District.

(Ord. 2-A-14. Passed 6-21-66.)

1250.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

To protect the intent and character of the R-4 District, special exception permit uses in such District are limited to:

- (a) Churches and parochial schools; and
- (b) Cemeteries.

1250.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the R-4 District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

Minimum lot No building in the proposed development shall be nearer to an exterior

lot in square property line than a distance equal to one-half of its height, but in no

feet applies. case shall this distance be less than twenty-five feet. Side yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel. The arrangement of buildings on the site shall be such that main buildings are not nearer each other than the average of their heights, except when principal buildings are so located that they will not occupy any space lying between the prolongation of any two on the opposite exterior walls of another main building, in which case the two buildings need to be separated by a distance of twenty-five feet.

For planned residential developments involving the construction of two or more multifamily buildings on a lot, parcel or tract of land, no construction shall take place until a site plan is submitted to and approved by the Planning Commission and Council.

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

Minimum lot Such site plan shall indicate:

area in square (a) A dimensional property map, development name and feet applies.

any unusual topographic formation;

(b) The location and height of all buildings and structures;

(c) Parking facilities and arrangement of spaces;

(d) All access roads, landscaping, open spaces, paved exterior areas, courtyards and plazas;

(e) The location and size of utilities for installation, out door storage, proposed signs and other developmental features; and

(f) A schedule of usable floor area, land area, setbacks, land coverage, dwelling unit density and parking ratio.

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet * see below

40 Lot area per

dwelling unit:

1-bedroom -

- 1,800
- 2-bedroom -
- 2,400
- 3-bedroom -
- 3,000

* MINIMUM LOT SIZE - AREA IN SQUARE FEET. The land proposed for the planned residential unit development shall be in one ownership at the time of application. The proposed building units will be situated on a tract or contiguous tracts of land not subdivided into customary streets and lots, presently or in the future. In the event of the subsequent sale of the property or change of plan, no construction shall take place except in accordance with the plan originally submitted to and approved by the Planning Commission and Council, unless such plan has been amended (and again approved) by the Commission and Council in accordance with the specified procedure.

(Ord. 2-A-14. Passed 6-21-66; Ord. 2-A-42. Passed 7-5-72.)

CHAPTER 1252

R-5 Multifamily High-Rise Residential District

- 1252.01 Intent.
- 1252.02 Permitted principal uses.
- 1252.03 Permitted accessory uses.
- 1252.04 Uses requiring a special exception permit.
- 1252.05 Schedule of area, height, bulk and placement regulations.
- 1252.06 Minimum interior unit sizes.

CROSS REFERENCES

Special exceptions - see P. & Z.1234.12(b)

Variances - see P. & Z.1234.12(c), 1276.07

District boundaries - see P. & Z.1236.03

Lots in two districts - see P. & Z.1236.06

Performance standards - see P. & Z.Ch. 1278

Residential fences - see P. & Z.1279.03

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z. Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Area requirements for residences - see B.& H.Ch. 1422

Registration and inspection of rental dwellings and rental units - see B. & H.Ch. 1486

1252.01 INTENT.

The provisions of this chapter are intended to provide high-density multifamily structures adjacent to major thoroughfares and commercial uses.

(Ord. 2-A-41. Passed 4-25-72.)

1252.02 PERMITTED PRINCIPAL USES.

High-rise multifamily structures in excess of three stories are permitted in the R-5 District. No building permit shall be issued unless the site plan has been approved by Council after receipt of a recommendation on such site plan from the Planning Commission, except that Council may act on a site plan if a recommendation is not received within thirty days from the Commission after it has been requested by Council.

(Ord. 2-A-41. Passed 4-25-72.)

1252.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the R-5 District:

- (a) Retail and service uses clearly accessory to the principal use, provided that such use is entirely within the main structure or structures and totally obscured from exterior view. Such uses shall be permissible on the first floor only and shall be developed solely for the use of residents of the principal building.
- (b) Recreational or parking structures developed solely for the use of the residents of the principal building;
- (c) Signs, in accordance with Chapter 1280;

Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

Parking, in accordance with Chapter 1282 and this subsection.

<i>Type of Unit</i>	<i>Number of Spaces</i>
Efficiency	1-1/2 spaces per unit
One-Bedroom	1-1/2 spaces per unit
Two-Bedroom or more	1 space per bedroom

(Ord. 2-A-41. Passed 4-25-72; Ord. 2-A-76. Passed 4-16-85.)

1252.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

- (a) Uses requiring a Board of Zoning Appeals special exception permit are the same as those in the R-1AA District.
- (b) Uses requiring a Planning Commission special exception permit are rooftop commercial antennas in accordance with the conditions set forth in Chapter 814.

(Ord. 2-A-41. Passed 4-25-72; Ord. 2004-04. Passed 7-6-04.)

1252.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the R-5 District are as follows:

Maximum Building Area Coverage of Lot, Including Accessory Buildings, in Percent of Lot Area	<i>Minimum Required Setback Dimensions in Feet</i>			
	Front	Side Yards		Rear
		Least One	Total of Two	
18 (66 including drives, parking and walkways)	1 ft. horizontally for every ft. of vertical height, but not less than 50 ft.	50	100	50

<i>Maximum Building Height</i>		<i>Minimum Lot Size</i>	
In Feet	In Stories	Area in Square Feet	Width in Feet
100 (subject to airport zoning regulations)	10	5 acres (Such minimum may be reduced to not less than 2 acres by appropriate finding of the Board of Zoning Appeals when the proposed site is located adjacent to permanent open space and adequate public parking.)	

(Ord. 2-A-41. Passed 4-25-72.)

1252.06 MINIMUM INTERIOR UNIT SIZES.

Minimum interior unit sizes in the R-5 District are as follows:

Type of Unit Minimum Size (sq. ft.)

Efficiency 400

One-Bedroom 640
Two-Bedroom 840
Three-Bedroom 1,040

(Ord. 2-A-41. Passed 4-25-72.)

CHAPTER 1253

PRD Planned Residential District

- 1253.01 Intent.
- 1253.02 Basic land conditions.
- 1253.03 Density.
- 1253.04 Commercial and office uses.
- 1253.05 Building lines; open space.
- 1253.06 Area, height and bulk regulations.
- 1253.07 Preapplication conference.
- 1253.08 Contents of applications.
- 1253.09 Review by Planning Commission.
- 1253.10 Action by Council; effect of zoning.
- 1253.11 Approval of site plans prior to issuance of building permits.
- 1253.12 Terms of site plan approval.
- 1253.13 Site plan amendments and revisions.
- 1253.14 Violations.
- 1253.15 Fees.

CROSS REFERENCES

- Special exceptions - see P. & Z.1234.12
- Variances - see P. & Z.1234.12(c), 1276.07
- District boundaries - see P. & Z.1236.03
- Lots in two districts - see P. & Z.1236.06
- Planned projects - see P. & Z.Ch. 1274
- Site plan approval - see P. & Z.Ch. 1276
- Performance standards - see P. & Z.Ch. 1278
- Residential fences - see P. & Z.1279.03
- Signs - see P. & Z.Ch. 1280
- Off-street parking and loading - see P. & Z.Ch. 1282
- Nonconforming uses - see P. & Z.Ch. 1286
- Supplementary regulations - see P. & Z.Ch. 1288
- Area requirements for residences - see B. & H.Ch. 1422

1253.01 INTENT.

(a) The intent of this chapter is to permit, through design innovations and environmental sensitivity, flexibility in the development of residential housing patterns on sites where conventional design layout would either destroy the unique environmental significances of the site or would discourage innovative housing design and layout. This chapter shall provide for detached housing as well as attached units up to four.

(b) In addition, this chapter is designed to preserve and protect the natural physiographic qualities of land (i.e. topography, drainage, vegetation, wetlands, slopes, flood plains, views, etc.) by providing flexibility for the location of roadways and structures to ensure proper fit to the land while maintaining overall density objectives.

(c) A Planned Residential District (PRD) may be permitted after review of a site analysis and development plan by Council and the Planning Commission in accordance with procedures set forth in this chapter.

(d) Development under this option shall be in accordance with a comprehensive physical analysis which results in the proposal meeting the following general criteria:

(1) An overall site analysis which includes the following: topography, existing vegetation, drainage, access, flood plains, wetlands, slopes, etc.;

(2) A development plan which contains not less than three units per net acre and not more than six units per net acre;

(3) A logical distribution of residential uses in keeping with the physical character of the City and the area surrounding the proposed development;

(4) An analysis stating the applicant's desire for the proposed type of residential units as well as a description and/or illustration of the following:

A. Mix of detached and attached units, if applicable;

B. General elevations;

C. General character of landscaping;

D. General material selection (building); and

E. Graphic floor plan showing the location of garages and the approximate sizes of rooms.

(e) Development under this section shall be subject to the conditions set forth in this chapter.

(Ord. 1988-05. Passed 4-5-88.)

1253.02 BASIC LAND CONDITIONS.

(a) A plan for a specific parcel of land or several contiguous parcels of land, of sufficient size to permit development of a self-contained residential area, shall be provided. Sufficient size shall be determined to be, for the purposes of this chapter, not smaller than 2.5 gross acres. A Planned Residential District (PRD) may include both single-family attached and detached dwelling units, as well as typical accessory uses associated with residential uses, planned and designed in such a manner as to preserve and protect the character of the applicant's land, and to protect uses within the PRD by preserving as much natural vegetation and terrain as possible.

(b) The site area used for computing density shall consist of contiguous land under single ownership or control.

(Ord. 1988-05. Passed 4-5-88.)

1253.03 DENSITY.

(a) The maximum permitted densities within a Planned Residential District (PRD) shall be not greater than six units per acre. The minimum permitted density shall be not less than three units per acre unless an appeal is granted based on unusual environmental conditions present on the site.

(b) One-family dwellings may include such dwellings that are attached, with not more than four in a cluster, each with separate outside entrances, and with no access permitted to individual units through common hallways. Units attached in any other manner shall be considered multifamily units and shall be prohibited in a PRD.

(c) The number of dwelling units permitted per acre shall be determined by the following schedule:

(1) Density shall be calculated net of public roads and easements. The petitioner shall indicate public or private roads. Net density means minus public roads and easements.

(2) There shall be a minimum of two bedrooms per unit. No one-bedroom units shall be allowed.

(d) For the purpose of determining the number of bedrooms in an attached unit, any room referred to as a "den" or a "library," and any other extra room, shall be considered a bedroom. All bedrooms shall contain a closet.

(e) One hundred percent of the total rooms permitted on the site shall be in one-family detached or one-family attached dwelling units.

(Ord. 1988-05. Passed 4-5-88.)

1253.04 COMMERCIAL AND OFFICE USES.

Commercial and/or office uses shall be permitted in such areas and sizes as are necessary or desirable to serve the residential development of the same Planned Residential District, provided that such District is at least fifteen acres in size and that such uses do not comprise more than ten percent of the land area.

(Ord. 1988-05. Passed 4-5-88.)

1253.05 BUILDING LINES; OPEN SPACE.

(a) In order to be counted as attached one-family dwelling units, the facades or building lines of such units shall be staggered so that they do not appear to be row housing.

(b) Private common open space shall be provided on the basis of at least fifteen percent of the total acreage of the Planned Residential District. No yard requirements for either attached or detached single-family units shall be mandatory. The common open space shall be centrally located as one site or shall be well spaced throughout the development.

(Ord. 1988-05. Passed 4-5-88.)

1253.06 AREA, HEIGHT AND BULK REGULATIONS.

(a) All side, rear and front yard areas shall be shown on the development plan.

(b) All heights shall be shown on the building elevations.

(c) All floor plans shall have a minimum of 1,200 square feet of living area. This shall exclude garages.

(d) All garages shall be attached and shall accommodate two automobiles. Except when site or design conditions dictate, one car garages may be provided for up to thirty percent of the units.

(e) All unit types shall have a minimum of 1,300 square feet, excluding garages.

(Ord. 1988-05. Passed 4-5-88.)

1253.07 PREAPPLICATION CONFERENCE.

(a) A potential applicant for a Planned Residential District (PRD) classification shall request a preapplication conference with City officials prior to filing an application. The request shall be made to the Planning Commission which shall set a date therefor and inform the appropriate City officials of the conference and invite their attendance.

(b) The purpose of the conference is to inform City and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the City and other agencies in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

(Ord. 1988-05. Passed 4-5-88.)

1253.08 CONTENTS OF APPLICATIONS.

(a) An application for a Planned Residential District (PRD) classification shall be for an amendment to the City Zoning Map. An application for a PRD classification for a parcel of land may be made by the owner of record or by any person acting on behalf of the owner of record of the subject parcel. The applicant shall have a substantial interest in the subject property to file for a PRD classification. Such filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PRD, such as legal title or execution of a binding sales agreement, option agreement or land contract, prior to approval of the petition and development plan by Council.

(b) The application shall be filed with the Planning Commission. The application, with the development plan, must be filed by 4:30 p.m. on the fourth Tuesday of the month. All fees, if required, shall be paid at that time.

(c) Upon receipt of the petition and development plan, the Commission shall undertake a study of the same and shall complete such study in accordance with the following schedule:

(1) Staff meets the first Tuesday of the month for review of petitions.

(2) Agenda items are finalized on the second Tuesday of the month.

(3) The Commission considers petitions, if approved by the staff, on the second Tuesday of the month (8:00 p.m.).

(4) Council considers actions on Commission items on the third Tuesday of the month (8:00 p.m.).

(d) The Commission shall give notice of the public hearing as required.

(e) At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:

(1) A boundary survey and computation of the area proposed for development of the exact acreage being requested, prepared and certified by a registered land surveyor (minimum scale: one inch equals 200 feet);

(2) A topography map drawn with a contour interval of not greater than two feet. This map shall indicate all major stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (minimum scale: one inch equals 200 feet);

(3) A current aerial photograph of the area (minimum scale: one inch equals 200 feet);

(4) A documented site analysis which identifies the character, structure and potential of the site as it relates to this chapter. The analysis shall include the areas adjacent to the subject property and sufficient information about the nearby properties so that a determination can be made by the Planning Commission and Council as to the impact of the proposed PRD on the general area in which the development is located. The analysis shall include, at a minimum, the following:

- A. Contiguous land uses. Type of contiguous land uses and their impact on adjoining lands and direction and distance to community facilities, and public transportation routes related to the site shall be shown;
- B. Topography. Basic topography, any unique ground forms and percent of slope;
- C. Drainage. Natural watershed (direction), drainage swales and swamp area;
- D. Soils. Depth of topsoil and types of soils, as designated by the United States Department of Agriculture, Soil Conservation Service;
- E. Vegetation. Location and identification of existing tree masses, location and identification of specimen plant material and indication of type of ground cover;
- F. Existing conditions. Structures, utilities and vehicular circulation; and
- G. Special features. Lakes and ponds, special land features, dramatic views, easements, etc.;

(5) A development plan for the entire PRD area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a major thoroughfare and traffic circulation plan; sites being reserved for churches, schools, service activities, playgrounds, recreational areas and parking areas; and other open spaces and areas to be used for the public or by residents of the PRD, if applicable (minimum scale: one inch equals 200 feet);

(6) An indication of the adequacy of service for storm water and sanitary water and a preliminary grading plan indicating how the land area is to be shaped. Specific design criteria shall be as shown in Section 1253.11.

(7) A written statement explaining, in detail, the full extent of the sponsor, indicating the type of dwelling units contemplated, the resultant population, the expected number of elementary school children and the intended scheduling of the development.

(Ord. 1988-05. Passed 4-5-88.)

1253.09 REVIEW BY PLANNING COMMISSION.

(a) The Planning Commission, in reviewing a plan for a proposed Planned Residential District (PRD), shall determine whether or not:

(1) All applicable provisions of this chapter have been met. Insofar as any provision of this section conflicts with the provisions of any other section of this chapter, the provisions of this section shall apply to the lands embraced within a PRD.

(2) Adequate areas have been provided, where necessary, for all utilities, schools, walkways, playgrounds, recreational areas, parking areas and other open spaces and areas to be used by the public or by residents of the community.

(3) There is or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and storm water drainage system are adequate.

(4) The plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character and goals of the City and the area surrounding the development.

(5) The applicant will make provisions to ensure that those areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose.

(6) The applicant will make provisions satisfactory to the Commission to provide for the financing of any improvements shown on the plan for any public open space areas and public common use areas which are to be included within the development, and maintenance of such improvements is assured by a means satisfactory to the Commission.

(7) The applicant will make provision satisfactory to the Commission for the installation of all streets and necessary utilities.

(b) Upon finding that the conditions outlined in subsection (a) hereof have been satisfactorily met, the Commission shall forward its report and recommendation to Council.

(Ord. 1988-05. Passed 4-5-88.)

1253.10 ACTION BY COUNCIL; EFFECT OF ZONING.

(a) Upon receipt of the report and recommendation of the Planning Commission, Council shall either approve or disapprove the plan. Approval shall be granted only upon Council determining that all provisions of this chapter have been complied with and that the proposed development will not adversely affect the public health, welfare and safety.

(b) Once an area has been approved as a Planned Residential District (PRD), no development may take place in such area, nor may any use thereof be made, if the same are not in accordance with the approved plan.

(c) A PRD zoning and development have the same longevity as other zoning designations.

(Ord. 1988-05. Passed 4-5-88.)

1253.11 APPROVAL OF SITE PLANS PRIOR TO ISSUANCE OF BUILDING PERMITS.

Before building permits are issued for buildings and structures within the area of the Planned Residential District (PRD), a final site plan shall be submitted for review and recommendation by the Planning Commission. A site plan shall contain the following and shall be in general compliance with the development plan:

(a) A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, public road rights of way and private streets, areas within each zone district and the proposed ultimate density thereof, parking areas, utilities, churches, schools and areas to be set aside for the use of the public or by residents within the development (scale: one inch equals fifty feet);

(b) The proposed topography (contour interval not greater than two feet) superimposed on all site plans (scale: one inch equals fifty feet); and

(c) Floor plans typical of all residential buildings, with the site plan indicating which floor plan is applicable to each such building.

Each final site plan submitted within the PRD shall, either individually or in combination with previously approved contiguous project areas, meet the standards of this chapter as to density, open space requirements and housing mixture requirements.

(Ord. 1988-05. Passed 4-5-88.)

1253.12 TERMS OF SITE PLAN APPROVAL.

(a) Approval of each project area shall be effective for a period of three years. If development is not completed in this period, extensions may be recommended by the Planning Commission for up to three years.

(b) Approval shall be granted by Council after review and recommendation by the Commission. Public hearings shall not be required.

(c) A dedication of all public roads, if applicable, shall be made so as to cause continuity of public access between adjacent major thoroughfares and to effectuate ingress and egress to all areas of the development within the plan.

(d) Before approving any final plan, Council shall determine that the final plan is in general conformity with the original plan previously approved.

(e) Provisions satisfactory to Council shall be made to provide for the financing of any improvements shown on the plan for public open spaces and public common areas which are to be provided by the applicant and maintenance of such improvements shall be assured by a means satisfactory to Council.

(f) Proceeding with a Planned Residential District (PRD) shall only be permitted if it is mutually agreeable to Council and the developer or sponsor.

(g) Where a property owners association (POA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the POA. The same shall be filed with the plan application. The provisions shall include, but not be limited to, the following:

(1) A POA shall be established before any home in the PRD is sold.

(2) Membership in the POA shall be mandatory for each buyer and for any successive buyer and shall be so specified in the covenants.

(3) Restrictions shall be permanent.

(4) The POA shall be made responsible for liability insurance, local taxes and maintenance of common areas and facilities.

(5) Property owners shall pay their pro rata share of the costs and it shall be so specified in the covenants. Assessments levied by the POA can become a lien on the property.

(6) A POA, may adjust the assessments to meet changed needs.

(7) Prior to the approval of the plan, Council shall review the proposed bylaws and articles of incorporation of any POA, but it shall not have the right of approval thereof.

(h) The permanence and integrity of public common open space may be secured by conveyance of development rights of such areas to a public agency if accepted by such public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved area plan, an approved preliminary site plan, where applicable, a phasing plan and a final site plan.

(i) Private common areas and facilities may be deeded to a trustee who shall be responsible for the collection and

disbursement of funds, and who shall account to the individual owners as to the use of their moneys. If a trustee is utilized, the trustee shall employ a professional manager. The trustee may be a home owner's association, a trust company or a similar organization.

(j) Easements shall be given to each individual owner for the use of such areas and facilities.

(Ord. 1988-05. Passed 4-5-88.)

1253.13 SITE PLAN AMENDMENTS AND REVISIONS.

(a) A developer who requests an amendment to an approved Planned Residential District (PRD) site plan, which amendment results in a major change, shall follow the procedures and conditions herein required for original submittal and review, in full.

(b) A request for an amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties or reasons mutually affecting the interests of the City and the developer, such as technical causes, site conditions, State or Federal projects and installations and statutory revisions. The Commission, upon finding that such reasons and request are reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee as required for original submittal, the developer shall submit the required information to the Commission for review. If the approved plan is to be amended, the Commission shall immediately notify Council.

(c) Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:

- (1) A change in the concept of the development;
- (2) A change in the use or character of the development;
- (3) A change in the type of dwelling unit as identified on the approved PRD plan;
- (4) A change in the number of dwelling units to increase the density;
- (5) A change in the nonresidential floor area of over five percent;
- (6) The rearrangement of lots, blocks and building tracts;
- (7) A change in the character or function of any street;
- (8) A reduction in land area set aside for common open space or the relocation of such area; or
- (9) An increase in building height.

(d) A developer may request Commission approval of modifications which constitute minor changes in an approved PRD plan. The Commission shall notify Council and any other applicable agency of its approval of such minor changes. The revised drawings, as approved, shall each be signed by the applicant and the owner of record or the legal representative of such owner.

(e) Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:

- (1) A change in residential floor areas;
- (2) A change in nonresidential floor area of five percent or less; or
- (3) Minor variations in layout which do not constitute major changes.

(f) The Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show the reasons for any requested change owing to changed physical or economic factors or consumer demand.

(g) Time limits set forth in this chapter may be extended upon a showing by the developer that changed physical or economic factors or consumer demands require a time extension, and by written agreement, between the applicant and the Commission, in the case of a final site plan.

(h) All site improvements and building construction shall conform to all approved site plans required in this chapter which authorize such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any major changes in the approved plans, he or she shall do so at his or her own risk, without assurance that Council, the Planning Commission or a City Official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval for such changes from the appropriate body or official and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. Council, the Commission, the Building Official or the City Consulting Engineer, whichever is applicable, may require the applicant to correct any major change made in the field without proper approval so as to conform to the approved plan.

(Ord. 1988-05. Passed 4-5-88.)

1253.14 VIOLATIONS.

(a) An area plan, preliminary plan or final site plan approved under this chapter shall have the full force of the Zoning Code. Any violation of such approved plan shall be grounds for Council to order that all construction be stopped and that building permits and certificates of occupancy be withheld until the violation is removed or an adequate guarantee of such removal is provided to Council.

(b) Violation of any plan approved under this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan, shall be considered a violation of this chapter.

(Ord. 1988-05. Passed 4-5-88.)

1253.15 FEES.

Fees for review of Planned Residential District (PRD) plans shall be established by resolution of Council.

(Ord. 1988-05. Passed 4-5-88.)

CHAPTER 1253A

PDD Planned Development District

1253A.01 Intent.

1253A.02 Parameters.

1253A.03 Density.

1253A.04 Commercial and office uses.

1253A.05 Building lines; open space.

1253A.06 Area, height and bulk regulations.

CROSS REFERENCES

Planned projects - see P. & Z.Ch. 1274

Site plan approval - see P. & Z.Ch. 1276

Performance standards - see P. & Z.Ch. 1278

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

1253A.01 INTENT.

(a) The intent of this chapter is to permit, through design innovations, flexibility in the public or private development or redevelopment of concentrated residential uses, concentrated commercial uses, and concentrated mixtures of residential with commercial uses, especially on sites where conventional design layout would discourage innovative design.

(b) A Planned Development District (PDD) may be permitted after review of a site analysis and development plan by Council and the Planning Commission in accordance with procedures set forth in Sections 1253.07 through 1253.15 of this Zoning Code.

(Ord. 2002-08. Passed 2-19-02.)

1253A.02 PARAMETERS.

(a) A plan for a specific parcel of land, or several contiguous parcels of land, of sufficient size to permit development or redevelopment, of concentrated residential uses, concentrated commercial uses, and concentrated mixtures of residential with commercial uses, shall be provided.

(b) A Planned Development District (PDD) may include both single-family attached and detached dwelling units, as well as typical accessory uses associated with residential uses, planned and designed in such a manner as to be a self-contained residential area in order to more fully utilize the available site.

(c) Commercial and/or office uses shall be permitted in such areas and sizes as are necessary or desirable to serve the residential development of the same Planned Development District or of the other nearby residential areas.

(d) Development under this option shall be in accordance with a comprehensive physical analysis which results in the proposal meeting the following general criteria:

- (1) An overall site analysis which includes the following: topography, existing vegetation, drainage, access, slopes, etc.;
- (2) A logical distribution of concentrated residential uses, concentrated commercial uses, or concentrated mixtures of residential with commercial uses, in keeping with the physical character of the City and the area surrounding the proposed development or redevelopment;
- (3) An analysis stating the applicant's desire for the proposed type of concentrated residential uses, concentrated commercial uses, or concentrated mixtures of residential with commercial uses, as well as a description and/or illustration of the following:
 - A. Mix of detached and attached units, if applicable;
 - B. General elevations;
 - C. General character of landscaping;
 - D. General material selection (building); and
 - E. Graphic floor plan showing the location of garages and the approximate size of rooms.

1253A.03 DENSITY.

(EDITOR'S NOTE: This section intentionally omitted.)

1253A.04 COMMERCIAL AND OFFICE USES.

(EDITOR'S NOTE: This section intentionally omitted.)

1253A.05 BUILDING LINES; OPEN SPACE.

(EDITOR'S NOTE: This section intentionally omitted.)

1253A.06 AREA, HEIGHT AND BULK REGULATIONS.

- (a) All side, rear and front yard areas shall be shown on the development plan.
 - (b) All heights shall be shown on the building elevations.
 - (c) All floor plans shall show the number of square feet of living area and the number of square feet of useable floor area.
- (Ord. 2002-08. Passed 2-19-02.)

CHAPTER 1254

B-1 Limited Business District

- 1254.01 Intent.
- 1254.02 Permitted principal uses.
- 1254.03 Permitted accessory uses.
- 1254.04 Uses requiring a special exception permit.
- 1254.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Commercial wastes - see S.U. & P.S. 1040.33
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Site plan approval - see P. & Z. 1276.01
- Performance standards - see P. & Z. Ch. 1278
- Business and industrial fences - see P. & Z. 1279.04
- Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Drive-in facilities - see P. & Z.1288.06

Car washes - see P. & Z.1288.07

1254.01 INTENT.

The provisions of this chapter are intended to provide a suitable environment for a certain type of use primarily of an office or assembly hall character, with adequate open space, which uses are more compatible with one another than among typical retail business uses. The general character of the District is intended to reflect nonmerchandising types of uses. While satisfying this intent, the regulations for this District also permit and provide a suitable environment for certain residential development.

(Ord. 2. Passed 6-22-61.)

1254.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the B-1 District:

- (a) Administrative and governmental offices;
- (b) Banks, professional offices, clinics and offices for real estate, accounting, insurance and similar office uses;
- (c) Studios for dancing, art, drafting design and other similar uses;
- (d) Educational institutions and commercial schools;
- (e) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations;
- (f) Churches, meeting halls, catering halls and museums;
- (g) Funeral homes;
- (h) Hospitals, convalescent and nursing homes, clinics and health clubs;
- (i) Multifamily dwellings;
- (j) (EDITOR'S NOTE: Division (j) of this section was repealed by Ord. 2005-01, passed January 4, 2005.)
- (k) Adult businesses, provided that the site upon which such business is located is more than 1,500 feet from the property line of an area zoned for residential use;
- (l) Single-family residences and dwellings in existing buildings that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor; and
- (m) Single-family residences and dwellings in cases of new construction that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single family residences and dwellings shall not be located in the basement or on the ground floor.

(Ord. 1986-12. Passed 10-7-86; Ord. 2005-01. Passed 1-4-05; Ord. 2005-08. Passed 3-1-05.)

- (n) Body art studios not within 500 feet of any other body art studio.

(Ord. 2016-05. Passed 7-5-16.)

1254.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the B-1 District:

- (a) Any use customarily incidental to the permitted principal use;
 - (b) Living quarters for the staff when customarily incidental to churches, funeral homes, hospitals and nursing homes;
 - (c) Parking, in accordance with Chapter 1282;
 - (d) Signs, in accordance with Chapter 1280;
 - (e) Fences; and
- (Ord. 2. Passed 6-22-61.)
- (f) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions

applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1254.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are personal services and small retail businesses, primarily serving permitted principal uses and subject to conditions that protect and enhance the character of the B-1 District.

(Ord. 2. Passed 6-22-61.)

1254.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the B-1 District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

For multifamily dwellings, boarding and rooming houses, and convalescent and nursing homes, the regulations for the R-3 District shall apply.

Determined by 10 5 15 None

required set- No building shall be closer than 25 feet to

back and parking any Residential District boundary.

regulations of

Chapter 1282

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

40 3 6,000 60

(Ord. 2. Passed 6-22-61.)

CHAPTER 1256

B-2 Neighborhood Business District

1256.01 Intent.

1256.02 Permitted principal uses.

1256.03 Permitted accessory uses.

1256.04 Uses requiring a special exception permit.

1256.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Commercial wastes - see S.U. & P.S. 1040.33

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

District boundaries - see P. & Z. 1236.03

Lots in two districts - see P. & Z.1236.06
Site plan approval - see P. & Z.1276.01
Performance standards - see P. & Z.Ch. 1278
Business and industrial fences - see P. & Z.1279.04
Signs - see P. & Z.Ch. 1280
Off-street parking and loading - see P. & Z.Ch. 1282
Nonconforming uses - see P. & Z.Ch. 1286
Supplementary regulations - see P. & Z.Ch. 1288
Drive-in facilities - see P. & Z.1288.06
Car washes - see P. & Z.1288.07

1256.01 INTENT.

The provisions of this chapter are intended to provide suitable locations for those commercial activities that primarily serve the residents of the surrounding neighborhood, that are compatible within themselves and that are not detrimental or injurious to contiguous residential areas.

(Ord. 2. Passed 6-22-61.)

1256.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the B-2 District:

- (a) Convenience and personal service-type stores and shops, such as grocery, drug, hardware, variety, barber, beauty, shoe repair, home appliance repair, clothes cleaning or laundry and delicatessen stores and shops;
- (b) Office uses resulting from any of the following occupations: professional, banking, real estate, insurance, studio, drafting and similar uses;
- (c) Eating and drinking places;
- (d) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations; and

(Ord. 2. Passed 6-22-61.)

- (e) Adult businesses, provided that the site upon which such business is located is more than 1,500 feet from the property line of an area zoned for residential use.

(Ord. 1986-12. Passed 10-7-86.)

- (f) Single-family residences and dwellings in existing buildings that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor.

- (g) Single-family residences and dwellings in cases of new construction that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor.

(Ord. 1986-12. Passed 10-7-86; Ord. 2004-14. Passed 10-5-04; Ord. 2005-08. Passed 3-1-05)

1256.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the B-2 District:

- (a) Any use customarily incidental to the permitted principal use;
- (b) Parking, in accordance with Chapter 1282;
- (c) Signs, in accordance with Chapter 1280;
- (d) Fences;

(Ord. 2. Passed 6-22-61.)

- (e) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License or a club license by the State Liquor Control Commission may have not more than six such devices; and

(Ord. 1992-23. Passed 5-19-92.)

(f) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1256.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are:

- (a) A similar retail business or service of the same general character as the permitted principal use and which is not injurious to the surrounding neighborhood; and
- (b) Filling stations.

(Ord. 2. Passed 6-22-61.)

1256.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the B-2 District are as follows:

Maximum Building Area Coverage of Lot, including Accessory Buildings, in Percent of Lot Area	<i>Minimum Required Setback Dimensions in Feet</i>		
		Side Yards	
	Front		Rear
		Least One	Total of Two
Determined by required setback and parking regulations of Chapter 1282	No building shall be closer than 20 feet to any Residential District boundary.		

<i>Maximum Building Height</i>		<i>Minimum Lot Size</i>	
In Feet	In Stories	Area in Square Feet	Width in Feet
25	2	4,000	40

(Ord. 2. Passed 6-22-61.)

CHAPTER 1258

B-3 Business Extensive District

- 1258.01 Intent.
- 1258.02 Permitted principal uses.
- 1258.03 Permitted accessory uses.
- 1258.04 Uses requiring a special exception permit.
- 1258.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Commercial wastes - see S.U. & P.S. 1040.33
- Special exceptions - see P. & Z.1234.12(b)
- Variances - see P. & Z.1234.12(c), 1276.07
- District boundaries - see P. & Z.1236.03
- Lots in two districts - see P. & Z.1236.06
- Site plan approval - see P. & Z.1276.01
- Performance standards - see P. & Z.Ch. 1278
- Business and industrial fences - see P. & Z.1279.04

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

Drive-in facilities - see P. & Z. 1288.06

Car washes - see P. & Z. 1288.07

Vehicle sales - see P. & Z. 1288.09

1258.01 INTENT.

The provisions of this chapter are intended to provide suitable locations for those commercial activities that function relatively independently of intensive pedestrian traffic and proximity to other firms. These activities typically require direct auto traffic access and visibility from the road. The characteristics that contribute to the sound functioning of these activities are characteristically detrimental to the B-4 District.

(Ord. 2. Passed 6-22-61.)

1258.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the B-3 District:

(a) Uses permitted in B-1 and B-2 Districts;

(b) Any retail business whose principal activity is the sale of merchandise in an enclosed building;

(c) Shops for custom work and making of articles or products to be sold at retail on the premises, shops for the sale of auto parts and heating, plumbing and electrical supplies, shops for appliance repair, auto repair garages and motor vehicle bump-and-paint shops;

(d) Open air business uses, such as:

(1) Sales of landscaping and garden materials, supplies and equipment;

(2) Sales of fruit and vegetables;

(3) Archery courts, miniature golf and similar recreational uses;

(4) New and used cars, boats and trailers; and

(5) Off-street parking lots;

(e) Theaters, assembly halls, bowling alleys, pool parlors and public recreational uses;

(f) Vehicle sales, open air;

(g) Vehicle sales, showroom;

(h) Commercial passenger stations and express offices;

(i) Drive-in type uses, such as restaurants, banks and auto washes; Veterinary hospitals;

(j) Motels;

(Ord. 2. Passed 6-22-61; Ord. 2-A-71. Passed 2-7-84; Ord. 1987-16. Passed 11-17-87.)

(k) Adult businesses, provided that the site upon which such business is located is more than 1,500 feet from the property line of an area zoned for residential use;

(Ord. 1986-12. Passed 10-7-86.)

(l) Single-family residences and dwellings in existing buildings that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor; and

(Ord. 1992-13. Passed 3-3-92.)

(m) Single-family residences and dwellings in cases of new construction that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor.

(n) Medical marijuana facilities, subject to the restrictions set forth in Chapter 838 .

(Ord. 1993-03. Passed 2-15-93; Ord. 2002-19. Passed 6-18-02; Ord. 2005-08. Passed 3-1-05; Ord. 2018-05. Passed 7-

10-18; Ord. 2019-11. Passed 12-12-19.)

1258.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the B-3 District:

- (a) Any use customarily incidental to the permitted principal use;
- (b) For a motel as a permitted principal use, a registration office, a lobby, a swimming pool and other outdoor recreation for the occupants, indoor news, candy, cigar and souvenir stands, and personal service shops;
- (c) Parking, in accordance with Chapter 1282;
- (d) Signs, in accordance with Chapter 1280;
- (e) Fences;

(Ord. 2. Passed 6-22-61)

(f) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices; and

(Ord. 2-A-62. Passed 1-5-82.)

(g) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(h) Vehicle sales, accessory.

(Ord. 2-A-76. Passed 4-16-85; Ord. 2019-11. Passed 12-12-19.)

1258.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are:

- (a) Any use having the same general character as the permitted principal use and which is not injurious to the intent of the B-3 District; and
- (b) Filling stations.

(Ord. 2. Passed 6-22-61.)

1258.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the B-3 District are as follows: Maximum

Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

For multifamily dwellings, boarding and rooming houses, and convalescent and nursing homes, regulations for R-3 Districts shall apply.

Determined by No building shall be closer than 20 feet to any Residential required set-District boundary.

back and park-

ing regulations

of Chapter 1282

Maximum Building Height

Minimum Lot Size

Area in

In Feet	In Stories	Square Feet	Width in Feet
40	1. Motels, 1,000	1. For motels,	
However, no sign or building height shall be greater than the horizontal distance to the nearest residential boundary.		per rooming unit, excluding land used for restaurants and personal service shops and their parking. No rooming unit shall be less than 250 square feet. Minimum lot size for motels, 10,000 sq. ft.	100 width and 100 depth.
	2. For drive-in restaurants, 20,000 sq. ft.	2. For drive-in restaurants, 150 width and 100 depth.	

(Ord. 2. Passed 6-22-61.)

CHAPTER 1260

B-4 Business Intensive District

- 1260.01 Intent.
- 1260.02 Permitted principal uses.
- 1260.03 Permitted accessory uses.
- 1260.04 Uses requiring a special exception permit.
- 1260.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Commercial wastes - see S.U. & P.S. 1040.33
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Site plan approval - see P. & Z. 1276.01
- Performance standards - see P. & Z. Ch. 1278
- Business and industrial fences - see P. & Z. 1279.04
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Drive-in facilities - see P. & Z. 1288.06

1260.01 INTENT.

The provisions of this chapter are intended to encourage and facilitate the development of sound and efficient shopping and central business districts, among such necessary regulations being the exclusion of certain uses and activities that typically disrupt the functioning of a highly concentrated business district and that at the same time function better outside such district.

(Ord. 2. Passed 6-22-61.)

1260.02 PERMITTED PRINCIPAL USES.

(a) Subject to the conditions described in subsection (b) hereof, the following principal uses are permitted in the B-4 District:

(1) Retail stores, including food stores, eating and drinking places, department stores, general merchandise stores, variety stores, apparel and accessory stores, furniture stores, home furnishings stores, appliance stores, drug stores, liquor stores, book and stationery stores, sporting goods and bicycle stores, florists, cigar stores, news dealers, gift, novelty and souvenir stores, music stores, camera and photographic supply stores, paint stores and art galleries;

(2) A. Retail stores, including food stores, eating and drinking places, department stores, general merchandise stores, variety stores, apparel and accessory stores, furniture stores, home furnishings stores, appliance stores, drug stores, liquor stores, book and stationery stores, sporting goods and bicycle stores, florists, cigar stores, news dealers, gift, novelty and souvenir stores, music stores, camera and photographic supply stores, paint stores and art galleries;

B. Selected services, including theaters, barber and beauty shops, shoe repair shops, laundry and cleaning shops without a plant on the premises and central hotels;

C. Office uses, including administrative, governmental and professional offices and clinics, banks, business offices and general office buildings;

D. Semipublic uses, including churches, museums, libraries, fire stations and police stations;

E. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations;

F. All uses permitted in the R-5 District;

G. Amusement arcades, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided that there is no more than one mechanical and electronic amusement device for each occupant eligible to use such establishment, as the occupancy load is determined by the Department of Engineering and Building and the Fire Division;

H. Adult businesses, provided that the site upon which such business is located is more than 1,500 feet from the property line of an area zoned for residential use;

I. Specifically, designated dealer's establishments, subject to the restrictions set forth in Section 1234.12(d);

J. Single-family residences and dwellings in existing buildings that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor; and

K. Single-family residences and dwellings in cases of new construction that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor.

L. Multi-family dwellings.

M. Medical marijuana facilities, subject to the restrictions set forth in Chapter 838.

N. Conditions for the uses described in division (a) hereof are:

1. Any use that serves a customer while in the automobile is prohibited as a principal use.

2. A permitted principal use must be completely enclosed in a building; outside storage is prohibited.

(3) Selected services, including theaters, barber and beauty shops, shoe repair shops, laundry and cleaning shops without a plant on the premises and central hotels;

(4) Office uses, including administrative, governmental and professional offices and clinics, banks, business offices and general office buildings;

(5) Semipublic uses, including churches, museums, libraries, fire stations and police stations;

(6) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations;

(Ord. 2. Passed 6-22-61.)

(7) All uses permitted in the R-5 District;

(Ord. 2-A-41. Passed 4-25-72.)

(8) Amusement arcades, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided that there is no more than one mechanical and electronic amusement device for each occupant eligible to use such establishment, as the occupancy load is determined by the Department of Engineering and Building and the Fire Division;

(Ord. 2-A-62. Passed 1-5-82.)

(9) Adult businesses, provided that the site upon which such business is located is more than 1,500 feet from the property line of an area zoned for residential use;

(Ord. 1986-12. Passed 10-7-86.)

(10) Specifically designated dealer's establishments, subject to the restrictions set forth in Section 1234.12(d);

(Ord. 1986-15. Passed 11-3-86.)

(11) Single-family residences and dwellings in existing buildings that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor; and

(Ord. 1992-13. Passed 3-3-92; Ord. 2005-08. Passed 3-1-05.)

(12) Single-family residences and dwellings in cases of new construction that comply with applicable laws and codes, including, but not limited to Chapter 1484 of the Building and Housing Code, provided that such new single-family residences and dwellings shall not be located in the basement or on the ground floor.

(Ord. 1993-03. Passed 2-15-93; Ord. 2002-20. Passed 6-18-02; Ord. 2005-08. Passed 3-1-05.)

(13) Multi-family dwellings.

(Ord. 2005-03. Passed 1-4-05.)

(14) Medical marijuana facilities, subject to the restrictions set forth in Chapter 838 .

(Ord. 2018-05. Passed 7-10-18.)

(b) Conditions for the uses described in subsection (a) hereof are:

(1) Any use that serves a customer while in the automobile is prohibited as a principal use.

(2) A permitted principal use must be completely enclosed in a building; outside storage is prohibited.

(Ord. 2. Passed 6-22-61; Ord. 2019-11. Passed 12-12-19.)

1260.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the B-4 District:

(a) Any use customarily incidental to the permitted principal use, compatible with the intent of this District to exclude disruptive activities;

(b) Drive-in facilities for banking or package pick-up are permitted only when accessory to a principal use not being a drive-in type of facility;

(c) Parking, in accordance with Chapter 1282;

(d) Signs, in accordance with Chapter 1280;

(e) Fences;

(Ord. 2. Passed 6-22-61.)

(f) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices; and

(Ord. 2-A-62. Passed 1-5-82.)

(g) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed 12 feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1260.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are:

(a) Uses requiring a Board of Zoning Appeals special exception permit are:

(1) Outdoor sales by a temporary permit for a twenty-four month period. This request shall include a report by the Building Official and any other City department, detailing the current conditions and review of the prior conditions of approval. This report shall be used to determine if there have not been any violations during the prior two-year period;

(2) Retail stores or services conclusively found to be compatible with the intent of encouraging and facilitating the development and operation of an efficient and concentrated shopping district or central business district;

(3) Filling stations;

(Ord. 2. Passed 6-22-61; Ord. 2002-05. Passed 2-5-02.)

(4) Adult supply stores, subject to the restrictions set forth inChapter 1234;

(5) Adult motion picture theaters, subject to the restrictions set forth inChapter 1234;

(6) Adult mini motion picture theaters, subject to the restrictions set forth inChapter 1234;

(7) Arcades;

(8) Pool or billiard halls;

(9) Group A cabarets, subject to the restrictions set forth inChapter 1234; and

(Ord. 1986-15. Passed 11-3-86.)

(10) Bars or establishments for the sale of beer, wine or intoxicating liquor for consumption on the premises, except a bar or establishment which derives more than 60% of its total gross receipts from the sale of food or other goods and services, other than beer, wine or intoxicating liquor.

(b) Uses requiring a Planning Commission special exception permit are: rooftop commercial antennas in accordance with the conditions set forth in Chapter 814 and permitted on uses expressly permitted in the R-5 Multifamily High-Rise Residential District.

(Ord. 1987-01. Passed 1-20-87; Ord. 2004-05. Passed 7-6-04; Ord. 2010-10. Passed 12-7-10.)

1260.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the B-4 District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

200 No building shall be closer than 200 feet to any Residential District boundary.

Maximum Building Height Minimum Lot Size

Area in

In Feet In Stories Square Feet Width in Feet

(Ord. 2. Passed 6-22-61.)

CHAPTER 1261

B-5 Business Concentrated District

- 1261.02 Permitted principal uses.
- 1261.03 Permitted accessory uses.
- 1261.04 Uses requiring a special exception permit.
- 1261.05 Schedule of area, height, bulk and placement regulations.

1261.01 INTENT.

The provisions of this chapter are intended to encourage, facilitate and concentrate the development of sound and efficient shopping and central business districts, among such necessary regulations being the exclusion of certain uses and activities that sometimes disrupt the functioning of a highly concentrated business district.

(Ord. 2009-17. Passed 12-1-09.)

1261.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the B-5 District:

- (a) Uses permitted in the B-4 District except for the uses specified in Section 1260.02(a)(5) (being semipublic uses, including churches, museums, libraries, fire stations and police stations) and Section 1260.02(a)(6) (being public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations).
- (b) Conditions for the uses permitted in subsection (a) hereof are the same conditions set forth for the B-4 District in Section 1260.02(b).

(Ord. 2009-17. Passed 12-1-09.)

1261.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the B-5 District.

- (a) Any use customarily incidental to the permitted principal use, compatible with the intent of this Zoning District to exclude disruptive activities.
- (b) Drive-in facilities for banking or package pick-up are permitted only when accessory to a principal use not being a drive-in type of facility.
- (c) Parking, in accordance with Chapter 1282.
- (d) Signs, in accordance with Chapter 1280.
- (e) Fences, in accordance with Chapter 1279.
- (f) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices.
- (g) Satellite television dishes, but not more than one such dish shall be located in accordance with setback provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2009-17. Passed 12-1-09.)

1261.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

- (a) Uses requiring a Board of Zoning Appeals special exception permit are the same uses specified for the B-4 District in Section 1260.04(a).
- (b) Uses requiring a Planning Commission special exception permit are the same uses specified for the B-4 District in Section 1260.04(b).

(Ord. 2009-17. Passed 12-1-09.)

1261.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

The area, height, bulk and placement regulations for the B-5 District are the same as set forth for the B-4 District in Section 1260.05.

(Ord. 2009-17. Passed 12-1-09.)

CHAPTER 1262

IND-B Industrial-Business District

- 1262.01 Intent.
- 1262.02 Permitted principal uses.
- 1262.03 Permitted accessory uses.
- 1262.04 Uses requiring a special exception permit.
- 1262.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Industrial wastes - see S.U. & P.S. 1040.33
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Site plan approval - see P. & Z. 1276.01
- Performance standards - see P. & Z. Ch. 1278
- Business and industrial fences - see P. & Z. 1279.04
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288

1262.01 INTENT.

The provisions of this chapter are intended to establish areas that have excellent highway or railroad facilities with land areas lending flexibility in providing locations for highway business-type uses and certain types of industrial uses. The IND-B District is intended for business uses that utilize highway traffic and function relatively independently of intensive pedestrian activity. Such activities typically require direct auto traffic access and visibility from the highway. Industrial uses are warehousing, wholesale business and light manufacturing in character, completely enclosed in a building and compatible with surrounding business uses.

(Ord. 2-A-18. Passed 11-15-66.)

1262.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the IND-B District:

(a) Subject to the conditions described in subsection (b) hereof, the following principal uses are permitted in the IND-B District:

- (1) Uses permitted in the B-3 District, excluding uses provided in Section 1258.02(k) and (l) and also excluding uses permitted in the B-1 District and also excluding uses provided in Section 1256.02(f) and (g);
- (2) Small manufacturing uses that could comply with performance standards, such as the fabrication of tools, gauges and dies; precision instrument equipment and parts; pharmaceutical, dental, surgical and optical equipment; orthopedic appliances; cameras, watches and clocks; awnings, windows, Venetian blinds and similar metal fabricating operations; glass products from glass stock; plastic products from plastic stock; toys; brooms, brushes and baskets; buttons; clothing, millinery and needlework; and air and oil filters for vehicles;
- (3) Shops and processes, such as bakery, bottling (excluding brewery), printing and binding, woodworking and pattern making, including such service shops as plumbing, heating and electrical contractors, tinsmith and sheet metal shops and laundry, dyeing and dry cleaning plants;
- (4) The sale at wholesale and warehousing of any commodity, the fabrication or assembly of which is permitted in this District or any other finished product that is packaged or in another form that is not explosive or radioactive or, in the case of liquids, that does not have a flash point below 100 degrees Fahrenheit, or any product declared to be highly hazardous under the Fire Prevention Code, provided that such use meets the performance standards contained in this Zoning Code, the Fire Prevention Code and all other applicable ordinances;
- (5) Research laboratories, i.e. medical, pharmaceutical, etc.;
- (6) Professional and administrative offices, drafting rooms and design studios;
- (7) Public utility uses, such as an electric substation, a fire station, a water supply and reservoir, a public sewage

disposal plant, a utility pumping station, a garage for commercial and public utility vehicles, a telephone exchange, a terminal for vehicles for the movement of persons or freight, a gas regulator station and railroad transfer and storage yards;

(8) Building materials dealers, provided that outdoor storage is enclosed by an eight-foot high concealing fence or wall, or otherwise so located as not to be offensive to the orderly appearance of the District;

(9) Industrial trade schools and meeting halls;

(10) Greenhouses and nurseries;

(11) Truck terminals;

(12) Radio and television antennae, provided that no antenna shall be of a height greater than the horizontal distance to the nearest lot line; and

(13) General construction contractors, such as highway and street, heavy construction and general building.

(14) Medical marijuana facilities, subject to the restrictions set forth in Chapter 838.

(Ord. 2018-05. Passed 7-10-18.)

(b) Conditions for the uses described in subsection (a) hereof are:

(1) The principal permitted use shall be completely enclosed in a building, except permitted outside vehicle sales - open air wherein outside display is permitted within all standard setbacks required by this Zoning Code.

(2) Outside storage is permitted only when enclosed within an eight-foot high, concealing, unpierced fence.

(Ord. 2. Passed 6-22-61; Ord. 2-A-18. Passed 11-15-66; Ord. 2-A-65. Passed 12-21-82; Ord. 1986-06. Passed 6-17-86; Ord. 1992-13. Passed 3-3-92; Ord. 2004-15. Passed 10-19-04; Ord. 2019-11. Passed 12-12-19.)

1262.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the IND-B District:

(a) Any use customarily incidental to the permitted principal use;

(b) Enclosed storage of goods processed on the premises;

(c) Living quarters of a watchman or caretaker;

(d) Parking, in accordance with Chapter 1282;

(e) Signs, in accordance with Chapter 1280;

(f) Fences;

(Ord. 2. Passed 6-22-61.)

(g) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices; and

(Ord. 2-A-62. Passed 1-5-82.)

(h) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1262.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are:

(a) Any use having the same general character as the permitted principal uses and that is not injurious to the intent of the IND-B District; and

(Ord. 2. Passed 6-22-61.)

(b) Filling stations.

(Ord. 2-A-18. Passed 11-15-66.)

1262.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the IND-B District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area
 Coverage of
 Lot, Including Side Yards
 Accessory
 Buildings, in Front Rear
 Percent of
Lot Area Least One Total of Two
 Determined by None None None None
 Required Set-
 back and Park-
 ing Regulations
 of Chapter 1282
Maximum Building Height Minimum Lot Size
 Area in
In Feet In Stories Square Feet Width in Feet
 40 10,000 for
 industrial sites.
 No limit for
 business uses.

(Ord. 2. Passed 6-22-61.)

CHAPTER 1264

IND-1 Light Industrial District

- 1264.01 Intent.
- 1264.02 Permitted principal uses.
- 1264.03 Permitted accessory uses.
- 1264.04 Uses requiring a special exception permit.
- 1264.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Industrial wastes - see S.U. & P.S. 1040.33
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Site plan approval - see P. & Z. 1276.01
- Performance standards - see P. & Z. Ch. 1278
- Business and industrial fences - see P. & Z. 1279.04
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288

1264.01 INTENT.

The provisions of this chapter are intended to regulate uses associated with generally small manufacturing processes that do not adversely affect adjacent residential neighborhoods. To minimize the adverse effects upon neighborhoods, the uses shall be enclosed in buildings, and outdoor activities shall be screened from view from residential neighborhood thoroughfares.

(Ord. 2. Passed 6-22-61.)

1264.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in IND-1 Districts:

- (a) Uses permitted in IND-B Districts, excluding B-2 District uses.

(Ord. 2. Passed 6-22-61.)

- (b) Medical marihuana facilities, subject to the restrictions set forth in Chapter 838.

(Ord. 2018-05. Passed 7-10-18.)

1264.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the IND-1 District:

- (a) The same accessory uses permitted in the IND-B District; and

(Ord. 2. Passed 6-22-61.)

(b) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices.

(Ord. 2-A-62. Passed 1-5-82.)

1264.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are:

(a) Uses permitted in B-3 Districts, provided that they are located along Michigan Avenue and are not injurious to surrounding light industrial uses;

(b) Any use having the same general character as permitted principal uses and that is not injurious to the intent of the IND-1 District; and

(Ord. 2. Passed 6-22-61.)

(c) Sale at wholesale, mixing, blending and warehousing of flammable liquids having flash points below seventy-three degrees Fahrenheit (22.8 degrees Centigrade) and having a boiling point at or above 100 degrees Fahrenheit (37.8 degrees Centigrade), provided that such use meets the performance standards contained in this Zoning Code, the Fire Prevention Code and all other applicable codes and ordinances having to do with the storage, sale, loading, unloading and distribution of flammable liquids.

(Ord. 2-A-65. Passed 12-21-82.)

1264.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the IND-1 District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area Least One Total of Two

Determined by 20 10 25 15

Required Set-

back and Park- Except that there shall be 20 feet where

ing Regulations adjacent a street line.

of Chapter 1282

<u>Maximum Building Height</u>	<u>Minimum Lot Size</u>		
Area in			
<u>In Feet</u>	<u>In Stories</u>	<u>Square Feet</u>	<u>Width in Feet</u>
40			

However, no sign or building height shall be greater than the horizontal distance to the nearest residential boundary.

(Ord. 2. Passed 6-22-61.)

CHAPTER 1266

IND-2 Heavy Industrial Park District

- 1266.01 Intent.
- 1266.02 Permitted principal uses.
- 1266.03 Permitted accessory uses.
- 1266.04 Uses requiring a special exception permit.
- 1266.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

Commercial antenna towers in IND-2 Districts - see B.R. & T.814.01

Industrial wastes - see S.U. & P.S. 1040.33

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

District boundaries - see P. & Z. 1236.03

Lots in two districts - see P. & Z. 1236.06

Site plan approval - see P. & Z. 1276.01

Performance standards - see P. & Z.Ch. 1278

Business and industrial fences - see P. & Z. 1279.04

Signs - see P. & Z.Ch. 1280

Off-street parking and loading - see P. & Z.Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P. & Z.Ch. 1288

1266.01 INTENT.

The provisions of this chapter are intended to encourage and facilitate the development of industrial enterprise in a setting conducive to public health, economic stability and growth, protection from blight, deterioration and nonindustrial encroachment, and efficient traffic movement, including employee and truck traffic. Area, height, bulk and placement regulations, as well as use regulations, for the IND-2 District, reflect such intent.

(Ord. 2-A-56. Passed 11-5-79.)

1266.02 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the IND-2 District:

- (a) Industrial plants, manufacturing, processing or assembling as follows:

(1) Metal working, stamping, punching, plating, buffing, polishing, hammering, riveting, grinding, welding, pressing and turning, subject to appropriate measures to control undesirable sound, glare or light;

(2) Transportation equipment, such as motor vehicle equipment and parts and motorcycles, bicycles and parts;

(3) Machinery, such as engines and turbines, farm machinery and equipment, construction and materials-handling machinery and equipment, metal working machinery and equipment, and industrial machinery and equipment;

(4) Chemical processes and manufacture, and metallurgical manufacture and production, excluding storage or treatment of liquid wastes;

(5) Stone, clay and glass products, such as flat glass, pressed or blown glass and glassware, brick and structural clay tile, ceramic wall and floor tile, pottery products, concrete brick and block, concrete products, cut stone and stone products, abrasives, asbestos and miscellaneous nonmetallic mineral products;

(6) Leather and leather products, such as industrial belting and packing, footwear, gloves and mittens, luggage and handbags, except that leather tanning is prohibited;

(7) Canning factories and food processing, excluding slaughtering and rendering;

(8) Electrical power or steam-generating plant;

(9) Aluminum, bronze, copper, copper-base alloy and other nonferrous castings; and

(10) Prefabricated wooden buildings, structural members and wooden containers;

(b) Materials recovery facilities or scrap metal processing;

(c) Railroad and railroad terminal facilities; and

(d) Public utility uses, such as an electric substation, fire station, water supply and reservoir, public sewage disposal plant, utility pumping station, garage for commercial and public utility vehicles, telephone exchange, terminal for vehicles for movement of persons or freight, gas regulator station and railroad transfer and storage yards.

(e) Medical marijuana facilities, subject to the restrictions set forth in Chapter 838.

(Ord. 2018-05. Passed 7-10-18.)

(Ord. 2-A-56. Passed 11-5-79; Ord. 2001-01. Passed 1-2-01.)

1266.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the IND-2 District:

(a) Any use customarily incidental to a permitted principal use;

(b) Parking, in accordance with Chapter 1282;

(c) Signs, in accordance with Chapter 1280;

(d) Fences;

(Ord. 2-A-56. Passed 11-5-79.)

(e) Not more than four properly licensed mechanical and electronic amusement devices, as defined in Chapter 840 of the Business Regulation and Taxation Code, provided, however, that an establishment that has been issued a Class C Liquor License by the State Liquor Control Commission may have not more than six such devices; and

(Ord. 2-A-62. Passed 1-5-82.)

(f) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1266.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

(a) Uses requiring a Board of Zoning Appeals special exception permit are: Any use having the same general character as permitted principal uses and that is not injurious to the intent of the IND-2 District.

(b) Materials recovery facilities or scrap metal processing.

(c) Uses requiring a Planning Commission special exception permit are rooftop commercial antennas in accordance with the conditions set forth in Chapter 814.

(Ord. 2-A-56. Passed 11-5-79; Ord. 2001-01. Passed 1-2-01; Ord. 2004-06. Passed 7-6-04.)

1266.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the IND-2 District are as follows:

Minimum Building Area Coverage of Lot, Including Accessory Buildings, in Percent of Lot Area	<i>Minimum Required Setback Dimensions in Feet</i>			
	Front	Side Yards		Rear
		Least One	Total of Two	
Determined by required setback and parking regulations of Chapter 1282.	On Michigan Ave., Van Born, Hannan, Cogwell, Treadwell, Howe and Venoy Rds., and Annapolis and Hubbard Sts., 50 ft., of which 50% may be used for parking.	10	25	15
	On Clinton, Myrtle, Wayne, Waynesboro, Sophia, and Forest: 25 ft.	No building shall be closer than 30 feet to any Residential District boundary. Except that side yards adjacent to a street line shall equal the front setback required for streets in this table.		

<i>Maximum Building Height</i>		<i>Minimum Lot Size</i>	
In Feet	In Stories	Area in Square Feet	Width in Feet
60			
However, no sign or building height shall be greater than the horizontal distance to the nearest residential boundary.			

(Ord. 2-A-56. Passed 11-5-79.)

CHAPTER 1268

T-I Transitional Industrial District

- 1268.01 Intent.
- 1268.02 Permitted principal uses.
- 1268.03 Permitted accessory uses.
- 1268.04 Uses requiring a special exception permit.
- 1268.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Special exceptions - see P. & Z. 1234.12(b)
- Variations - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Site plan approval - see P. & Z. 1276.01
- Performance standards - see P. & Z. Ch. 1278
- Business and industrial fences - see P. & Z. 1279.04
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Area requirements for residences - see B. & H. Ch. 1422

1268.01 INTENT.

The provisions of this chapter are intended to establish an area with certain regulations designed to facilitate development of industrial concerns. Basic regulatory requirements are needed to provide a co-operative interrelationship of mutual assistance by both industry and the Municipality. The T-I District is intended for manufacturing uses requiring from two to ten acres of land. The area, height, bulk and placement regulations for this District reflect such intent.

(Ord. 2-A-21. Passed 1-16-68.)

1268.02 PERMITTED PRINCIPAL USES.

Permitted principal uses in the T-I District are the same as those permitted in the IND-2 District.

(Ord. 2-A-21. Passed 1-16-68.)

1268.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the T-I District:

- (a) Any use customarily incidental to a permitted principal use;
- (b) Parking, in accordance with Chapter 1282;
- (c) Signs, in accordance with Chapter 1280;
- (d) Fences, in accordance with this Zoning Code; and

(Ord. 2-A-21. Passed 1-16-68.)

(e) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1268.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are: Any use having the same general character as permitted principal uses and that is not injurious to the intent of the T-I District.

(Ord. 2-A-21. Passed 1-16-68.)

1268.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the T-I District are as follows:

Maximum Minimum Required Set-back Dimensions in Feet

Building Area

Coverage of

Lot, Including Side Yards

Accessory

Buildings, in Front Rear

Percent of

Lot Area	Least One	Total of Two
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Determined by Required Set-back and Parking Regulations of Chapter 1282	On Michigan Ave., Van Born, Hannan, Cogswell, Treadwell, Howe and Venoy Rds.	For development in the T-I District, no construction shall take place until a site plan is submitted to and approved by the Planning Commission and Council.
	and Annapolis and Hubbard Sts., 50 ft., of which 50 percent may be used for parking. On Clinton, Myrtle, Wayne, Sophia, Forest and all others: 25 ft.	Prerequisite to final recommendation by the Planning Commission are submitted written findings relative to each department's responsibility by the principal City departments and divisions, namely Fire, Police, Public Works and Engineering and Building. Review of a site plan and data is required to minimize the possibility of any adverse effect upon adjacent properties and to obtain proper relationships between the following development features as they relate to traffic, safety, service roads, drives and parking areas, building locations, open spaces and landscaping and environmental effects. Submitted site plans shall indicate: (a) The dimensional property map, development name, adjacent buildings and topographic information; (b) The location and height of all structures; (c) Parking facilities, including the number and arrangement of spaces; (d) All access roads, landscaping, open spaces and paved areas; and (e) The location and size of utilities, outdoor storage, proposed signs and other development features.

Maximum Building Height		Minimum Lot Size	
In Feet	In Stories	Area in Square Feet	Width in Feet
60		Minimum frontage 320 ft.	Minimum lot size, 2 acres

(Ord. 2-A-21. Passed 1-16-68.)

CHAPTER 1269

HD Historic District

- 1269.01 Intent.
- 1269.02 Permitted principal uses.
- 1269.03 Permitted accessory uses.
- 1269.04 Uses requiring a special exception permit.
- 1269.05 Area, height, bulk and placement regulations.

CROSS REFERENCES

Historical Commission - see ADM. Ch. 286
Special exceptions - see P. & Z. 1234.12(b)
Variances - see P. & Z. 1234.12(c), 1276.07
District boundaries - see P. & Z. 1236.03
Lots in two districts - see P. & Z. 1236.06
Performance standards - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Off-street parking and loading - see P. & Z. Ch. 1282
Nonconforming uses - see P. & Z. Ch. 1286
Supplementary regulations - see P. & Z. Ch. 1288

1269.01 INTENT.

The provisions of this chapter are intended to encourage the preservation of historically significant residential and commercial structures and to provide for the combination of commercial and residential land uses in the same building or parcel. The applicant shall prove the historic significance of the building or parcel to the Planning Commission and Council. The age of the structure, for instance, is not, in and of itself, sufficient proof. Site plans, floor plans, building documents, etc., shall be submitted to the administration along with a rezoning application.

(Ord. 1987-10. Passed 9-14-87.)

1269.02 PERMITTED PRINCIPAL USES.

The following uses are permitted in an HD District:

- (a) The uses permitted in R-1AA Districts;
- (b) The uses permitted in R-2 Districts;
- (c) The uses permitted in B-1 Districts; and
- (d) The uses permitted in B-4 Districts.

(Ord. 1987-10. Passed 9-14-87.)

1269.03 PERMITTED ACCESSORY USES.

Permitted accessory uses are the same as those permitted in R-1AA, R-2, B-1 and B-4 Districts.

(Ord. 1987-10. Passed 9-14-87.)

1269.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

Uses requiring a Board of Zoning Appeals special exception permit are the same as those in R-1AA, R-2, B-1 and B-4 Districts.

(Ord. 1987-10. Passed 9-14-87.)

1269.05 AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations are the same as those in R-1AA, R-2, B-1 and B-4 Districts.

(Ord. 1987-10. Passed 9-14-87.)

CHAPTER 1270

P-1 Parking District

- 1270.01 Intent.
- 1270.02 Permitted principal uses.
- 1270.03 Permitted accessory uses.
- 1270.04 Uses requiring a special exception permit.
- 1270.05 Schedule of area, height, bulk and placement regulations.

CROSS REFERENCES

- Parking of motor vehicles and commercial vehicles - see TRAF.410.03(U.T.C. Sec. 8.10, 8.26)
- Special exceptions - see P. & Z.1234.12(b)
- Variances - see P. & Z.1234.12(c), 1276.07
- District boundaries - see P. & Z.1236.03
- Lots in two districts - see P. & Z.1236.06
- Site plan approval - see P. & Z.1276.01
- Performance standards - see P. & Z.Ch. 1278
- Signs - see P. & Z.Ch. 1280
- Off-street parking and loading - see P. & Z.Ch. 1282
- Nonconforming uses - see P. & Z.Ch. 1286
- Supplementary regulations - see P. & Z.Ch. 1288

1270.01 INTENT.

The provisions of this chapter are intended to provide specific locations for public or private off-street parking in those situations where it is in the public interest that parking be specifically so located. This public interest includes relief of traffic congestion, a balance between parking and commercial land use and enhancing the intent of B-1, B-2, B-3 and B-4 Districts.

(Ord. 2. Passed 6-22-61.)

1270.02 PERMITTED PRINCIPAL USES.

Permitted principal uses in the P-1 District are off-street parking lots, in accordance with Chapter 1282.

(Ord. 2. Passed 6-22-61.)

1270.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the P-1 District:

- (a) A shelter for an attendant, not to exceed sixty-four square feet of usable floor area and fifteen feet in building height;
- (b) Signs, in accordance with Chapter 1280;
- (c) Fences;
- (d) Outdoor displays, bazaars, carnivals and civic events by temporary permit of Council; and

(Ord. 2. Passed 6-22-61.)

(e) Satellite television dishes, but not more than one such dish shall be located in accordance with set-back provisions applicable to other accessory structures. If located on the roof of a building, the height of the uppermost part of such device shall not exceed twelve feet above the maximum building height of this Zoning District.

(Ord. 2-A-76. Passed 4-16-85.)

1270.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

There are no special exception permitted uses in the P-1 District.

(Ord. 2. Passed 6-22-61.)

1270.05 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Area, height, bulk and placement regulations for the P-1 District are as follows:

Maximum	<u>Minimum Required Set-back Dimensions in Feet</u>
Building Area	
Coverage of	
Lot, Including	<u>Side Yards</u>
Accessory	

Buildings, in Front Rear
Percent of
Lot Area Least One Total of Two

The regulations of Chapter 1282 shall apply.

Maximum Building Height Minimum Lot Size
Area in
In Feet In Stories Square Feet Width in Feet
(Ord. 2. Passed 6-22-61.)

CHAPTER 1272

RV River Valley District

- 1272.01 Intent.
- 1272.02 Permitted principal uses.
- 1272.03 Permitted accessory uses.
- 1272.04 Uses requiring a special exception permit.

CROSS REFERENCES

- Special exceptions - see P. & Z. 1234.12(b)
- Variations - see P. & Z. 1234.12(c), 1276.07
- District boundaries - see P. & Z. 1236.03
- Lots in two districts - see P. & Z. 1236.06
- Performance standards - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Area requirements for residences - see B. & H. Ch. 1422

1272.01 INTENT.

The provisions of this chapter are intended to define the general flood plain areas contiguous to the Lower Rouge River. The RV District will protect and preserve the natural amenities of the River valley and, at the same time, provide limited open recreational facilities for the community.

(Ord. 2. Passed 6-22-61.)

1272.02 PERMITTED PRINCIPAL USES.

Principal permitted uses in the RV District are open recreational uses, such as natural and landscaped park areas, footpaths and bridle trails.

(Ord. 2. Passed 6-22-61.)

1272.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the RV District:

- (a) Signs, in accordance with Chapter 1280;
- (b) Fences; and
- (c) Uses customarily incidental to the permitted principal uses.

(Ord. 2. Passed 6-22-61; Ord. 2004-13. Passed 9-21-04.)

1272.04 USES REQUIRING A SPECIAL EXCEPTION PERMIT.

There are no special exception permitted uses in the RV District.

(Ord. 2. Passed 6-22-61.)

CHAPTER 1274

Planned Projects

- 1274.01 Intent; application for special exceptions.
- 1274.02 Filing of application.
- 1274.03 Residential buildings in R-2 and R-3 Districts.
- 1274.04 Action by the Planning Commission.
- 1274.05 Action by the Board of Zoning Appeals.
- 1274.06 Effect of Board approval; contents and expiration of permits.

CROSS REFERENCES

Master Plan - see P. & Z.Ch. 1212

PRD Planned Residential District - see P. & Z.Ch. 1253

Off-street parking and loading - see P. & Z. Ch. 1282

Nonconforming uses - see P. & Z.Ch. 1286

Supplementary regulations - see P.& Z.Ch. 1288

1274.01 INTENT; APPLICATION FOR SPECIAL EXCEPTIONS.

Chapters 1238 through 1272 are primarily applicable to the usual situation of one principal building on one lot of record. It is the intent of this chapter to provide a degree of flexibility in regard to the area, height, bulk, placement and use regulations for large scale developments that qualify as planned projects. These planned projects may include, but are not limited to, multifamily housing developments, shopping centers, industrial districts, office districts and medical and educational campuses. The requirements of area, height, bulk and placement regulations, as they are ordinarily applicable to individual buildings in individual lots of record, will, in certain cases of large scale developments, have results that will give less protection to the public health, safety and welfare than if a certain degree of flexibility were allowed. Certain planned projects may be of such a large size as to justify permitting certain uses which otherwise are not permitted in a zoning district. Permitting these uses as a special exception can in certain situations increase the convenience of the users of the planned project, be compatible with the overall character of the district and not be injurious to adjoining properties. Subject to the foregoing statement of intent, and the requirements of this chapter, the Board of Zoning Appeals may, upon application, approve special exceptions with reference to the area, height, bulk, placement and use regulations of Chapters 1238 through 1272.

(Ord. 2. Passed 6-22-61.)

1274.02 FILING OF APPLICATION.

(a) The application for a planned project may be filed by the owner of the tract or parcel of land involved. The application shall be filed with the Board of Zoning Appeals. The land involved must constitute an area of at least five acres, to be occupied by at least one principal building of more than 50,000 square feet of usable floor area, or two or more principal buildings. The application shall contain at least the following information:

- (1) The legal description of the property in question;
- (2) A fully dimensioned map of the property, including topographic information at a contour interval of not more than two feet;
- (3) A proposed tentative site plan showing the proposed location and land uses, all the principal and accessory buildings, and parking lots, including patterns of traffic circulation, and designating open land areas, plantings, driveways, curb cuts, etc.;
- (4) An indication, on the site plan, of a tentative schedule of usable floor areas, land areas, building height and setback, net land coverage, population density, if a residential use, number of parking spaces and such other information that is reasonably necessary for a clear picture of the proposed use and its characteristics with reference to zoning regulations; and
- (5) A written statement describing the specific special exceptions that are desired, as well as the purposes for which the special exceptions are desired.

(b) In cases where the Board finds, on the basis of the application, that the public health, safety and welfare would be better served by the established regulations without any special exception thereto, the application may, upon such findings, be denied. Otherwise, the Board shall refer the application to the Planning Commission for review and recommendation.

(Ord. 2. Passed 6-22-61.)

1274.03 RESIDENTIAL BUILDINGS IN R-2 AND R-3 DISTRICTS.

In all R-2 and R-3 Districts, where a planned residential development contemplates the construction of two or more residential buildings, no construction shall take place, nor shall a permit be issued, until proceedings for planned projects, as provided in this chapter, are completed.

(Ord. 2-A-27. Passed 12-17-68.)

1274.04 ACTION BY THE PLANNING COMMISSION.

(a) The Planning Commission shall review the application and make a finding as to whether or not the proposed development best serves the intent of this Zoning Code, and the public health, safety and welfare, if subject to the special exception provisions of this chapter for planned projects. Upon a negative finding, the Commission shall return the application to the Board of Zoning Appeals with a written report of its findings.

(b) If the proposed development, in the finding of the Commission, appears to constitute a bona fide planned project and justifies, in the public interest, the special exception provisions of this chapter, the Planning Commission shall review the application with reference to the development's location, density of population, traffic volume and circulation and compatibility with existing fire and police protection. The Commission shall make a finding as to the relationship of the proposed development to the basic objectives of the Master Plan with reference to the foregoing.

(c) Where the Commission finds it significant, the Commission may request, and incorporate into its own findings, the findings of the School Board, the Fire Division, the Police Division or any other appropriate agency of government.

(d) Where it is within the public interest, and necessary to carry out the conditions for special exceptions under Section 1234.12(b), the Commission may recommend required dedication of land for street or park purposes and, by appropriate covenants, restriction of areas perpetually as open space for common use. Where the application includes a subsequent division of the tract or parcel of land into one or more separately owned and operated units, the Commission's report shall include recommendations for approval or disapproval.

Where the application includes a request for a special exception use, the required conditions for such special exception, as provided in Section 1234.12(b), shall be reviewed and reported upon by the Commission.

Where the application requests a special exception in regard to area, height, bulk or placement, the Commission shall report upon the satisfaction of conditions required hereunder for such special exception.

(e) The Planning Commission shall then transmit its report to the Board.

(Ord. 2. Passed 6-22-61.)

1274.05 ACTION BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals, upon receipt from the Planning Commission of its report and findings, may then approve the special exception for such planned project, subject to the following:

(a) A use requiring a Board special exception permit shall be subject to all of the requirements of Section 1234.12(b).

(b) With respect to modifications of area, height, bulk and placement regulations, the total population density and the total open space in the development shall meet the minimum requirements of Chapters 1238 through 1272.

(c) A use permitted under the special exception provisions of this chapter shall be primarily incidental to the principal use and purpose of the development, without generating any significant amount of additional vehicular or pedestrian traffic to the development, and shall be primarily for the service and convenience of residents and people working within the development.

(Ord. 2. Passed 6-22-61.)

1274.06 EFFECT OF BOARD APPROVAL; CONTENTS AND EXPIRATION OF PERMITS.

The approval of the application by the Board of Zoning Appeals shall allow the Building Official to issue a building permit in conformity with the application as approved. This permit shall specify, with particularity, the exact modifications of, and conditions attached to, the provisions of this Zoning Code which have been approved. Upon the abandonment of a particular planned project authorized under this chapter, or upon the expiration of six months from the authorization hereunder of a planned project which has not by then been commenced, the authorization shall expire.

(Ord. 2. Passed 6-22-61.)

Site Plan Approval

- 1276.01 Authority of Planning Commission.
- 1276.02 Intent.
- 1276.03 Filing by land owner; fee.
- 1276.04 Information required on plan.
- 1276.05 Review and recommendation by Planning Commission.
- 1276.06 Time limit on establishment of the development.
- 1276.07 Variances.

CROSS REFERENCES

- Zoning, land use and community development fees - see ADM.210.12
- Planning Commission - see P. & Z. Ch. 1210
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P. & Z. 1234.12(c)
- Off-street parking and loading - see P. & Z. Ch. 1282
- Nonconforming uses - see P. & Z. Ch. 1286
- Supplementary regulations - see P. & Z. Ch. 1288
- Site plans for PRD Planned Residential Districts - see P. & Z. 1253.07 et seq.

1276.01 AUTHORITY OF PLANNING COMMISSION.

(a) Site plan review by the Planning Commission and approval by Council shall be required in B-1, B-2, B-3, B-4, B-5, IND-B, IND-1, IND-2, R-2, R-3, R-4, R-5, HD, T-1 and P-1 Districts and also required in R-1AA, R-1A, R-1B and R-1C Districts if for any of the uses listed as special exceptions in Section 1238.04 under any of the following circumstances:

- (1) (EDITOR'S NOTE: Paragraph (a)(1) was repealed by Ordinance 2016-05, passed July 5, 2016.)
- (2) (EDITOR'S NOTE: Paragraph (a)(2) was repealed by Ordinance 2016-05, passed July 5, 2016.)
- (3) Prior to commencement of development by construction of an additional building on improved land, or the reconstruction of at least 30% of the total structure or any facade.

(Ord. 2016-05. Passed 7-5-16.)

(b) Nothing herein contained shall require site plan review or approval for the following events:

- (1) Change of ownership;
- (2) Repair or replacement of the mechanical parts of a building such as, for example, but not limited to the furnace, hot water tank, toilet or sink;
- (3) Repair or re-roofing of a building with a flat roof;
- (4) Changes in, or additions to, signage;
- (5) Repairs as a result of fires or acts of God;
- (6) Installation of awnings; or
- (7) Interior building renovations for occupied properties that are not expected to substantially increase the demand on existing parking, providing there is a current certificate of occupancy inspection report which does not contain evidence of site conditions such as, but not limited to: inadequate lighting, improper signage, absent or deficient landscaping, improper treatment of dumpster(s), improper storage, peeling paint, scattered debris, status of parking lots.

(Ord. 1990-12. Passed 7-3-90; Ord. 2002-31. Passed 11-4-02; Ord. 2010-04. Passed 6-1-10; Ord. 2011-04. Passed 12-6-11.)

(c) If the requirements of Section 1276.01(a) are not met then authority of the Planning Commission directs the administration to provide for a zoning permit in compliance with Section 1276.01(b)(7) and Chapter 1281.

(Ord. 2016-05. Passed 7-5-16.)

1276.02 INTENT.

Site plan review procedure is intended to minimize the possibility of an adverse effect upon adjacent property and to obtain proper relationships between the following development features as they relate to traffic, safety, service roads, drives and parking areas, building locations, open spaces and landscaping, storm water drainage and environmental effects. Site plan review procedure is also intended to further the Redevelopment and Design Concepts of the 2010 Amendments to the Master Plan. Such considerations are especially important with regard to the proximity of business, industrial and parking zoned areas to residential areas.

(Ord. 2-A-64. Passed 10-19-82; Ord. 2011-04. Passed 12-6-11.)

1276.03 FILING BY LAND OWNER; FEE.

Any person owning or having an ownership interest in a parcel of land may file for site plan approval. The application shall be accompanied by a fee as provided for in Chapter 210 of the Administration Code.

(Ord. 2-A-64. Passed 10-19-82.)

1276.04 INFORMATION REQUIRED ON PLAN.

The following information shall be included on the site plan:

- (1) The owner's name and address;
- (2) The date (month, day and year);
- (3) The title block;
- (4) A scale;
- (5) A northpoint;
- (6) A legal description;
- (7) A location sketch (one inch equals 2,000 feet);
- (8) The architect's, engineer's, surveyor's, landscape architect's or planner's seal;
- (9) The topography on the site and fifty feet beyond the site at two-foot contour intervals;
- (10) Lot lines and building lines within 100 feet;
- (11) Lot lines and property line dimensions;
- (12) The centerline and existing and proposed right-of-way lines;
- (13) The acceleration, deceleration and passing lane, where required;
- (14) The zoning classification of the petitioner's parcel and all abutting parcels;
- (15) Existing drainage courses, floodplains and lake or stream elevations;
- (16) Ties to major thoroughfares and/or section corners;
- (17) The general location of sanitary sewers and building leads;
- (18) A general indication of the following:
 - A. Water mains, hydrants and building services and sizes; and
 - B. Storm sewers, site grading, drainage, retention basins and/or other pertinent facilities;
- (19) A landscape plan;
- (20) Front, side and rear yard dimensions;
- (21) Loading and unloading area;
- (22) Total and usable floor area;
- (23) Building elevations;
- (24) Parking spaces;
- (25) Berm or obscuring wall locations and cross-sections;
- (26) Gross and net acreage figures;
- (27) Interior and exterior sidewalk locations;
- (28) Designation of fire lanes;
- (29) Exterior lighting locations and the method of shielding;

- (30) Trash receptacle locations and the method of shielding;
- (31) Transformer pad locations and the method of shielding;
- (32) Entrance details, including signs;
- (33) The quantity and quality of industrial waste;
- (34) The location of electrical and gas services;
- (35) Floor plans with dimensions;
- (36) The number of employees;
- (37) The location of parking spaces for the handicapped; and
- (38) The location and size of signage.

(Ord. 2-A-60. Passed 2-17-81; Ord. 2-A-64. Passed 10-19-82.)

1276.05 REVIEW AND RECOMMENDATION BY PLANNING COMMISSION.

The Planning Commission shall have the function, duty and power to review the site plan with the aid and assistance of recommendations from City departments affected by the site plan, which review shall be co-ordinated by the Secretary of the Commission. Thereafter, the Commission shall approve or disapprove the plan, or approve it subject to compliance with such modifications or conditions as may be deemed necessary to assure that all applicable provisions of this Zoning Code have been complied with. Upon the determination that all applicable provisions of this Zoning Code have been complied with, the Commission shall make a recommendation to Council by issuing a statement of preliminary site plan approval, or, if subject to modification, a statement of site plan approval subject to modification.

(Ord. 2-A-64. Passed 10-19-82.)

1276.06 TIME LIMIT ON ESTABLISHMENT OF THE DEVELOPMENT.

Establishment of the development permitted by site plan approval shall be within twelve months of approval. The issuance of a building permit or the commencement of development work shall constitute fulfillment of the establishment requirement.

(Ord. 1988-09. Passed 4-19-88.)

1276.07 VARIANCES.

If site plan approval depends on the granting of variances, Council shall refer the matter of variances to the Board of Zoning Appeals for action thereon.

(Ord. 2-A-60. Passed 2-17-81.)

CHAPTER 1278

Performance Standards

- 1278.01 Offensive uses prohibited.
- 1278.02 Smoke, dust, dirt and fly ash.
- 1278.03 Sound.
- 1278.04 Vibration.
- 1278.05 Light.
- 1278.06 Glare and heat.
- 1278.07 Odor.
- 1278.08 Gases.
- 1278.09 Electromagnetic radiation.
- 1278.10 Hazardous materials and industrial waste.

CROSS REFERENCES

Assessments for hazards or nuisances - see ADM.218.04

Discharge of harmful matter into sewers - see S.U. & P.S.1040.09

Water pollution - see S.U. & P.S. 1040.33

Disposal of hazardous material - see S.U. & P.S.1060.17

Storage of explosives, blasting agents, fireworks, flammable or combustible liquids and liquefied petroleum gas - see F.P. 1610.05

1278.01 OFFENSIVE USES PROHIBITED.

No person shall carry on or permit to be carried on any activity or operation on any land, building or equipment, or use any land, building or equipment, in such a manner as to irritate the sensory perceptions greater than the measure established in this chapter which is hereby determined to be the maximum permissible hazard to humans or human activities as stated in this chapter.

(Ord. 2. Passed 6-22-61.)

1278.02 SMOKE, DUST, DIRT AND FLY ASH.

(a) No person shall discharge into the atmosphere, from any single source of emission, any air contaminant for a period or periods aggregating more than four minutes in any one-half hour which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Zoning Code, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Building Official.

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in paragraph (a)(1) hereof, except when the emission consists only of water vapor.

(b) The quantity of gas-borne or air-borne solids shall not exceed 0.30 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

(Ord. 2. Passed 6-22-61.)

1278.03 SOUND.

No person shall cause or permit a level of sound to exceed the following decibel levels when adjacent to the following types of uses:

In Decibels Adjacent Use Where Measured

55 All Residential Districts Common lot line

65 Uses permitted in B-1, B-2, B-3

and B-4 Districts Common lot line

P-1 and R-V Districts Common lot line

The sound levels shall be measured with a type of audio output meter approved by the National Bureau of Standards. Objectionable noises due to intermittance, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(Ord. 2. Passed 6-22-61.)

1278.04 VIBRATION.

All machinery shall be so mounted and operated as to prevent transmission of ground vibration beyond any lot line common with a Residential District.

(Ord. 2. Passed 6-22-61.)

1278.05 LIGHT.

Exterior and/or interior lighting shall be so installed that the surface of the source of light shall not be visible from a bedroom window, and shall be so arranged, as far as practical, to reflect light away from a residential use. In no case shall more than one foot-candle power of light cross a property line five feet above the ground in a Residential District.

(Ord. 2. Passed 6-22-61.)

1278.06 GLARE AND HEAT.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from direct view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

(Ord. 2. Passed 6-22-61.)

1278.07 ODOR.

No person shall cause or permit the emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four volumes of clean air, or so as to produce a public nuisance or hazard beyond lot lines.

(Ord. 2. Passed 6-22-61.)

1278.08 GASES.

No person shall cause or permit the escape or emission of any gas which is injurious, destructive or noxious. Such escape or emission may be summarily abated.

(Ord. 2. Passed 6-22-61.)

1278.09 ELECTROMAGNETIC RADIATION.

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Zoning Code. Such rules and regulations shall be on file in the office of the Building Official. No person shall violate or fail to comply with any such rule or regulation.

(Ord. 2. Passed 6-22-61.)

1278.10 HAZARDOUS MATERIALS AND INDUSTRIAL WASTE.

No person shall cause or permit any inflammable, explosive or gaseous materials, or materials, compounds or chemicals which tend to be or may be toxic or hazardous to the public safety, welfare and comfort, to be deposited in, disposed of, drained in, or connected to, any public sewer, or in any fashion to cause contamination or pollution to the air, ground, ground water or streams. If there is to be special industrial sewage waste, or if any other stream pollution possibility is raised, the written approval of the appropriate official of the State Water Resources Commission and the State Department of Health shall be filed with the City regarding compliance or its equivalent with their requirements of the prevention of pollution and contamination.

(Ord. 1988-14. Passed 7-5-88.)

CHAPTER 1279

Fences

1279.01 Zoning permits.

1279.02 General specifications.

1279.03 Residential fences.

1279.04 Business and industrial fences.

1279.05 Parks, playgrounds and public areas.

1279.06 Swimming pools.

1279.07 Maintenance; nuisance conditions.

1279.08 Enforcement.

1279.99 Penalty.

CROSS REFERENCES

Fences around commercial antenna towers - see B.R. & T.814.07

Fences for junk dealers - see B.R. & T.832.15

Fences in cemeteries - see S.U. & P.S.1066.29

Walls around parking lots - see P. & Z.1282.04(f)

Visibility at intersections - see P. & Z.1288.03

Fences generally - see P. & Z. Ch. 1279

1279.01 ZONING PERMITS.

(a) Required. No person shall build or relocate a fence in the City without first having obtained a zoning permit from the Building and Engineering Department. Applications for fence permits shall be made upon forms provided by the Building and Engineering Department and shall contain or have attached thereto the following information:

- (1) The name, address and telephone number of the applicant;
- (2) The location of the building, structure or lot to which or upon which the fence is to be attached or erected;
- (3) The position of the fence in relation to nearby buildings or structures and property lines;
- (4) Two blueprints or ink drawings of the plans and specifications and of the method of construction of the fence including the kind and size of posts, and the kind(s) of materials with which the fence is to be constructed. The proposed length and height of the fence shall also be provided.
- (5) The name of the person, firm, corporation or association erecting the structure or fence.
- (6) Written consent of the owner of the building, structure, fence or land to which or on which the structure is to be erected; and
- (7) Such other information as the Building and Engineering Department shall require to show full compliance with this Zoning Code.

(b) Review and Revocation. It shall be the duty of the Building and Engineering Department upon the filing of an application for a permit, to examine such plans and specifications and other data and the premises upon which the fence is proposed to be erected, and if it shall appear that the proposed fence is in compliance with all the requirements of this chapter and all other laws and ordinances of the City, it shall then issue the fence permit. If the work authorized under a fence permit has not been completed within six months after its date of issuance, said permit shall become null and void.

(c) Fee. The fee for the permit required by this section shall be set forth in Chapter 210 of the Administration Code.

(d) Work Without Permit. Whoever commences any construction or repair, for which a permit is required by this chapter, without first having obtained such permit, shall, if legally authorized and subsequently allowed to obtain a permit, pay double the permit fee specified in Chapter 210 of the Administration Code plus \$100 for such construction or repair, provided that a notice has been sent or issued by the enforcing officer to the person commencing such construction repair.

(Ord. 1993-19. Passed 10-19-93; Ord. 2002-22. Passed 6-18-02; Ord. 2006-09. Passed 6-20-06.)

1279.02 GENERAL SPECIFICATIONS.

(a) Materials. All fences built or repaired shall have posts made of either iron pipe, at least one and five-eighths inches outside diameter, or any other material of equal stability sunk in concrete at least three feet, or treated wood posts four inches in diameter or reinforced concrete posts four inches across, set in the earth three feet and having a height above the average grade of the two adjoining lots of not less than three feet. Iron pipe having an outside diameter of at least one and five-eighths inches, or any other material of equal stability, using a "drive anchor" installation mechanism or any other anchoring mechanism of equal stability and rigidity, may be used if approved by the Building and Engineering Department in lieu of setting posts in three feet of concrete. Masonry walls shall have footings as specified in the current Michigan Building Code. Partitions or line fences shall not exceed six feet in height, unless provided for elsewhere in this chapter, except for enclosing an entire rear yard for a private swimming pool. Chain link, board or other materials shall be properly fastened to the post. All fence materials must be approved by the Building and Engineering Department.

All fences herein required shall be constructed solely of new materials approved by the Building and Engineering Department to be durable, weather-resistant and easily maintained.

(b) Construction. All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.

(c) Attachment. Attaching one fence to another to form a single barrier is expressly prohibited. Only a single fence may be installed on any parcel of land running any particular direction to act as a barrier. A second or parallel fence is prohibited, unless for a dog run.

(d) Design Requirements. Painted fences, in hues other than white, earth or wood tones, shall be subject to the review and approval of the Building Official and the following design standards:

- (1) The appearance, color, texture and materials being used will preserve property values in the immediate vicinity and will not adversely affect any property values.
- (2) The appearance of the fence will not detract from the general harmony of, and is compatible with, the structure and other developments already existing in the immediate vicinity.
- (3) The appearance of the fence will not be garish or otherwise offensive to the sense of sight to passersby.
- (4) Fence appearance will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

(e) Sharp Projections. No owner or lessee of any building in the City, or their respective agents, shall erect or cause to be erected or maintained on or about its exterior building line, or upon fences, or upon any portion of the sidewalk adjacent

to such building, any railing, fence, guard or other projection on which there is affixed, placed or in any manner attached any spike, nail or other sharp-pointed instrument of any kind. No wire or other fence materials shall be affixed to the fence with the top edge having any sharp or pointed projections of any kind. However, if such fence is constructed of pickets, such pickets must be made of not less than one inch by three-inch material and shall have an angle at the top of not less than ninety degrees.

(f) Barbed Wire. No owner or lessee of any property, or their respective agents, shall construct or maintain a barbed wire fence except in those areas zoned Industrial I and Industrial II. Except that fences six feet high or higher may have barbed wire attached to arms or brackets extending inward over private property owned by the person erecting and paying for such fence, but no such barbed wire shall be placed at any point nearer to the ground than six feet. However, the aforementioned arms for barbed wire on six-foot fences may be placed only on the lines enclosing industrial property. Further, the arms shall project over the industrial side of the line only on such portions of the fence, which are twenty-five feet or more from the front lot line. Nothing herein to the contrary, barbed wire fencing in all residential zoning districts, commercial, or along property lines abutting a residential zone is prohibited.

(g) Electrification. Fences shall not contain electric current or a charge of electricity. This provision shall not apply to electrical barriers, provided below grade, used to contain household pets.

(h) Corner Lots and Corner Clearance. On corner lots, fencing may be erected along the side street property line no further toward the front lot line than the rear building line, except that a side entrance may be included in such fencing. In areas of heavy school traffic, special conditions may be given to corner lots at the discretion of the Board of Zoning Appeals. In cases of residential lots abutting public, commercial or industrial alleys or properties, public playfields, parking lots, parks, school grounds or recreation area, approved fences not exceeding six feet in height may be erected and maintained along side or rear lot lines abutting such alleys or properties.

When a driveway intersects a public right of way or when the subject property abuts the intersection of public rights of way, all landscaping and/or fencing within the corner triangular area described below shall permit unobstructed cross-visibility. Fencing or landscaping located in the triangular area shall not be permitted to exceed a height of more than thirty inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface.

The triangular area referred to above is:

(1) The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangular area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.

(2) The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being twenty-five feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides.

(Ord. 1993-19. Passed 10-19-93; Ord. 2002-22. Passed 6-18-02; Ord. 2006-09. Passed 6-20-06.)

1279.03 RESIDENTIAL FENCES.

(a) General Requirements. Except as may be otherwise specified within this chapter, fences in all Residential Districts shall not:

(1) Exceed six feet in height, measured from the grade. In the event that a variance is granted and a second parallel fence is added, then and in that event an additional six inches of fence height may be permitted. The purpose of allowing this additional height is to provide an open space of six inches at the base of the fence to allow for property maintenance.

(Ord. 2006-20. Passed 10-3-06.)

(2) Be constructed nearer the street than the front bearing wall of an existing dwelling or the building setback line of vacant residential lots.

A. In those cases where a dwelling is set on the rear portion of a lot, a fence may be constructed at the building setback line of the adjacent properties, or twenty-five feet, whichever is greater.

B. On corner lots, fencing may be erected along the side street property lines no further toward the front lot line than the rear building line, except that a side entrance may be included in such fencing.

C. However, such restriction shall not apply to public playfields, parking lots, parks, school grounds, recreation areas or public alleys.

(3) Chain link fences shall not exceed 4 feet in height, except as noted in paragraph (c).

(b) Decorative Fencing. Decorative fences shall be permitted in a front yard no closer than three feet to any property line or sidewalk where they do not exceed 30 inches in height and the vertical surface in any five-foot section measured from the finished ground grade to the top of the fence has openings of at least fifty percent of the total surface of each five-foot section of fence, and all framing members, including posts, horizontal or vertical supports and fencing, are to be considered in the calculations. The fence must be kept in a sound condition as determined by the Building Official.

(c) Heights Exceptions. In cases of residential lots abutting public, commercial or industrial alleys or properties, public

playing fields, parking lots, parks, school grounds or recreation areas, approved fences not exceeding six feet in height may be erected and maintained along side or rear lot lines abutting such alleys or properties.

(Ord. 1993-19. Passed 10-19-93; Ord. 2006-09. Passed 6-20-06.)

1279.04 BUSINESS AND INDUSTRIAL FENCES.

Except as may otherwise be specified in this chapter, fences shall comply with the following standards:

(a) General Requirements.

(1) Fences shall not exceed six feet in height, measured from grade, except that industrial fences may reach a maximum height, measured from grade of eight feet.

(2) Fences shall not obstruct vision to an extent greater than twenty-five percent of their total area.

(3) Fences shall not be constructed nearer the street than the front building line of the principal building on the site or the building setback line of vacant business and industrial lots. On corner lots, fencing may be erected along the side street property line no further than the front building line of the principal building.

(4) No fence shall be constructed nearer the street than the front bearing wall of a structure or the building set-back line of vacant lots. In those cases where a structure is set on the rear portion of a lot, a fence may be constructed at the building set-back line of the adjacent properties or the twenty-five foot set-back line, whichever is greater.

(5) However, such restriction shall not apply to public playfields, parking lots, parks, school grounds, recreation areas or public alleys.

(b) Materials Recovery Operators. Any person whose principal business is that of a materials recovery operator, or who is operating or conducting a place for the dismantling of automobiles, using a yard or enclosure other than a building for the purpose of storing and/or having on hand any secondhand articles, junk, automobiles for dismantling or dismantled parts of automobiles, shall, unless a waiver is obtained pursuant to Section 832.15 of the Business Regulations and Taxation Code, erect and maintain a fence made of board corrugated sheet metal or chain-link with metal inside and against the chain-link, of a height of eight feet, which fence must be painted on the outside and kept and maintained in repair. On those sides adjacent to railroad property, a chain-link or galvanized steel fence of a height of not less than six feet may be used.

(c) Hedges. Hedges beyond the front building line shall not exceed two and one-half feet in height above grade unless otherwise provided for in this chapter. A hedge is defined as small trees planted to make a wall or a dense row of shrubs.

(d) Basin, Tub, Detention or Retention Basins A basin, tub or a detention or retention basin having a depth of more than two feet shall be enclosed with a secure type fence not less than four feet in height. Such fence shall have an approved self-closing mechanism on a walk-in gate. A drive-in or a walk-in type gate must have a provision in its latch for a padlock or the gate shall be provided with other approved locking facilities.

(Ord. 1993-19. Passed 10-19-93; Ord. 2001-01. Passed 1-2-01; Ord. 2006-09. Passed 6-20-06.)

1279.05 PARKS, PLAYGROUNDS AND PUBLIC AREAS.

(a) General Requirements. Except as may be otherwise specified in this chapter, fences which enclose public or institutional parks, playgrounds or public landscaped areas, shall not exceed 20 feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent of their total area.

(b) Height Exceptions. Where a partition fence is constructed along a school yard or public or private playing field, fences in excess of the height specified in this chapter may be permitted if the lines along which such fences are to run have been determined in accordance with this chapter and the details of construction as to public safety comply with this chapter and have been approved by the Building and Engineering Department

(Ord. 1993-19. Passed 10-19-93; Ord. 2006-09. Passed 6-20-06.)

1279.06 SWIMMING POOLS.

A swimming pool located on private property having a depth of more than two feet shall either be enclosed itself or the rear yard shall be enclosed with a secure type fence not less than four feet in heights; such fence shall have an approved self-closing mechanism on a walk-in gate. A drive-in or a walk-in type gate must have a provision in its latch for a padlock or the gate shall be provided with other approved locking facilities. For the protection of the general public, swimming pools shall be subject to the following standards:

(a) Swimming pools shall maintain a distance of not less than six feet from any enclosing fence, wall and/or adjacent property line or structure.

(b) No swimming pool shall be constructed or maintained unless such swimming pool is entirely enclosed by a building, wall and/or fence. The fence or wall shall be designed and constructed so as to make the pool inaccessible to children by climbing or entering through the fence openings.

(c) The minimum height of all parts of a fence or wall, including gates, shall be four feet, and the maximum height shall be

six feet, measured from grade, for all pools.

(d) Above-ground swimming pools shall either be enclosed in the same manner as required for in-ground swimming pools provided above, or, alternatively shall be enclosed with an integral fence securely attached to the top rail of the swimming pool.

(e) Gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises are enclosed with a fence or wall of not less than four feet in height above grade level, this provision may be waived by the Building and Engineering Department.

(Ord. 1993-19. Passed 10-19-93; Ord. 2006-09. Passed 6-20-06.)

1279.07 MAINTENANCE; NUISANCE CONDITIONS.

(a) General Requirements. Fences must be maintained in a neat and safe condition. Any fence which, through lack of repair, type of construction or otherwise, is not maintained in a neat and safe condition, including but not limited to the growth of grass, weeds, vines, trees, or other vegetation shall be deemed a nuisance. The Building and Engineering Department shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof be removed, and shall provide a time limiting such repairs, modification or removal. All fences extending beyond the building or setback line, except those installed after actions by the Zoning Board of Appeals, shall be reconstructed in such a manner as to comply with all setback requirements set forth in these codified ordinances.

(b) Isolation of Property. In no instance shall the installation of a fence cause the isolation of property that is inaccessible for purposes of yard maintenance and upkeep. Under authority of Section 1279.01(b), the Building and Engineering Department may cause a separation between fences, or between a fence and a structure, or any other remedy necessary to ensure adequate access for cutting of grass and weeds and/or the collection of litter and debris.

(Ord. 1993-19. Passed 10-19-93; Ord. 2006-09. Passed 6-20-06.)

1279.08 ENFORCEMENT.

The Building Official and the City Engineer or their designees are hereby authorized and directed to enforce this chapter.

(Ord. 2006-09. Passed 6-20-06.)

1279.99 PENALTY.

See Section 202.99 for general penalty if no specific penalty is provided.

(Ord. 2006-09. Passed 6-20-06.)

CHAPTER 1280

Signs

- 1280.01 Purpose and intent.
- 1280.02 Definitions.
- 1280.03 Administration.
- 1280.04 General sign provisions.
- 1280.05 Calculating sign area.
- 1280.06 Exempt and prohibited signs.
- 1280.07 Temporary signs.
- 1280.08 Signs by district.
- 1280.09 Design standards.
- 1280.10 Nonconforming signs.
- 1280.11 Severability and conflict.

CROSS REFERENCES

Permit fees - see ADM. 210.06

Billposting - see GEN. OFF. 648.10

Signs at drive-in restaurants - see B.R. & T.816.09

Signs at gas stations - see B.R. & T.824.07(p)

Signs for junk dealers - see B.R. & T.832.11

Advertising in parks - see S.U. & P.S.1062.14

1280.01 PURPOSE AND INTENT.

The provisions of this chapter are to encourage the effective use of signs as a means of communication of a particular user or use on a property in the City. It is also intended to protect the public health, safety and welfare of the residents of the City by preventing traffic hazards and providing safer conditions for pedestrians. Finally, this chapter is designed to promote the economic development and aesthetic character of the City by regulating the construction, alteration, repair, maintenance, size, location and number of signs.

(Ord. 2002-29. Passed 10-15-02.)

1280.02 DEFINITIONS.

The following words and phrases used in this chapter shall be interpreted or defined as follows. All other words or phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

- (a) "Animated sign." Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (b) "Awning." Refer to "canopy or awning" below.
- (c) "Balloon." A flexible, nonporous container that can be of various shapes which is filled with a gas, causing it to inflate. Often the gas is lighter than air, to allow the balloon to rise and float in the atmosphere.
- (d) "Banner." Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.
- (e) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.
- (f) "Billboard" or "Off-premises sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.
- (g) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.
- (h) "Building marker." Any sign indicating the name of a building, date of construction and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (i) "Canopy" or "Awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.
- (j) "Canopy or awning sign." Any sign that is an integral and permanent part of an awning, canopy or other fabric, plastic or structural protective cover. A marquee sign is not a canopy sign.
- (k) "Commercial message." Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (l) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environs.
- (m) "Construction sign." Any sign which identifies the owners, financiers, contractors, architects, engineers or tenants of a project under construction.
- (n) "Directional sign." A sign, commonly informational, that directs movement, provides instructions or is secondary to the use of the lot. Generally, signs of this type indicate the entrance/exit, drive-through location, "no parking" areas, etc.
- (o) "Directory sign." A sign which indicates the tenants and their suite locations within a multi-tenant building.
- (p) "Entranceway sign." A sign that identifies the name of a residential subdivision or development and is located at the major entranceways to the subdivision or development.
- (q) "Essential service sign." Any sign indicating services that are reasonably necessary for the furnishing of public utilities, municipal departments or commissions, or the public health, safety and welfare of City residents.
- (r) "Flag." Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.
- (s) "Flashing sign." A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.
- (t) "Freestanding sign." Any sign supported by structures or supports that are placed on or anchored in the ground and

that are independent from any building or other structure. Freestanding signs include pole and monument signs.

(u) "Government sign." Any sign posted by a unit of government for the health, safety and welfare of the general public.

(v) "Marquee." Any permanent roof-like structure constructed of permanent materials projecting beyond a building or extending along and projecting beyond the wall of the building. Generally, a marquee is designed and constructed to provide protection from the weather.

(w) "Marquee sign." Any sign affixed to, in any manner, or made part of the marquee.

(x) "Monument sign." A freestanding sign which the entire bottom of said sign is in contact with the ground in a permanent location.

(y) "Mural." A design or representation painted on or drawn on a wall which does not contain any promotional or commercial advertising.

(z) "Pennant." Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

(aa) "Placard." A sign that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

(bb) "Permanent sign." Any sign which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this chapter and in the current Michigan Building Code.

(cc) "Pole sign." A freestanding sign which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground by air.

(dd) "Political sign." A temporary sign used in connection with an official City, school district, county, state or federal election or referendum.

(ee) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; A- or T-frames; menu and sandwich boards; balloons, banners or umbrellas used for advertising; and signs attached to or painted on stationary or abandoned vehicles parked and visible from the public road that are not used in the day-to-day operation of a business.

(ff) "Projecting signs." Any sign, generally doubled-faced, affixed to a building or wall in such a manner that it extends more than 12 inches from the wall.

(gg) "Reader board." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.

(hh) "Real estate sign." A sign advertising the sale, rent or lease of the real estate upon which the sign is located.

(ii) "Roof sign." Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

(jj) "Roof sign, integral." Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

(kk) "Sign." Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person, entity, or to communicate information of any kind to the public.

(ll) "Streamer." A long, narrow strip with attached flags, pennants or banners resembling or suggesting streaming or floating in the wind.

(mm) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted. This shall include painted window signs.

(nn) "Valance." That portion of a canopy/awning that hangs parallel to the building facade and is not larger than 25% of the total area of the structure and is used as a decorative heading.

(oo) "Vehicle business sign." See "portable sign" as defined in this section.

(pp) "Wall sign." Any single-faced sign that is attached directly parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure. This shall include permanent window signs.

(qq) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

(Ord. 2002-30. Passed 11-4-02.)

1280.03 ADMINISTRATION.

(a) Sign Permits. Applications for sign permits, including temporary signs if applicable, shall be made to the Building and Engineering Department and shall contain or have attached thereto the following information:

- (1) The name, address and telephone number of the applicant.
- (2) Letter of approval, which outlines the consent of the property owner, if different from the applicant.
- (3) The location of the building, structure or lot to which or upon which the sign or other advertising structures is to be attached or erected.
- (4) The location of the sign or other advertising structures in relation to nearby buildings, improvements and property lines.
- (5) Photographs showing the location of the proposed sign and adjacent properties including structures and signs.
- (6) Two sets of plans and specifications indicating the method of construction and attachment to the building or in the ground.
- (7) A copy of the stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by the current Michigan Building Code. Where the Building Official deems necessary, a registered engineer shall approve the structural design.
- (8) The name of the person or company erecting the structure.
- (9) The signature of the Electrical Inspector, certifying the approval of the permit, in all cases where wiring is to be used in connection with the structure, as compliance with the current Michigan Electric Code is mandatory in such cases.
- (10) An elevation of the proposed sign with dimensions, colors and wording.
- (11) Any other information deemed necessary by the Building Official to ensure compliance with this chapter and all other provisions of these Codified Ordinances.

(b) Master Sign Plans. Buildings or clusters of buildings, within a project, having more than one tenant shall submit a master sign plan with the sign permit application. The master sign plan shall include locations, area, height, colors and fonts of all freestanding and wall signs. Elevations of the freestanding signs shall also be included. The sign plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, size and scale. The sign plan must also indicate the area designated for individual tenant signs on permitted freestanding signs.

(c) Permit Application Review.

(1) Building Official. It shall be the duty of the Building Official to review applications for new sign permits, temporary sign permits and sign permits for a change to an existing sign. The Building Official shall examine the application material, plans and specifications and other data pertinent to the regulations of this chapter and other Codified Ordinances. If the proposed request meets all the requirements of these Codified Ordinances, a permit shall be issued.

(2) Community Development Department. It shall be the duty of the Community Development Department to review applications for new permanent sign permits as part of new construction per the requirements of Site Plan Approval, Chapter 1276, or as outlined within this chapter. The Community Development Department shall examine the application materials, plans, specifications and other data pertinent to the regulations of this chapter and other Codified Ordinances. If the proposed request meets all the requirements of these Codified Ordinances, a permit shall be issued by the Building and Engineering Department.

(d) Fees. Applications for sign permits require a fee to be paid to the City Treasurer as set forth in Chapter 210 of the Administration Code prior to the issuance of a sign permit. If any sign is erected prior to receiving a permit for the same, a fee for such sign shall be as indicated in the fee schedule.

(e) Inspections. Periodically, the Building Official shall inspect signs or other advertising structures regulated by this chapter for the purpose of ascertaining whether the same is in need of repair or removal. If the sign does not pass inspection, the provisions of Section 1280.04(k) shall apply.

(f) Permit Revocation and Expiration. All rights and privileges acquired by any person under the provisions of this chapter are mere licenses and may be revoked upon violation of any of the conditions contained in this chapter. If the work authorized under a permit has not been started within six months after the date of issuance, the permit shall become null and void.

(g) Appeals. Any person filing an application for a permanent or temporary sign permit who feels that he or she has been aggrieved by the decision of the Building Official may appeal such decision to the Zoning Board of Appeals, provided that such appeal is filed with the City Clerk.

(Ord. 2002-30. Passed 11-4-02.)

1280.04 GENERAL SIGN PROVISIONS.

(a) Signs not to Constitute a Traffic Hazard. No freestanding sign shall be constructed at any location where, by reason of its position, shape or color, may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Look," or "Danger" in any word, phrase, symbol, or character in such a

manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, device or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

(b) Clear Corner Distance. No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within ten feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.

(c) Obscene content. No person, business or entity shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(d) Illumination. Signs, except as otherwise prohibited in this chapter, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.

(e) Animated and Reader Board Signs (Electronic). Electronic animated and reader board signs are permitted, provided the message display area does not change more than one time per three-second period. Any reader board sign that changes its message more frequently than once every three seconds shall be considered a flashing sign.

(f) Obstruction to Doors, Windows and Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

(g) Public Rights-of-Way. No signs shall be placed or project further than 12 inches into the public right-of-way except as otherwise permitted in this chapter.

(h) Clear space distance. Awnings, canopies and marquees must maintain a minimum eight-foot clear space distance from the bottom of the structure to the grade.

(i) Canopies and/or Awnings. Canopies and/or awnings shall be permitted around the entire perimeter of a building. Canopy and/or awning signs shall only be permitted on that portion of the valance of the canopy and/or awning that faces the front-yard street frontage.

(j) Construction. All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this chapter.

(k) Removal of Certain Signs. Any sign now or hereafter existing which, at the time of construction, advertised a business being conducted or a product being sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed or completely renovated by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign is found within 30 days after written notice to remove such sign from the Building Official.

(l) Abandoned Signs. Signs which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs. Abandoned signs shall have all lettering or reference to the former business removed. Custom signs, which are only relevant to the defunct business that it served, shall be removed completely from the site.

(m) Maintenance and Removal. All signs and their components, including anchors, braces and supports shall be kept in conformance with this chapter and in a state of good repair. The Building Inspector and/or Ordinance Officer is authorized to cause the removal of any sign, at the expense of the owner, that is deemed to be in disrepair or an immediate peril to persons or property. This division shall not be construed to alter the effect of Section 1280.10, which prohibits the replacement of nonconforming signs.

(1) If a sign is found to be insecure, illegible, fading, in a state of disrepair, or the message portion of the sign is removed leaving only the support structures, written notice shall be given to the property owner, agent or person having interest in the building or property on which the sign is located.

(2) Improvements, corrections or removal of the sign shall be completed with 30 days of receipt of the written notice.

(3) If such condition is not corrected within the time allotted, the Building Inspector and/or Ordinance Officer is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property.

(n) Projecting Signs. One additional two-sided projection sign is permitted for commercial buildings if it complies with all of the following condition:

(1) Its size does not exceed forty-eight inches in height and twenty-four inches in width.

(2) The bottom of the sign is at least eight feet above the sidewalk.

(3) The top of the sign is no higher than the roof of the building.

(4) It contains a decorative or symbolical design element.

(5) It does not contain any electrical components.

(6) It does not obstruct any sign on adjacent property.

(7) It does not project into a public right-of-way unless: that right-of-way is owned by the City; or prior written approval has been obtained from the owner, such as the County of Wayne, the State of Michigan, or other official entity.

(8) It is approved by the Community Development Department.

(Ord. 2002-30. Passed 11-4-02; Ord. 2009-10. Passed 5-19-09.)

1280.05 CALCULATING SIGN AREA.

(a) Individual Signs. Any sign shall be measured as the area within a single, continuous perimeter composed of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This also includes any frame or other material or color, forming an integral part of the background of the display or used to differentiate the sign from the background against which it is placed. The support structure necessary to support the sign shall be excluded from this calculation. Reader boards, broken signs and permanent window signs shall be included in the sign measurements.

(b) Multi-Face Signs. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces.

(c) Height. The height of a sign shall be calculated by measuring the distance from the base of the sign at normal grade to the top of the highest attached framed component of the sign.

(Ord. 2002-30. Passed 11-4-02.)

1280.06 EXEMPT AND PROHIBITED SIGNS.

(a) Prohibited Signs. The following signs are prohibited:

(1) Strings of light bulbs, pennants, streamers, banners, beacons or other portable signs are prohibited, except as allowed in division (c) of this section or Section 1280.07.

(2) Flashing signs that employ any flashing, moving, oscillating, blinking or variable intensity of light and are not either animated or reader board signs.

(3) Roof signs and integral roof signs, except temporary balloon signs.

(4) Projecting signs except as outlined in Section 1280.04(h) or as permitted by Section 1280.04(n).

(5) Murals are prohibited unless utilized only for aesthetic and architectural purposes and approved by City Council.

(6) Billboard or off-premises signs.

(7) Vehicle business signs.

(8) Temporary window signs that exceed 25% of the area of the window and door on which such signs are located.

(b) Exempt Signs. The following signs are exempt from the regulations of this chapter, including sign permits:

(1) Highway and street signs erected by a State, County or Municipal road agency identifying highways, giving direction to streets or places of interest or establishing restrictions or conditions of use for streets and highways. This exemption shall further include all such signs authorized by a road agency in conjunction with infrastructure improvements.

(2) Historic markers placed under the authority of the local, State or Federal government.

(3) Essential service signs.

(4) Placards not exceeding two square feet.

(5) Building marker not exceeding two square feet.

(6) Flags of any nation, state, city, corporation, educational institution, college, university or nonprofit organization.

(7) Decorative, seasonal or temporary signs displayed by the City. Such displays shall be only in commemoration of a national holiday or some other civic purpose of general public interest.

(c) Signs Exempt from Permits. The following signs shall not require a sign permit but shall comply in all other respects with the regulations set forth herein:

(1) Government signs.

(2) Political signs provided that permission to display the political sign is given from the property owner or occupant of the property. Such sign shall not be displayed prior to 90 days before, or ten days after the election for which the sign is an announcement, advertisement or statement of support. Political signs shall be a maximum size of six square feet for a single surface area or 12 square feet for signs of two or more faces.

(3) Real estate signs are allowed in any residential zoning district, provided that they shall not have a surface area

greater than six square feet for a single surface area or 12 square feet for signs of two or more faces, or a height of four feet, nor shall there be more than two signs on any one lot. Real estate signs are permitted in any nonresidential zoning district, provided that they shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces. Real estate signs must be removed within 10 days of the sale, rent or lease of the property.

(4) Construction signs are allowed within any zoning district provided a building permit has been issued for the project. Construction signs shall not exceed 32 square feet in area for a single surface area or 64 square feet for signs of two or more faces or six feet in height. Construction signs must be removed from the property within five days of receipt of certificate of occupancy.

(5) Directional signs are allowed provided they are limited to the identification of functions such as traffic control, loading areas, etc. on the lot and do not exceed five feet in height or six square feet in area for a single surface area or 12 square for signs of two or more faces.

(6) One temporary sign is allowed for the promotion of a special event or activity of a church, nonprofit or educational institution, provided the sign is no larger than 32 square feet for a single surface area or 64 square feet for signs of two or more faces, and is displayed for no more than two weeks prior to the event or activity, and that it be removed within 24 hours of the conclusion of the event or activity.

(7) Temporary garage or yard sale signs are allowed for residential properties, provided they are not placed in the public right-of-way and do not exceed six square feet for a single surface area or 12 square feet for signs of two or more faces. Garage and yard-sale signs shall be removed within 24 hours of the conclusion of the event or activity.

(8) Temporary window signs are allowed, provided they are located on the ground floor and shall not be illuminated, and provided that the total area of such signs does not exceed 25% of the area of the window or door in which such signs are located.

(9) Temporary signs in the form of streamers may be displayed by businesses that are licensed by the State of Michigan for the sale of new or used vehicles, providing such signs are strung at least ten feet above the ground and not placed within the public right-of-way.

(Ord. 2002-30. Passed 11-4-02; Ord. 2009-10. Passed 5-19-09.)

1280.07 TEMPORARY SIGNS.

Temporary signs shall be any sign on a zoning lot that is not permanently mounted or attached to a support structure. Temporary signs shall conform to the following regulations:

(a) Temporary Sign Permit. Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit by the City Building and Engineering Department or as elsewhere authorized by the Code of Ordinances.

(b) Display Period.

(1) Each zoning lot or single tenant building shall be allowed a maximum of three temporary sign permits within a 12-month time period. Each permit shall be for a maximum period of four weeks. In the instance where more than one business is located on a lot or in a building, structure or shopping center, each business shall be permitted two temporary sign permits within a 12-month period. However, not more than two such permits shall be issued to the lot, building, structure or shopping center for simultaneous display periods.

(2) One temporary banner pertaining to the opening or "Grand Opening" of a new commercial enterprise may be temporarily affixed to the commercial building or the new business for a period of not more than four weeks. The length of such banner shall not exceed 25 feet.

(c) Rights-of-Way. No temporary signs shall be placed, strung or located within the right-of-way or project in any way beyond the property line except as specifically authorized elsewhere by the Code of Ordinances.

(d) Area and Height. No temporary sign shall have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces, except for A-frame signs which shall be limited to 12 square feet per side. Temporary signs shall not exceed a height of six feet measured from the normal grade, except for A-frame signs which shall not exceed a height of five feet measured from the normal grade. Temporary balloon signs shall be exempt from the area and height requirements of temporary sign permits unless balloons are included as an integral part of the requested temporary sign.

(e) Materials Required. Temporary signs shall be constructed of a durable material designed to withstand normal weather conditions. Wooden signs shall be constructed of a pressure treated wood that is acceptable to the Building Official. Wooden signs must be painted with an exterior grade of paint.

(f) Unsafe Signs. Any temporary sign found by the Building and Engineering Department to be in unsafe condition must be removed by the sign owner within three business days after receipt of written notice.

(g) Removal. Temporary signs shall be removed immediately at the end of the display period provided for in division (b) of this section. If temporary signs are not promptly removed at the end of the display period, a written violation notice will be issued by the City and a cumulative daily fee shall be assessed to the temporary sign permit holder as set forth in Chapter 210 of the Administration Code until such sign is removed.

1280.08 SIGNS BY DISTRICT.

(a) The following provisions shall apply to signs located in the R-1AA, R-1A, R-1B, R-1C, R-2, R-3, R-4, R-5 and PRD Residential Districts:

(1) Freestanding signs. For residential subdivisions, multiple-family complexes having eight or more units, schools, churches, or other nonresidential uses permitted in a residential district:

A. Number. Two entryway signs per subdivision or multiple-family complex. One freestanding sign for schools, churches or other nonresidential uses permitted in a residential district.

B. Size. Freestanding signs shall be no greater than 30 square feet in area for a single surface area or 60 square feet for signs of two or more faces.

C. Height. Freestanding signs shall be no taller than five feet in height for residential uses and six feet in height for nonresidential uses.

D. Placement. Freestanding signs may be placed within the zoning district building front setback, except for clear corner distance requirements, providing no sign shall be placed in the public right-of-way.

(2) Wall signs. For multiple-family complexes and other nonresidential uses:

A. Number. One wall sign per street frontage.

B. Size. The maximum area for wall signs shall not exceed one square foot of sign area for each two feet of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

(3) Canopies, awnings and marquee signs. For nonresidential uses:

A. Number. One canopy, awning or marquee sign shall be permitted per tenant. If a wall sign is present, a canopy, awning or marquee sign shall be prohibited.

B. Size. The maximum area for canopy, awning or marquee signs shall not exceed one square foot of sign area for every two feet of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

C. Placement. Signs shall be an integral permanent part of the canopy, awning or marquee. Canopy or awning sign text shall occur on the valance portion of the canopy or awning only as defined in Section 1280.04(i).

(b) The following standards shall apply to the B-1, Limited Business District, B-2, Neighborhood Business District and HD, Historic District:

(1) Freestanding signs.

A. Number. One freestanding sign shall be allowed per single building, structure or shopping center regardless of the number of tenants or users. All freestanding signs in the B-2 Neighborhood Business District shall be monument signs only, and not pole signs. Two freestanding signs shall be permitted in the case of a corner lot located on a major thoroughfare if each street frontage has a minimum of 200 linear feet, providing both freestanding signs are monument signs and not pole signs.

B. Size. Pole signs shall be permitted a maximum sign area of 50 square feet for a single surface area or 100 square feet for signs of two or more faces. Monument signs shall be permitted a maximum sign area of 60 square feet for a single surface area or 120 square feet for signs of two or more faces.

C. Height. Pole signs shall be permitted a maximum height of 15 feet with a ten-foot clearance distance between the bottom of the sign structure to the grade. Monument signs shall be permitted a maximum height of six feet.

D. Placement. Freestanding signs may be placed within the zoning district front setback except for clear corner distance requirements, providing a minimum of seven feet from the public right-of-way is maintained.

(2) Wall signs.

A. Number. One wall sign shall be permitted per tenant. For multi-tenant buildings with only one main entrance, one wall sign and directory sign shall be permitted. For tenants and/or buildings with multiple street frontages, one additional wall sign is permitted per street frontage. One additional wall sign is permitted for buildings and/or tenants located on functional public alleyways (i.e. public access to the building).

B. Size. The maximum area for wall signs shall not exceed 1½ square feet of sign area for each one foot of building frontage. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole. Wall directory signs shall not exceed 12 square feet in area. The maximum wall sign area for buildings and/or tenants with additional street frontage shall not exceed one-half square foot of sign area for each one foot of building on such additional frontage. Wall signs located within the public alley shall not exceed 12 square feet.

(3) Canopies, awnings and marquee signs.

A. Number. One canopy, awning or marquee sign shall be permitted per tenant. If a wall sign is present, a canopy, awning or marquee sign shall be prohibited.

B. Size. The maximum area for canopy, awning or marquee signs shall not exceed one square foot of sign area for each 1½ feet of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

C. Placement. Signs shall be an integral permanent part of the canopy, awning or marquee. Canopy or awning sign text shall occur on the valance portion of the canopy or awning only as defined in Section 1280.04(i).

(c) The following standards shall apply to the B-3, Business Extensive District, B-4, Business Intensive District, B-5, Business Concentrated District and IND-B, Industrial Business District.

(Ord. 2011-02. Passed 5-2-11.)

(1) Freestanding signs.

A. Number. One freestanding sign per single building, structure or shopping center regardless of the number of tenants or uses contained therein, except where lot frontage on a major thoroughfare exceeds 300 linear feet, then two signs shall be permitted, providing both freestanding signs are monument signs and not pole signs. Two freestanding signs shall be permitted in the case of a corner lot located on a major thoroughfare, if each street frontage has a minimum of 200 linear feet, providing both freestanding signs are monument signs and not pole signs.

B. Size. Pole signs shall be permitted a maximum sign area of 50 square feet for a single surface area or 100 square feet for signs of two or more faces. Monument signs shall be permitted a maximum sign area of 60 square feet for a single surface area or 120 square feet for signs of two or more faces. Multi-tenant signs, where all tenants are displayed on the sign, shall be permitted 75 square feet for a single surface area or 150 square feet for signs of two or more faces.

C. Height. Pole signs shall be permitted a maximum height of 20 feet. Monument signs shall be permitted a maximum height of eight feet.

D. Placement. Freestanding signs shall be placed within the zoning district front setback, except for clear corner distance requirements, providing a minimum of ten feet from the public right-of-way is maintained.

(2) Wall signs.

A. Number. One wall sign shall be permitted per tenant. In the case of a multi-tenant building with one main entrance, one wall sign and one directory sign shall be permitted. For tenants and/or buildings with multiple street frontages, one additional wall sign is permitted per street frontage. One additional wall sign is permitted for buildings and/or tenants located on functional public alleyways (i.e. public access to the building).

B. Size. The maximum area for wall signs shall not exceed 1½ square feet of sign area for each one foot of building frontage. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole. Wall directory signs shall not exceed 12 square feet in area. The maximum wall sign area for buildings and/or tenants with additional street frontage shall not exceed one-half square foot of sign area for each one foot of building on such additional frontage. Wall signs located within the public alley shall not exceed 12 square feet.

(3) Canopies, awnings and marquee signs.

A. Number. One canopy, awning or marquee sign shall be permitted per tenant. If a wall sign is present, a canopy, awning or marquee sign shall be prohibited.

B. Size. The maximum area for canopy, awning or marquee signs shall not exceed one square foot of sign area for each 1½ feet of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

C. Placement. Signs shall be an integral permanent part of the canopy, awning or marquee. Canopy or awning sign text shall occur on the valance portion of the canopy or awning only as defined in Section 1280.04(i).

(d) The following standards shall apply to the IND-1, Light Industrial, IND-2, Heavy Industrial and T-I, Transitional Industrial Districts:

(1) Freestanding signs.

A. Number. One freestanding sign per building or structure regardless of the number of tenants or users. All freestanding signs in I-1, I-2 and T-I shall be monument signs only and not pole signs. Two freestanding monument signs shall be permitted in the case of a corner lot located on a major thoroughfare if each street frontage has a minimum of 200 linear feet.

B. Size. Monument signs shall be permitted a maximum sign area of 60 square feet for a single surface or 120 square feet for signs of two or more faces. Multi-tenant signs, where all tenants are displayed on the sign, shall be permitted 75 square feet for a single surface area or 15 square feet for signs of two or more faces.

C. Placement. Freestanding signs shall be placed within the zoning district front setback, except for clear corner

distance requirements, providing a minimum of ten feet from the public right-of-way is maintained.

(2) Wall signs.

A. Number. One wall sign shall be permitted per tenant.

B. Size. The maximum area for wall signs shall not exceed one square foot of sign area for each one foot of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

(3) Canopies, awnings and marquee signs.

A. Number. One canopy, awning or marquee sign shall be permitted per tenant. If a wall sign is present, a canopy, awning or marquee sign shall be prohibited.

B. Size. The maximum area for canopy, awning or marquee signs shall not exceed one square foot of sign area for each one foot of building length of the wall in which the sign is to be placed. Users in multi-tenant buildings shall only calculate the wall length of individual tenant space and not the building as a whole.

C. Placement. Signs shall be an integral permanent part of the canopy, awning or marquee. Canopy or awning sign text shall occur on the valance portion of the canopy or awning only as defined in Section 1280.04(i).

(4) Industrial parks. Signage for an industrial park shall allow for the placement of one entranceway sign at each entrance to the park at major thoroughfares. The entranceway sign shall be a monument sign and shall only identify the name of the industrial park.

(e) The following standards shall apply to the P-1, Parking District:

(1) Permitted signs. No signs other than those that designate an entrance, exit or condition of use shall be permitted in the P-1 District.

(2) Area and height. The maximum area of signs shall be eight square feet with a maximum height of eight feet.

(3) Illuminated signs. All illuminated signs must be extinguished by 10:00 p.m. or one-half hour after closing the parking facility. Illumination shall meet the standards of Section 1280.04(d).

(f) The following standards shall apply to the RV River Valley District:

(1) Permitted signs. No signs other than those for direction and/or identification signs for the recreational uses within the District.

(2) Area and height. The maximum area of signs shall be eight square feet for a single surface area or 16 square feet for signs of two or more surfaces with a maximum height of six feet.

(Ord. 2002-30. Passed 11-4-02.)

1280.09 DESIGN STANDARDS.

(a) Sign Design Standards.

(1) All signs developed for one building, structure or shopping center shall incorporate a theme using similar methods of display and construction, which shall limit the number of fonts, colors and sign face sizes.

(2) Signs shall be compatible with existing uses, structures and the general character of adjacent area.

(3) The scale of wall signs shall be compatible with the scale of the building, structure or shopping center as defined under each zoning district in Section 1280.08.

(4) Colors on signs should complement the color scheme of the building and structures on the zoning lot. In no case shall day-glo, fluorescent or reflective color materials that give the appearance of changing color or brilliant luminescent colors be permitted.

(5) Freestanding signs shall be compatible with the architectural style, elements and materials of the principal building, structure or shopping center on the zoning lot.

(6) The scale of the integral canopy and/or awning sign shall be compatible with the architectural features of the building. The color scheme of canopies/awnings and canopy/awning signs shall be compatible with each other as well as the color scheme of the building.

(b) Review. Design standards for signs shall be reviewed in general and with particular reference to approved site plans at the time of sign permit application.

(Ord. 2002-30. Passed 11-4-02.)

1280.10 NONCONFORMING SIGNS.

(a) Every permanent, legally existing sign which does not conform to the height, size, area or location requirements of

this chapter as of the date of adoption of this chapter shall be deemed a nonconforming sign.

(b) Nonconforming signs may not be expanded, enlarged, or extended. Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.

(c) For the purposes of this section, a nonconforming permanent sign may be changed on the face of the sign without jeopardizing the status of nonconforming use. An existing business, may continue an established past practice of utilizing more than 25% of the available glass area of a defined window area for signage, including temporary signs, providing that all such window signs are located on building walls that are a minimum of 100 feet in length and that such window signs do not exceed 10% of the total wall area of the building wall on which such window signs are located.

(d) Any nonconforming sign, sign structure or frame, which is more than 50% destroyed by fire, weather or other casualty loss cannot be restored or rebuilt.

(e) When a nonconforming permanent sign is removed it shall be replaced only with a sign that conforms to all the requirements of the zoning district. Nonconforming signs may be removed for maintenance or repair purposes as outlined in division (b) of this section. Removal of a nonconforming sign for repair or maintenance must receive a permit from the Building and Engineering Department. If the nonconforming sign is not reinstalled within six months, the nonconforming status of the sign shall be deemed abandoned.

(Ord. 2002-30. Passed 11-4-02.)

1280.11 SEVERABILITY AND CONFLICT.

(a) Severability. This chapter and its parts, are declared to be severable. If any section, clause, provision, or portion of this chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the chapter as a whole. All parts of the chapter not declared invalid or unconstitutional shall remain in full force and effect.

(b) Conflict. If any part of this chapter is found to be in conflict with any other ordinance or with any other part of this chapter, the most restrictive or highest standard shall prevail. If any part of this chapter is explicitly prohibited by Federal or State statute, it shall not be enforced.

(Ord. 2002-30. Passed 11-4-02.)

CHAPTER 1281

Landscape Regulations

1281.01 Landscaping regulations for commercial areas.

1281.02 Existing commercial property.

1281.03 Landscaping regulations for new residential homes.

CROSS REFERENCES

Conditions causing nuisance - see GEN. OFF.668.02

Trees and Shrubs - see Ch. 1026

Fences - see P. & Z.Ch. 1279

1281.01 LANDSCAPING REGULATIONS FOR COMMERCIAL AREAS.

Purpose.

It is found and declared in the areas of the City that are or may become blighted with the resulting impairment of taxable values upon which, in large part, municipal revenues depend, that such blighted areas are detrimental to the health, safety and general welfare of the citizens and to the economic welfare of the Municipality; that in order to improve and maintain the general character of the Municipality it is necessary to rehabilitate such blighted area including landscaping; and that the conditions found in blighted areas cannot be remedied by the ordinary operations of private enterprise with due regard to the general welfare of the public, without public participation.

The purposes of this chapter are to enhance the appearance of buildings and to rehabilitate certain areas by eliminating blight and blighting factors within all areas of the City through the provision of standardized and strengthened provisions for landscaping for the protection of the health, safety and general welfare of the Municipality; to better define and articulate outdoor spaces and architectural elements; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City.

It is expressly recognized that blight is observable at different states of severity, and that moderate blight unremedied creates a strong probability that severe blight will follow. Therefore conditions that constitute blight, including the absence of landscaping, landscaping that is no longer healthy, and landscaping that is dead, are to be broadly construed to permit a

Municipality to make an early identifications of problems and to take early remedial action to correct a demonstrated pattern of deterioration and to prevent worsening of blight conditions.

(a) Applicability. The provisions of this section shall apply to all lots, sites and parcels which hereafter are developed, redeveloped or expanded pursuant to a site plan required by Ordinance 1276. No certificate of occupancy shall be issued unless acceptable and aesthetically pleasing landscaping is provided and the requirement of this section are met.

(b) Installation and maintenance.

(1) Landscaping shall be planted in a sound manner according to sound planting procedures. Standards and procedures of the American Standard for Nursery Stock shall be followed where applicable. Landscaping areas shall be protected by curbs or other acceptable means from vehicular encroachment and damage. If building or paving construction is completed during the planting season then no certificate of occupancy shall be issued until landscaping is provided. If building or paving construction is completed in a time of year when planting can not be completed, then a temporary certificate of occupancy shall be issued after the owner provides a performance bond to the City in an amount which insures landscaping installation.

(2) Landscaping shall be maintained in good condition to present a healthy, neat and orderly appearance free from refuse and debris. (Weed Control is addressed in Chapter 1459). All unhealthy and dead materials shall be replaced within forty-five days or the next appropriate planting period whichever comes first. Grass areas shall be kept weed free and mowed on a regular basis. All edges shall be trimmed and maintained. All areas shall be provided with a readily available water supply. If hoses are used to supply water then said hoses shall not cross sidewalks, parking lots or driveways in a hazardous manner.

(c) General standards.

(1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery or other suitable plant material except paved patios, terraces, sidewalks and similar site features.

(2) A mixture of evergreen and deciduous trees shall be provided on all unpaved surfaces and the banks of ponds or retention basins.

(3) Required trees and shrubs may be planted at uniform intervals, at random or in groupings.

(4) All landscape plans shall be prepared by a landscape architect or landscape professional familiar with acceptable plantings for this climate and the site conditions.

(5) Current trees and existing planting(s) that are significant to the site shall be preserved, wherever possible, to enhance the development.

(6) All plans shall be reviewed by the Community Development Department in accordance to this section.

(d) Private ponds. Ponds are permitted for recreational, scenic or storm water management purposes. Ponds are required to meet all federal, state, county and municipal requirements. The property owner shall maintain the pond, filter system and site. The maintenance shall include but not be limited to the cleaning of the pond, if dry the mowing of grass in conformance to City Ordinance and the elimination of any nuisance created by standing water or a water body.

(Ord. 2006-11. Passed 9-5-06.)

1281.02 EXISTING COMMERCIAL PROPERTY.

(a) Landscaping shall be planted in a sound manner according to sound planting procedures. Standards and procedures of the American Standard for Nursery Stock shall be followed where applicable. Landscaping areas shall be protected by curbs or other acceptable means from vehicular encroachment and damage.

(b) Landscaping shall be maintained in good condition to present a healthy, neat and orderly appearance free from refuse and debris. All unhealthy and dead materials shall be replaced within forty-five (45) days. Grass areas shall be kept weed free and mowed on a regular basis. All edges shall be trimmed and maintained. All areas shall be provided with a readily available water supply. If hoses are used to supply water then said hoses shall not cross sidewalks, parking lots or driveways in a hazardous manner.

(Ord. 2006-11. Passed 9-5-06.)

1281.03 LANDSCAPING REGULATIONS FOR NEW RESIDENTIAL HOMES.

(a) Within six months of the issuance of a temporary certificate of occupancy or final certificate of occupancy, which ever occurs first, lawns shall be installed. Said lawn may be sodded, seeded or hydro seeded, but must be installed in all areas of residential property not otherwise landscaped. Lawn shall be considered installed when a species of grass normally grown as lawn in southeastern Michigan has been properly planted by the placement of sod, seeding or hydro seeding, on all unpaved ground surfaces not occupied by trees, shrubs, hedges, and/or other methods of standard landscaping. Seeded and hydro seeded areas must be maintained and shall present complete coverage within three (3) months of planting. The property owner shall be responsible for soil erosion protection prior to such installation, and shall be responsible for maintaining the approved grade before and after lawn installation.

(b) Within six months of the issuance of a temporary certificate of occupancy or final certificate of occupancy, whichever occurs first, the property owner shall plant two deciduous trees with a trunk size of not less than two inch caliper as measured one foot above the base of the tree. The property owner is encouraged to plant one tree in the front of the home and one in the back of the home.

(Ord. 2006-11. Passed 9-5-06.)

CHAPTER 1282

Off-Street Parking and Loading

EDITOR'S NOTE: Chapter 1282 was re-enacted in its entirety, in full, by Ordinance 1993-11, passed June 1, 1993.

- 1282.01 General provisions.
- 1282.02 Schedule of required parking spaces.
- 1282.03 Handicapped parking requirements.
- 1282.04 Parking space layout and design.
- 1282.05 Parking lot landscaping.
- 1282.06 Off-site parking facilities.
- 1282.07 Off-street loading and unloading.

CROSS REFERENCES

Parking on bicycle paths - see TRAF.410.03 (UTC Sec. 4.21)

Parking generally - see TRAF.410.03 (UTC Sec. 8.10)

Parking of commercial vehicles - see TRAF.410.03 (UTC Sec. 8.26)

Parking of inoperable vehicles - see GEN. OFF.640.02

Unauthorized entrance upon private parking areas - see GEN. OFF.660.03

Parking at gas stations - see B.R. & T.824.08

Parking in the R-1AA District - see P. & Z.1238.03

P-1 Parking District - see P. & Z.Ch. 1270

Lighting of parking lots - see B. & H.1424.08(g)

1282.01 GENERAL PROVISIONS.

(a) 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 adequate access to all spaces. 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. However, where a parking program for a specified area to be carried out by public action is established by an official plan that proposes parking spaces comparable to the quantitative requirements of this chapter and that includes a time schedule of land acquisition and construction, certificates of occupancy for all land or building uses within such officially planned area shall not be contingent upon prior provision of off-street parking.

(Ord. 1995-06. Passed 3-21-95.)

(b) Off-street parking spaces may be located within a rear yard or within a nonrequired side yard unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard, nor within a required side yard setback, unless otherwise provided in this chapter. Whoever violates this subsection is responsible for a Municipal civil infraction and shall be fined one hundred dollars (\$100.00).

(Ord. 1995-28. Passed 12-19-95.)

(c) Off-street parking shall be on the same lot of the building it is intended to serve, except as may be otherwise provided by this chapter.

(d) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve. Residential parking shall be restricted to such a strip, bay, driveway, garage or combination thereof. In no instance shall such parking be permitted on lawn areas.

(e) Any area once designated as required off-street parking shall not be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing on the effective date of this Zoning Code in connection with the operation of an existing building or use, shall not be reduced to an amount less than is hereinafter required for such building or use.

(f) Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

(g) 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. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Board of Zoning Appeals may grant a special exception based on the peak hour demand.

(h) Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise or motor vehicles for sale and the repair of vehicles are prohibited, except as otherwise provided.

(i) Where off-street parking in permanent public ownership and operation exists in a quantity and location greater than would be necessary to fulfill the requirements of this chapter for the existing contiguous buildings, then such excess number of parking spaces may be prorated to the land area within 400 feet, to the extent that the parking requirements are thereby met. The Board of Zoning Appeals shall determine such proration calculation. To the extent of such proration calculation, the Board of Zoning Appeals may grant a special exception to the minimum number of off-street parking spaces required to be provided.

(j) The minimum number of off-street parking spaces shall be determined in accordance with the table in Section 1282.02. For uses not specifically mentioned therein, the requirements for off-street parking facilities shall be in accordance with uses which the Planning Commission considers are similar in type.

(k) 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.

(l) For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern, i.e. that area used for, or intended to be used for, the sale of merchandise or service or to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for hallways, utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

(Ord. 1995-06. Passed 3-21-95.)

(m) The parking or storage of commercially licensed motor vehicles is not permitted in the following cases, within the Residential Districts of the City, if such parking or storage exceeds a one-hour period of time:

(1) The parking or storage of commercially licensed motor vehicles for which the Secretary of State requires either gross vehicle weight or International Registration Plan registration plates for operation, including, but not limited to, semi-tractors, semi-trailers, semi-trucks and tow trucks;

(2) The parking or storage of commercially licensed motor vehicles used to transport persons for hire, including, but not limited to, taxicabs, limousines, hearses and buses; and

(3) The parking or storage of commercially licensed motor vehicles which weigh over 6,000 pounds when empty but fully equipped for service.

Whoever violates this subsection is responsible for a Municipal civil infraction for a first offense and shall be fined one hundred dollars (\$100.00). Whoever violates this subsection within 180 days of a prior plea or an adjudicated or defaulted violation of this subsection is guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99.

This subsection shall not be interpreted to include the lawful and expeditious loading, unloading, delivery or pick-up of materials, goods, merchandise or persons.

(Ord. 98-11. Passed 11-17-98.)

1282.02 SCHEDULE OF REQUIRED PARKING SPACES.

TABLE OF REQUIRED OFF-STREET PARKING REQUIREMENTS

TABLE OF REQUIRED OFF-STREET PARKING REQUIREMENTS	
Use	Spaces per Unit of Measurement
(a) Residential	2 per dwelling unit
(1) One-Family Residential	2 per dwelling unit, plus 1 for each 4 dwelling units for visitor parking
(2) Multifamily Residential Housing for the elderly	1 per efficiency dwelling unit, 1.25 per 1-bedroom unit and 1.5 per 2 or more-bedroom units

(b) <u>Hospitals, convents, homes for the aged, convalescent homes</u>	1 for each 3 beds, plus 1 for each 3 employees, computed on the basis of the greatest number of persons employed at any one period during the day or night
(c) <u>Private clubs, fraternities, dormitories</u>	1 for each 2 beds, or 100 square feet of usable floor area, whichever is greater
(d) <u>Tourist homes, motels and rooming houses</u>	1 per bedroom
(e) <u>Theaters, auditoriums</u>	1 for each 6 seats
(f) <u>Churches, mortuaries</u>	1 for each 4 seats, or 28 square feet of usable floor area of auditorium, whichever is greater
(g) <u>Elementary, junior and high schools</u>	1 for each teacher, employee or administrator, or 28 square feet of usable floor area of auditorium or other public assembly room, whichever is greater
(h) <u>Dance halls, exhibition halls and assembly halls without fixed seats</u>	1 for each 100 square feet of usable floor area
(i) <u>Banks, business offices or professional offices of lawyers, engineers and similar or allied professions</u>	1 for each 200 square feet of usable floor area
(j) <u>Professional offices of doctors, dentists and similar professionals</u>	1 per 50 square feet of usable floor area in waiting rooms, and 1 per each examining room, dental chair or similar use area
<u>Use</u>	<u>Spaces per Unit of Measurement</u>
(k) <u>Stadiums and sports arenas</u>	1 for each 8 seats or 12 feet of bench
(l) <u>Bowling alleys</u>	7 per alley
(m) <u>Swimming pools</u>	1 for each 30 square feet of water area
(n) <u>Establishments for the sale and consumption on the premises of beverages, food or refreshments</u>	1 for each 2 persons allowed within the maximum occupancy load as established by local, County or State fire, building or health codes, or 1 per each 30 square feet of usable floor area, whichever is greater
(o) <u>Retail stores except as otherwise specified herein</u>	1 for each 150 square feet of usable floor area
(p) <u>Furniture and appliance sales and household equipment repair shops; showroom of a plumber, decorator, electrician or similar tradesman; clothing and shoe repair; laundry; vehicle sales showroom</u>	1 for each 800 square feet of usable floor area occupied in processing or manufacturing
(q) <u>Vehicle sales, open air</u>	1 for each 250 square feet of gross floor area of sales room, plus 1 space per 500 square feet. of gross outdoor sales space, plus 1 for each auto service stall in the service room
(q) <u>Beauty parlors or barber shops</u>	2 for each barber or beauty shop chair
(r) <u>Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops</u>	1 for each 2 employees, computed on the basis of the greatest number of persons employed at any one period during the day or night
(s) <u>Hotels</u>	1 for each 2 guest sleeping rooms
(t) <u>Filling stations</u>	3 for each service bay
(u) <u>Drive-in restaurant</u>	40 minimum, plus 1 for each 2 employees, plus 8 for each 100 square feet of gross building area

(Ord. 1995-06. Passed 3-21-95; Ord. 2019-11. Passed 12-12-19.)

1282.03 HANDICAPPED PARKING REQUIREMENTS

(a) Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, which spaces

shall be identified by above-grade signs as reserved for physically handicapped persons.

Required Number of

Total Parking in Lot Accessible Spaces

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 parking spaces or fraction thereof
Over 1,000	20 plus 1 per 100 exceeding 1,000

(b) Each accessible parking space shall have not more than a nominal three-percent grade, be not less than twelve feet wide or be not less than ninety-six inches wide and be adjacent to an access aisle not less than sixty inches wide. The surface shall be stable and firm. There shall be a barrier-free route of travel from accessible parking spaces to the nearest barrier-free building approach.

(Ord. 1995-06. Passed 3-21-95.)

1282.04 PARKING SPACE LAYOUT AND DESIGN.

Wherever a parking lot is built as off-street parking, storage area and non landscaped portion of the lot or wherever a parking lot is built in a P-1 Parking District, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

(Ord. 2017-03. Passed 6-6-17.)

(a) No parking lot shall be constructed until a permit is issued by the City Engineer. Applications for a permit shall be submitted to the City Engineer in such form as may be determined by the City Engineer 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 chapter will be fully complied with.

(b) Plans for the layout of off-street parking facilities shall be in accordance with the following parking layout diagram:

(1) All maneuvering-lane widths shall permit one-way traffic movement, except that the ninety-degree pattern shall permit two-way movement.

(2) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

(4) Where a parking lot is contiguous to or across the street from a Residential District, there shall be a ten foot front yard setback requirement.

(c) Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(d) 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 twenty-five feet distant from adjacent property located in any One-Family Residential District.

(e) Bumper stops, wheel chocks or curbs shall be provided and so located as to prevent a vehicle from projecting over any lot line or into any required front yard space, and to prevent a vehicle from touching any required wall or fence, extending beyond the property line or extending into landscaped areas and/or pedestrian ways.

(f) A wall shall be provided on all sides of an off-street parking area abutting or adjacent to a Residential District. The obscuring masonry wall shall not be less than six feet in height measured from the surface of the parking area and shall consist of either stone, brick, concrete or split-faced concrete block.

(1) All land between the required obscuring 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.

(2) The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this section.

(g) The parking lot shall be graded and adequately drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

(h) The entire parking area, storage area and non landscaped portion of the lot, including parking spaces and maneuvering lanes, shall be provided with asphaltic or concrete surfacing.

(Ord. 2017-03. Passed 6-6-17.)

Concrete surfacing shall consist of four inches of stone aggregate base (MDOT, 21aa), six inches of nonreinforced concrete, six sacks, air entrained, twenty-eight day compressive strength of 3,500 psi.

Asphalt surfacing shall consist of six inches of aggregate base (MDOT, 21a or 22a), two inches of bituminous base (MDOT, 700-20c), and one and one-half inches of wearing course (MDOT, 110t 20aa).

(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 and be provided in accordance with the following schedule:

Level of Activity	Active Vehicular Use Areas Only		General Parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low Activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

The levels of activity provide in the above table shall be defined as follows:

(1) High activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers and fast-food facilities.

(2) Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events and residential complex parking.

(3) Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking and church parking.

(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) Parking aisles shall not exceed 300 feet without a break in circulation.

(l) No parking lot shall have more than one attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which they are located.

(Ord. 1995-06. Passed 3-21-95.)

1282.05 PARKING LOT LANDSCAPING.

Off-street parking areas shall be landscaped as follows:

(a) In off-street parking areas containing twenty or more parking spaces, an area equal to at least five percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than concentrating all effort in one location.

(b) Parking lot landscaping shall be not less than five feet in any single dimension and not less than 150 square feet in any single island area. Not more than two landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.

(c) The landscape plan shall designate the sizes, quantities and types of plant material to be used in parking lot landscaping.

(d) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

(e) A minimum of one deciduous tree shall be planted in each landscaped area.

(Ord. 1995-06. Passed 3-21-95.)

1282.06 OFF-SITE PARKING FACILITIES.

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

(a) Residential Uses. Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such zoning lot.

(b) Nonresidential Uses. Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within 500 feet of such zoning lot. No parking spaces accessory to a use in a Business or Industrial District shall be located in a Residential District, unless authorized by the Planning Commission.

(c) Agreement Required. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

(Ord. 1995-06. Passed 3-21-95.)

1282.07 OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a motel, a hospital, a mortuary, a laundry, a dry cleaning establishment or other use similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of the streets or alleys.

Such loading and unloading space shall be an area a minimum of ten feet by forty feet with a fourteen-foot height clearance and shall be provided according to the following table:

Loading and Unloading Spaces

Gross Usable Floor Area Required in Terms of Square Feet

_____ (sq. ft.) _____ of Usable Floor Area _____

0 to 20,000 1 space

20,001 to 100,000 1 space plus 1 space for each 20,000 square feet of excess over 20,000 square feet

100,001 to 500,000 5 spaces plus 1 space for each 40,000 square feet of excess over 100,000 square feet

over 500,000 15 spaces plus 1 space for each 80,000 square feet of excess over 500,000 square feet

[\[Click here to view Parking Layouts image.\]](#)

(Ord. 1995-06. Passed 3-21-95.)

CHAPTER 1283

Renewable Solar Energy

1283.01 Purpose.

1283.02 Definitions.

1283.03 Permit required.

1283.04 Application procedure.

1283.05 Design standards.

1283.06 Engineering approval required.

1283.07 Review procedure.

1283.08 Prior nonconforming installation.

1283.09 Severability.

1283.99 Penalty.

1283.01 PURPOSE.

Property owners are attempting to offset the increasing cost of electricity and heat supplied by fossil-fuels with the use of alternative forms of energy. Due to the close proximity of buildings within a city, it is necessary to permit certain types of alternative energy devices to be placed on properties and to have restrictions on these devices for safety and security purposes. The purpose of this chapter is to provide consistent regulations for alternative energy devices to protect the general health, safety and welfare; to insure that the City's property values, appearance, and character are preserved and respected; and to minimize potential off-site impacts from permitted devices and uses.

(Ord. 2010-09. Passed 8-2-10.)

1283.02 DEFINITIONS.

"Solar energy collector system" means any device that can absorb and accumulate solar radiation for use as a source of energy.

(Ord. 2010-09. Passed 8-2-10.)

1283.03 PERMIT REQUIRED.

(a) All solar energy collector systems on or in a building are subject to the provisions and terms of the zoning ordinance of the City; and the current Michigan Building Codes; and a permit for such installation shall be obtained from the Building and Engineering Department prior to the installation of any solar collector.

(b) Solar energy collector systems which are to be constructed, placed or established in any zoning district in the City shall be considered structures subject to the provisions and terms of the zoning ordinance of the City; and the current Michigan Building Codes; and a permit for such installation shall be obtained from the Building and Engineering Department prior to the installation of any solar energy collector system.

(Ord. 2010-09. Passed 8-2-10.)

1283.04 APPLICATION PROCEDURE.

Applications for a permit to install a solar energy collector system shall be submitted to the Building and Engineering Department. The application shall include a site plan showing the following:

(a) Size and proposed location of a solar energy collector system, including location of any buildings on the site and on any contiguous lot.

(b) A picture or sketch of all the elements of the solar energy collector system which would be exposed to view from adjacent properties.

(c) Dimensions of all buildings.

(d) Setback lines as established in the zoning regulations.

(Ord. 2010-09. Passed 8-2-10.)

1283.05 DESIGN STANDARDS.

Solar energy collector systems may be permitted in every zoning district, subject to compliance with the following design standards.

(a) Maximum Height. A solar energy collector system shall comply with height limits of the zoning district in which it is located.

(b) Location.

(1) A ground-mounted solar energy collector system shall be located in a manner consistent with set back requirements of the zoning district in which it is located.

(2) In a residential district the location may not extend beyond the front wall of the house in a manner consistent with set back requirements of the zoning district.

(c) Lot Coverage. A ground-mounted solar collector shall be considered in calculating compliance with lot coverage limits in the zoning ordinance.

(d) Anchoring of Solar Energy Collector Systems. All solar energy collector systems shall be properly anchored to reduce the risk of wind dislocation and for efficiency of operation (e.g. heat loss).

(e) Glare. Anti-reflective glass must be used. Panels may not be placed so as to reflect glare into any neighboring property or the street.

(Ord. 2010-09. Passed 8-2-10.)

1283.06 ENGINEERING APPROVAL REQUIRED.

No solar energy collector system shall be made operational until the Building and Engineering Department approves that the solar energy collector system meets the requirement of this section and the Michigan Building Codes.

(Ord. 2010-09. Passed 8-2-10.)

1283.07 REVIEW PROCEDURE.

All applications for installation of solar energy collector systems shall be subject to administrative review as provided in the current Michigan Building Codes. Upon approval of the applications, the building official shall issue a permit for the construction of the solar energy collector systems.

(Ord. 2010-09. Passed 8-2-10.)

1283.08 PRIOR NONCONFORMING INSTALLATION.

Solar energy collector systems in existence on the effective date of this chapter and not in compliance with the provisions of this section shall be deemed to be nonconforming and shall not be moved or relocated without securing a permit for installation as provided in this chapter. All other restrictions for nonconforming uses contained in other sections of the City ordinances shall apply.

(Ord. 2010-09. Passed 8-2-10.)

1283.09 SEVERABILITY.

Each of the provisions of this chapter is severable for all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion of this chapter. The City Council hereby declares that it would have adopted this chapter and each section, subsection, paragraph, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

(Ord. 2010-09. Passed 8-2-10.)

1283.99 PENALTY.

Any person violating any of the provisions of this chapter and any of the sections stated within shall, upon conviction, be guilty of a misdemeanor, and shall be punished as provided in Section 202.99.

(Ord. 2010-09. Passed 8-2-10.)

CHAPTER 1284

Flood Hazard Areas (Repealed)

EDITOR'S NOTE: Chapter 1284 was repealed in its entirety by Ordinance 2012-04, passed March 6, 2012. See Chapter 1478.

CHAPTER 1286

Nonconforming Uses

- 1286.01 Record of nonconforming uses.
- 1286.02 Continuation.
- 1286.03 Unsafe structures.
- 1286.04 Alterations.
- 1286.05 Extensions.
- 1286.06 Restoration of damaged structures.
- 1286.07 Abandonment.
- 1286.08 Changes.

- 1286.09 Displacement of conforming uses.
- 1286.10 Materials recovery facilities in Residential Districts.
- 1286.11 Rezoned areas.
- 1286.12 Transfers of ownership.
- 1286.13 Removal by condemnation.

CROSS REFERENCES

Special assessments for hazards and nuisances - see ADM.218.04

Special exceptions - see P. & Z. 1234.12(b)

Variances - see P. & Z. 1234.12(c), 1276.07

Nonconforming signs - see P. & Z. 1280.10

Supplementary regulations - see P. & Z.Ch. 1288

1286.01 RECORD OF NONCONFORMING USES.

All nonconforming uses existing on the effective date of this Zoning Code (Ordinance 2, passed June 22, 1961) shall be recorded by the Building Official and become a part of the permanent records of the City, and it shall be the duty of every person engaged in the use of property not conforming to the provisions of this Zoning Code to advise the Building Official, in writing, of the existence of such use, within sixty days after the effective date of this Zoning Code (Ordinance 2, passed June 22, 1961). Otherwise, it will be presumed that there was no nonconforming use existing on the effective date of this Zoning Code.

(Ord. 2. Passed 6-22-61.)

1286.02 CONTINUATION.

The lawful use of any building or land existing at the time of the enactment of this Zoning Code (Ordinance 2, passed June 22, 1961) may be continued although such use does not conform with this Zoning Code.

(Ord. 2. Passed 6-22-61.)

1286.03 UNSAFE STRUCTURES.

Any structure or portion hereof declared to be unsafe by a proper authority may be restored to a safe condition.

(Ord. 2. Passed 6-22-61.)

1286.04 ALTERATIONS.

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate 50% of the assessed value of the building unless such building is changed to a conforming use.

(Ord. 2. Passed 6-22-61; Ord. 2002-32. Passed 11-4-02.)

1286.05 EXTENSIONS.

A nonconforming use shall not be extended beyond the present area, space or volume occupied by or devoted to such nonconforming use.

(Ord. 2. Passed 6-22-61; Ord. 2002-32. Passed 11-4-02.)

1286.06 RESTORATION OF DAMAGED STRUCTURES.

(a) Nothing in this Zoning Code shall prevent the reconstruction, repair or rebuilding or continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God wherein the expense of such reconstruction does not exceed the assessed valuation of the building or structure at the time such damage occurred.

(b) When a nonconforming building or structure or use is damaged or destroyed to the extent of the assessed valuation or less, repairs or rebuilding shall be permitted in a manner which does not increase its nonconformity. However, every effort shall be made to rebuild or repair such nonconforming building or structure in conformity with this Zoning Code.

(c) In the event that any nonconforming building or structure is destroyed by any means to the extent of more than the assessed valuation, said structure or use shall not be rebuilt, restored or reoccupied for any purpose except in conformity with the provisions of this Zoning Code.

(d) Nonconforming single-family residential structures are exempt from this section. However, application for rebuilding

shall be made within one year from the date of damage or destruction.

(e) Legal nonconforming vehicle sales uses that are located outside of the area provided in Section 1288.09(k) but comply with all of the provisions of this Section 1288.09 and all other provisions of the zoning ordinance shall be exempt from this section. However, application for rebuilding shall be made within one year from the date of damage or destruction.

(Ord. 1993-08. Passed 4-6-93; Ord. 2002-32. Passed 11-4-02; Ord. 2019-11. Passed 12-12-19.)

1286.07 ABANDONMENT.

Whenever a nonconforming use has been discontinued or abandoned for a period of more than six months, such use shall not thereafter be re-established, and any future use shall be in conformity with this Zoning Code.

(Ord. 2. Passed 6-22-61; Ord. 2002-32. Passed 11-4-02.)

1286.08 CHANGES.

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or a higher classification, and when so changed to a higher classification, such use thereafter shall not be changed to a lower classification.

(Ord. 2. Passed 6-22-61.)

1286.09 DISPLACEMENT OF CONFORMING USES.

No nonconforming use shall be extended to displace a conforming use.

(Ord. 2. Passed 6-22-61.)

1286.10 MATERIALS RECOVERY FACILITIES IN RESIDENTIAL DISTRICTS.

Notwithstanding any other provision of this Zoning Code, any automobile wrecking yard or materials recovery facility in existence in any Residential District on the date of the enactment of this Zoning Code (Ordinance 2, passed June 22, 1961) shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall be discontinued.

(Ord. 2. Passed 6-22-61; Ord. 2001-01. Passed 1-2-01.)

1286.11 REZONED AREAS.

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, Section 1286.10 shall also apply to any nonconforming use existing therein.

(Ord. 2. Passed 6-22-61.)

1286.12 TRANSFERS OF OWNERSHIP.

There may be a change of tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

(Ord. 2. Passed 6-22-61.)

1286.13 REMOVAL BY CONDEMNATION.

Whenever, in the opinion of Council, an area will be improved by the removal of a nonconforming use, Council may, by resolution, determine to cause such removal by purchase, condemnation or otherwise and proceed in accordance with the City Charter or State law and may pay the cost and expense thereof from the General Fund or proceed to assess the costs thereof by special assessment against the area especially benefited in accordance with any special assessment ordinance of the City which may be applicable.

(Ord. 2. Passed 6-22-61.)

CHAPTER 1288

Supplementary Regulations

1288.01 Use regulations.

1288.02 Area, height, bulk and placement regulations.

1288.03 Yard regulations.

1288.04 Top soil.

- 1288.05 Vacancies.
- 1288.06 Drive-in facilities.
- 1288.07 Car washes.
- 1288.08 Downtown design standards.
- 1288.09 Vehicle sales.

1288.99 Penalty.

CROSS REFERENCES

- Use, height, area or bulk requirements for subdivisions - see P. & Z.1226.07
- Essential services- see P. & Z. 1232.06
- Special exceptions - see P. & Z. 1234.12(b)
- Variances - see P.& Z. 1234.12(c), 1276.07
- Required conformity to district regulations - see P. & Z.1236.02
- Site plan approval - see P. & Z.Ch. 1276
- Corner lots - see P. & Z. 1279.02
- Top soil and excavations - see B. & H.Ch. 1456

1288.01 USE REGULATIONS.

(a) Generally. Except as otherwise provided herein, land and building uses are regulated by Chapters 1238 through 1272. Any use not expressly permitted is prohibited. Uses requiring a Board of Zoning Appeals special exception permit are permissible only if, in the opinion of the Board, adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this Zoning Code and the intent and principal uses of the district. Otherwise, such uses are prohibited uses.

(b) Use of Accessory Building Prior to Use of Principal Building No accessory building shall be used prior to its principal building or principal use except as a facility of construction of such principal building or principal use. This exception is a temporary one which shall lapse after one year or after the issuance of a certificate of occupancy. Any temporary structure, including signs, shall be removed.

(c) Nonresidential and Residential on Same Lot Except where specifically provided for in this Zoning Code, a nonresidential use and a residential use are prohibited on the same lot or in the same building.

(Ord. 2. Passed 6-22-61.)

1288.02 AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

(a) Generally. Except as otherwise provided herein, the percentage ratio of usable floor area to lot area, lot size, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are regulated by Chapters 1238 through 1272.

(b) Encumbering Land Required to Satisfy Zoning Code No portion of a lot necessary for compliance with this Zoning Code in regard to area, height, bulk and placement regulations, in connection with an existing or proposed building, structure or use, shall, through sale or otherwise, again be used as a part of the lot required in connection with any other building, structure or use.

(c) Exceptions to Height Limits. The height limits of this Zoning Code may be modified by the Board of Zoning Appeals, upon appeal, in its application to church spires, belfries, cupolas, penthouses, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers and other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located.

The provisions of this Zoning Code shall not be applied to prevent the erection, above the building height limit, of a parapet wall or cornice for ornament (and without windows), extending above such height limit not more than five feet.

(d) Averaging Existing Front Open Space In Residential Districts, where the average front open space for existing buildings adjacent to a lot on either side, within 100 feet, exceeds the minimum specified in this Zoning Code, a front open space shall be provided on the lot equal to this greater average depth, but the same need not exceed fifty feet. Where such average front open space is less than the minimum specified, the required front open space may be reduced to this lesser depth, but in no case to less than fifteen feet from the street lot line. An adjacent vacant lot shall be considered as having the minimum front open space, as required in the district, for the purpose of computing such average front open space.

(Ord. 2. Passed 6-22-61.)

(e) Exceptions to Required Open Space. The following open and unenclosed projections into required open space are permitted: sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, fire escapes, stairways, porches, marquees, balconies and, when located in a Residential District, handicapped access ramps. However, they may not project more than three feet into any required side yard or more than six feet into any required front or rear yard. In case of handicapped access ramps, they shall be constructed pursuant to rules promulgated by the Barrier Free Design Board or as contained in the State Construction Code Act of 1972, Act 230 of the Public Acts of 1972, as amended. No such access ramp shall be constructed nearer than three feet to the front property line, or in a manner so as to interfere with pedestrian or vehicular traffic in the public right of way.

(Ord. 1989-09. Passed 7-18-89.)

(f) Corner Lot Setback on Side Streets. Every corner lot in a Residential District shall have a minimum setback from the side street equal to the minimum required front setback of the district in which it is located. However, this does not reduce the buildable width of any lot of record to less than twenty-five feet, and the least required side yard for the district shall be along the interior lot line. For every corner lot in a Residential District that has a corner lot abutting or across an alley, on which an existing principal building has a setback from the side street less than required for the district, the side street setback may be reduced, but not to less than fifteen feet.

(Ord. 2. Passed 6-22-61.)

(g) Accessory Buildings. Accessory buildings in Residential Districts and in P-1 Districts shall conform to the following regulations, except as may be otherwise provided in this Zoning Code:

- (1) Accessory buildings shall not exceed fifteen feet in building height.
- (2) Accessory buildings in Residential Districts shall be erected in the rear open space, except when built as a part of the main building, but shall not be erected in any required front or side open space.
- (3) Accessory buildings may occupy rear open spaces and are not closer than three feet from any lot line and not more than ten feet from any other adjacent accessory structure with the structure being constructed as fire rated building. Projection of sills, cornices, eaves, gutters and pilasters shall not be closer than two feet to any property line.
- (4) On any corner lot in a Residential District, no part of any accessory building shall be nearer the side street lot line than the setback required for the principal building as regulated in Chapters 1238 through 1272. On any corner lot, where the existing side yard for the principal building is less than required, the accessory building setback may equal that of the principal building but shall not be less than 15 feet.
- (5) On corner lots where a rear open space abuts a side open space on the adjoining lot, accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the smaller of the side setbacks required for the lot abutting the corner lot.
- (6) All accessory buildings, including garages, tool sheds, permanent structures, etc., when not provided with a masonry foundation wall, shall have installed around the perimeter of the building a continuous wall of masonry or concrete, not less than four inches thick, or of other water-resistant material of equal strength. Every ratwall must extend 24 inches below the grade. Every accessory building must have a four-inch concrete floor.
- (7) In existing structures (including garages, sheds and patios) that do not have ratwalls and where there is rat infestation or harborage of rats in such structures, open area or other premises, the occupants or owners thereof, and in the case of a multiple dwelling, the owner or owners thereof, shall immediately institute rat control and shall continuously maintain such measures until any such open area or other premises are declared by the Building Official or Health Inspector to be free of rat infestation. The Building Official or Health Inspector may, if the public health, safety or welfare is threatened, order the installation of ratwalls in any structure as a means to eliminate rat infestation.
- (8) A vermin protection wall shall be installed and attached in all accessory buildings constructed to aid in control of vermin infestation, and said wall shall be of a material and to a depth as defined in the current Michigan Building Code.
- (9) All awnings shall be installed and attached to a building. Said awning shall be of a material and constructed in accordance with the provisions of the current Michigan Building Code.
- (10) All flat work shall be of the materials and in the manner as provided in accordance with the provisions of the current Michigan Building Code and the current Engineering Standards and Details of the City's Engineering Division.
- (11) All sump-pumps shall be installed in a manner as provided for in the current Michigan Building Code and the current International Plumbing Code.
- (12) All fences shall be installed using materials and in a manner as provided in the current Michigan Building Code or the City ordinances specifically governing fences.
- (13) The requirements of Section 1288.02(g)(6)-(g)(12) shall not pertain to structures less than 200 sq. ft. except that a these buildings shall have a four-inch concrete floor.
- (14) The construction of an accessory structure for the purpose of vehicular parking or that meets the design standards for a garage shall include the installation of a paved driveway from the right of way to the garage door entrance of said

structure.

(Ord. 1993-23. Passed 12-21-93; Ord. 2001-21. Passed 7-3-01; Ord. 2002-24. Passed 6-18-02; Ord. 2014-05. Passed 4-15-14.)

(h) Application to Lots of Record. Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him or her to conform to the open space and other requirements herein prescribed, such lot may be used by such owners as a building site, provided that the open space and other provisions conform as closely as possible, in the opinion of the Board, to the requirements for the district in which it is located, and provided that the proposed construction, in the opinion of the Board, is reasonably compatible with the character of residential units in the surrounding area. For purposes of this section, the Board's finding of "reasonably compatible" shall consider, at a minimum, all of the following seven building features: (1) overhangs; (2) exterior finish materials; (3) roof design and roof pitch; (4) exterior building wall configuration; (5) basements; (6) garages; and (7) poured foundations for porches, and the Board's decision may be conditioned upon the inclusion of one or more of those seven, or comparable features.

(Ord. 2. Passed 6-22-61; Ord. 97-15. Passed 12-2-97; Ord. 2005-26. Passed 7-5-05.)

(i) Permit Required. Permits are required for all work to be done under this chapter and shall be obtained from the Building and Engineering Department. Whoever commences any construction or repair for which a permit is required by this chapter, without first having obtained such permit, shall, if legally authorized and subsequently allowed to obtain a permit, pay double the permit fee specified in Chapter 210 of the Administration Code for such construction or repair, provided that a notice has been sent or issued by the enforcing officer to the person commencing such construction or repair.

(Ord. 2002-24. Passed 6-18-02.)

1288.03 YARD REGULATIONS.

(a) Front Yard Depth. In addition to the requirements for front yards provided elsewhere in this Zoning Code, the following requirements shall be enforced and shall be measured from the center of the street as originally established:

(1) - (5) (EDITOR'S NOTE: Divisions (a)(1) - (a)(5) of Section 1288.03 were repealed by Ordinance 2014-02, passed April 15, 2014.)

(6) Venoy Road, from the north to the south City limits: 60 feet on both sides;

(7) Merriman Road, from the north to the south City limits: 60 feet on both sides;

(8) Treadwell Road, from the Michigan Central Railroad south to the City limits: 60 feet on both sides; and

(9) Cogswell Road, from Michigan Avenue south to the City limits: 60 feet on both sides.

(b) Reduction in Rear Yards. When a lot is less than 100 feet deep at the time of the passage of this Zoning Code (Ordinance 2, passed June 22, 1961), the rear yard may be decreased one-quarter of the distance that the lot depth is less than such 100 feet, provided, however, that no rear yard shall be less than 20 feet in depth.

(c) Distance Between Dwellings. When two or more separate dwellings for dwelling purposes are erected or placed on the same lot, the distance between any two such dwellings shall not be less than one-half of the height of the higher of the two dwellings, and front, rear and side yards shall be provided on such lots in accordance with the requirements of this Zoning Code for the district in which such dwellings are located.

(d) Use of Yard Space for More Than One Building. No part of a yard or other open space required about any building for the purpose of complying with this Zoning Code shall be included as a part of a yard or other open space similarly required for another building.

(e) Reduced Lot Area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which such lot is located. Whenever such a reduction in lot area occurs, no building located on such lot shall thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.

(f) Visibility at Intersections. On a corner lot in any Residential District, no fence, wall, hedge or other structure, or planting more than two and one-half feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining such street lines at points that are 25 feet distant from the point of intersection, measured along such street lines.

(g) Business Entrances on Residential Streets. Where a Residential District is bounded by a portion of a Business District and a building is erected on the corner, no side of such building along the street extending through such Residential District into such Business District shall be used for any business purpose, except as herein set forth. The business structure erected in the Business District shall face upon the street set aside for business purposes, and no opening shall be made or allowed on the residential street side, except that show windows in such business structure may be built and exposed upon the side street within the area set aside as a part of such Business District, an entrance may be made at the corner of such business and residential street, and entrances may be made from such residential street to the upper stories of such business structure.

(h) Residential Entrances on Residential Streets. Whenever an existing dwelling on a public street in any Residential District is not on a corner, the door facing such public street may be removed provided that (i) the distance between the

proposed functioning entrance and the lot line opposite said entrance is not less than the distance required for the front yard setback of this Zoning Code for the district in which such dwelling is located, and (ii) all other applicable setbacks for side and rear yards are not less than the distance required in this Zoning Code for the district in which such dwelling is located.

(Ord. 2. Passed 6-22-61; Ord. 2001-20. Passed 7-3-01.)

(i) Porches on Residential Structures. All porches, landings, stoops and steps on residential structures shall be constructed of concrete. Foundations shall be constructed in accordance with the current Michigan Building Code. Porches shall be made with poured in place slab type construction or block/brick and mortar sides with a concrete cap.

(1) On porches and steps where railings are required the railing shall be installed so as to be of a decorative type railing and comply with dimensions and graspability as required in Michigan Building Code. Metal railings shall be of a wrought iron type with lambs ear finials. Wooden railings shall have routed edges, angled cuts and trimmed completely.

(2) Concrete steps are permitted to remain where doors are flush with the front elevation or on enclosed porches without the construction of a stoop or landing unless more than 50% of the structure is required to be replaced except for same type construction.

(3) All wood structures are considered decks and shall be permitted in the rear yard only.

(4) Exceptions to this chapter are where original construction was done with a wooden type construction and the porch is being replaced in a manner fitting to the architectural design of the original house. Appropriate screening is required with a lattice and frame and where appropriate all steps shall be constructed of preformed concrete sections.

(Ord. 2014-04. Passed 4-15-14.)

1288.04 TOP SOIL.

No person shall strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which the same is taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

(Ord. 2. Passed 6-22-61.)

1288.05 VACANCIES.

(a) The owner of a building, used or intended for use for nonresidential purposes, which is located in a B-1, B-2, B-3, B-4, P-1, IND-B, IND-1, IND-2 or T-I District, who wants to board up the building, shall secure a vacancy permit for such building and shall pay a fee therefor as provided in Chapter 210 of the Administration Code.

(b) Applications for vacancy permits shall be made upon forms furnished by the Building Official, shall be signed by the owner and shall contain such information as the Building Official deems pertinent, in addition to the following:

(1) The name and address of the owner of the premises as well as the name and address of a person who can be contacted for the purpose of maintaining, repairing or gaining access to the building;

(2) The owner's agreement that the Building Official or his or her designate will be permitted to inspect the building at reasonable times and upon reasonable notice;

(3) An explanation as to the reason for the vacancy; and

(4) A statement as to the owner's intent regarding the securing of an occupant for the building.

(c) If the application is for a building which is boarded up on a seasonal basis, for certain periods of each year, the Building Official may issue a permit for a period not to exceed five years, for which permit the applicant shall pay one fee.

(d) A building for which a vacancy permit has been issued and is currently in effect shall be maintained in accordance with the following regulations:

A vacancy permit shall not be required when the building and all accessory buildings are made secure against entry by unauthorized persons without the boarding up or covering of doors and/or windows. If such boarding or covering is authorized by the Building Official in order to make the building secure, it shall be accomplished with a material which is painted, coated, arranged and installed so as to blend in with the decor and architectural style of the exterior of the building.

(e) No rubbish or debris shall be stored or allowed to accumulate within the vacant building or on the property.

(f) Upon the Building Official's determination that the regulations regarding vacant buildings have not been complied with, he or she may revoke the vacancy permit pertaining to such premises. Notice of such revocation shall be mailed to the persons identified in the application for a vacancy permit.

(g) Determinations, decisions and orders of the Building Official dealing with vacant buildings are appealable to the Board of Zoning Appeals.

(h) A building existing or maintained in violation of this section is hereby declared to be contrary to the Zoning Code and a nuisance per se.

(Ord. 2-A-68. Passed 2-15-83.)

1288.06 DRIVE-IN FACILITIES.

(a) No permit shall be issued for a drive-in restaurant facility or auto car wash facility until a general application and site plan is submitted to and approved by the Planning Commission and Council. Such site plan shall be drawn to scale and shall include the development name, the date, a north point, a dimensional property map, the location of existing and proposed structures, parking facilities, drive and space arrangements, access roads, the paved exterior area, proposed lighting, the location and size of utilities, outdoor storage, proposed sign and developmental features, and a schedule with land area, setbacks, floor area and parking ratio.

(b) All entrances and exits to any drive-in facility shall be designed and constructed to facilitate quick and easy ingress to and egress from the site and to permit gradual merging of motor vehicles leaving the facility to join adjacent thoroughfare traffic.

(c) Turning movements which impede traffic movement are prohibited.

(d) All traffic to and from the facility must be channeled through these established entrances and exits.

(Ord. 2-A-23. Passed 6-4-68.)

1288.07 CAR WASHES.

In addition to the provisions of Section 1288.06, each automobile wash shall be subject to the following requirements:

(a) All washing facilities shall be within the complete enclosure of the building, except that a vacuum area may be permitted outside the building, so located as not to impede the flow of traffic.

(b) Adequate standing area for the hand-finishing of washed vehicles shall be provided. Such area shall be located so as not to conflict with the entering and existing flow of traffic.

(c) Drainage facilities shall be provided to prevent any standing water on the site or on the public right of way.

(Ord. 2-A-23. Passed 6-4-68.)

1288.08 DOWNTOWN DESIGN STANDARDS.

This chapter specifies the general standards and requirements for buildings in the downtown area as defined by this section. This chapter is being adopted to ensure aesthetics in the downtown are maintained and to make the connection to the existing buildings and new construction, renovations and additions.

The "Downtown Design Standard Area" is defined as properties located in the core area of the City as described with these boundaries as: Michigan Avenue West from Fourth Street west to the railroad viaduct, Michigan Avenue East from Pershing Street to Fourth Street, Wayne Road from Michigan Avenue East north to Glenwood Road and Sims Avenue from Michigan Avenue West west to Newberry Street.

(a) The chapter applies to any development that proposes to construct any new building, building additions and any renovations that affect the facade of the building. The following are the criteria for downtown design standards for the facade of the buildings:

(1) "Facade" is defined as the portion of any building side facing a public street, private street, public alleyway or public parking lot; with corner buildings required to apply these design standards to both facades.

(2) There shall be a mixture of two or more predominant downtown finish materials (brick, clay, stucco (not-dryvit), natural stone or ornamental concrete/fiber cement siding). The facade may be 100% brick but the brick shall contain a design in the brick such as cornices and soldier coursing.

(3) Transparent glass shall not make up less than 70% of the total wall area of the first floor elevation, with the upper stories providing similar window openings corresponding with the overall design of building and adjacent existing structures. Storefronts shall be maintained and repaired, when replacement is required the new storefront shall fill the entire historic storefront opening, maintain the same proportion of bulkhead, display window, and transom, and maintain the same level of transparency. Sliding windows are prohibited as well as glass block windows.

(4) Exterior walls cannot be covered with metal panels, EIFS (exterior insulation and finish system), vinyl siding, faux half timbering, logs, shakes, shingles, exposed aggregate or split faced block.

(5) Preassembled clay brick panels, artificial stucco, decorative precast units resembling stone need to match the appearance of natural material.

(6) "Trademark" commercial buildings shall meet the architectural style and design standards of the Downtown Design Standard Area.

(7) New construction shall not imitate authentic historical styles but be compatible in size, scale and proportion, massing, and building materials shall be encouraged to fit with the rest of downtown designs.

(8) The size, scale, massing, and facade materials of new construction shall complement the architectural character of buildings in a traditional downtown.

(9) The building facades shall incorporate recesses or projections along at least 20% of the length of the facade.

(10) Decorative fencing consists of wrought iron, vinyl or ornamental aluminum.

(11) Building entries shall be readily identifiable and accessible, with at least one main entrance that opens directly onto the public sidewalk.

(12) Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning (with no signage), arcade, or portico in order to provide shelter from the elements.

(13) Flat roofs shall be enclosed by parapets to conceal mechanical equipment.

(b) Lighting.

(1) All outdoor lighting shall be decorative. The use of wall pack type lighting is prohibited.

(2) All outdoor lighting shall be of the dark sky type with no light projecting up.

(3) All outdoor lighting shall be in proportion to the type and style of the building.

(c) Anti-Theft.

(1) All anti-theft devices shall be constructed or installed on the interior of the structure. No bars, rolling gates or iron work shall be installed on any exterior of the structure.

(d) Residential Uses.

(1) The following standards are required for any residential uses:

A. Residential minimum floor area:

Studio - 400 sq. ft.

One bed - 600 sq. ft.

Two bed - 800 sq. ft.

B. Open space/landscape/civic space.

C. Terraces/patios for each unit.

D. Porches.

(e) Patio Seating/Outdoor Service Areas. In additions to the approval of the Zoning Board of Appeals outdoor service areas must include a detailed plan for the fencing, location, furniture, umbrellas/covering and lighting. The fencing shall be wrought iron or ornamental aluminum, if a cover is not proposed tables shall include an umbrella with no temporary structures permitted.

(f) Dumpsters/Trash Receptacles. All dumpsters/trash receptacles shall be screened with enclosures constructed in accordance to City standards.

(g) Setback.

(1) To determine the building line, the setback of the front facade of the building shall be determined on a block by block basis. A front setback calculation shall be determined based on the existing structures in that block or within 100 feet if there are no other buildings in that block.

(2) Exclusions to the "build to" setback include new construction on Main Street from Williams to South Wayne Road, Biddle Street from Main Street to Michigan Avenue West and Newberry Street from Michigan Avenue East to Sims Avenue and all of Veterans Plaza.

(h) Exceptions. These standards apply to the Downtown Design Standard Area as described, unless otherwise provided. Projects exempt from meeting the standards are those commercial buildings that are comprised of any of the following project types:

(1) Interior remodels;

(2) Normal or routine maintenance and repair of existing structures;

(3) Work that does not require a permit.

(Ord. 2014-02. Passed 4-15-14.)

1288.09 VEHICLE SALES.

In additions to the provisions of this Code, each newly established or vacant for more than six months used vehicle sales

lot shall be subject to the following requirements:

- (a) The lot shall have a setback of ten feet from the public right of way.
- (b) There shall be landscaping installed in conformance to Chapter 1281 covering the entire setback area.
- (c) The parking lot shall be surfaced with either asphalt, concrete or other permanent hard surface.
- (d) There shall be a permanently enclosed building built on the lot, no residential structures, trailers, modular buildings or temporary structures. There shall be at least one 150 sq. ft. office space and a restroom open to the public.
- (e) A plan shall be presented with the minimum of 1,300 sq. ft. of area for vehicle display, the minimum of 650 sq. ft. of area for customer parking and the minimum requirement of 24-foot wide drive lanes for two-way vehicular circulation.
- (f) Fences are prohibited to be installed except in the rear yard area as defined in this ordinance and being behind the rear wall of any building on the lot.
- (g) Lighting of the lot is required and shall be in compliance of this ordinance in Section 1282.04(i) and comply with dark sky guidelines.
- (h) All utilities (water, sewer, electric, gas and phone) shall be in working.
- (i) All signs shall be in compliance of the ordinance Chapter 1280.
- (j) A minimum lot size of 2 acres.
- (k) The lot shall only be located on property adjacent to Michigan Avenue between Merriman Road and within 700 feet west of Howe Road.
- (l) All existing vehicle sales uses located outside of the area provided in subsection (k) above shall be considered legal non-conforming pursuant to Chapter 1286.
- (m) All existing vehicle sales uses that are located outside of the area provided in subsection (k) above but comply with all of the provisions of this Section 1288.09 and all other provisions of the zoning ordinance shall be considered legal non-conforming uses and shall be exempt from the regulations provided in Section 1286.06(c) provided any restoration complies with all other regulations provided in Section 1288.09 and all other provisions of the zoning ordinance.

(Ord. 2014-03. Passed 4-15-14; Ord. 2019-11. Passed 12-12-19.)

1288.99 PENALTY.

Whoever violates this chapter shall be guilty of a misdemeanor and shall be subject to the penalties provided in Section 202.99.

(Ord. 2002-24. Passed 6-18-02.)

CHAPTER 1290

Manufactured One-Family Detached Dwelling Units

1290.01 Standards; proposal procedures.

1290.02 Premanufactured homes.

CROSS REFERENCES

Towing of mobile homes - see TRAF.416.46

1290.01 STANDARDS; PROPOSAL PROCEDURES.

(a) Manufactured one-family detached dwelling units shall be subject to the following standards:

(1) Principal buildings and accessory structures shall conform to all applicable City codes and ordinances.

(2) Such dwellings shall be permanently attached to perimeter foundations. In instances where an applicant elects to set a dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and with site-built homes in the area.

(3) Such dwellings shall provide a minimum width and depth of at least twenty-two feet over eighty percent of any such width or depth dimension in the R-1AA, R-1A, R-1B and R-1C Districts and eighteen feet over eighty percent of any such width or depth dimension in the R-4 District.

(4) Such dwellings shall have an overhang or eave as required by the Building Code for residential dwellings or similar to site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RA Districts.

(5) Such dwellings shall be provided with exterior finish materials similar to site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the district.

(6) Such dwellings shall have a roof design and roofing materials similar to site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the district.

(7) Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the district.

(8) All portions of any transporting devices which extend beyond the vertical plane formed by the outer side walls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.

(b) Proposals for manufactured one-family detached dwelling units shall follow the procedures set forth below:

(1) Applications to permit manufactured one-family detached dwelling units shall be submitted to the code enforcement officer, who may require the applicant to furnish such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.

(2) In reviewing any such proposed dwelling unit, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the City at large.

(3) Should the reviewing City officials find that any such dwelling unit does not conform to all of the above conditions and standards, the proposal shall be denied. The applicant may appeal the decision of the City officials by requesting a public hearing before the Planning Commission. Notice of such hearing shall be given in accordance with this Part Twelve - Planning and Zoning Code. Thereafter, the Planning Commission shall take final action.

(Ord. 98-08. Passed 9-1-98.)

1290.02 PREMANUFACTURED HOMES.

In the case of premanufactured homes, the following conditions shall apply, in addition to the requirements of this chapter:

(a) Premanufactured homes shall conform to the applicable requirements of the Premanufactured Unit Rules of the State Construction Code, being Section 6 of Act 230 of the Public Acts of 1972 (being M.C.L.A. 125.1506, MSA 5.2949(6)), as amended, including the display of a manufacturer's date plate, or the display of an approved HUD seal assuring compliance with the HUD Construction Code Standards for Mobile Homes.

(b) Such dwelling units shall be permanently attached to a perimeter foundation, except that in those instances where the applicant elects to set the dwelling on piers or when the type of unit requires placement of an underframe on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials construction and necessary foundations below the frost line. Any such wall shall, furthermore, provide an appearance which will be compatible with the dwelling itself and with the site-built homes in the surrounding area. Where a perimeter wall is used, the wall shall extend upwards from the ground to a point uniformly three inches below the base of the perimeter wall of the dwelling. A flange attached to the base of the dwelling wall shall extend down along the outside of the perimeter wall not more than six inches on all sides of the dwelling.

(Ord. 98-08. Passed 9-1-98.)

APPENDIX I

ZONING MAP CHANGES

Ord. No. Date Description

2-A-1 11-21-61 Area south of Annapolis St. between Chamberlain and Newberry Sts., from R-1B to R-1C.

2-A-5 2-5-63 Area on Sophia St. north of Michigan Ave., from R-1B to P-1.

2-A-6 3-3-64 Area on Sophia St. north of Michigan Ave., from R-1B to B-3.

2-A-7 9-1-64 Lots 1 and 2, Gersting Realty Subdivision, and Lots 1 to 4, Langworthy Subdivision, from R-1 to R-3; and Lots 16 and 17 and part of Lots 14 and 15, Wayne Highlands Subdivision, from P-1 to R-3.

2-A-8 9-22-64 Area bounded by Annapolis Ave., Venoy Rd. and Hubbard St., from R-1 to R-3.

2-A-9 4-6-65 Area north of Brush St., west of Washington St. and east of Wayne Rd., from B-4, P-1 and IND-1, to B-4.

2-A-10 4-6-65 Area north of Van Born Rd. and east of Venoy Rd., from R-1A to I-2.

2-A-11 4-6-65 Area between Main and Norris Sts. and between Washington St. and Second St., from ft-3 and B-4 to B-1.

2-A-12 3-1-66 Area between Currier St., Williams St. and Van Born Rd., from R-1C to R-3.

- 2-A-13 5-17-66 Area between Glover St., Van Born Rd. and Howe Rd., from R-1C to R-3.
- 2-A-14 6-21-66 Area adjacent to Glenwood Cemetery, from B-2 to R-4; and area north of Michigan Ave., east of Hannan Rd. and east and west of John Hix Rd., from R-3 to R-4 ; and area between relocated Norris St. and Michigan Ave., from B-4 and I-2 to R-4.
- 2-A-15 8-16-66 Area bounded by Third St., Michigan Ave. and relocated Norris St., from B-4 to B-1.
- 2-A-16 9-20-66 Area bounded by Michigan Ave., Washington St., Main St., First St., Second St., Norris St. and Third St., from B-4 to B-1.
- 2-A-17 10-25-66 Area west of Hubbard St. and south of the NYC RR, from R-1C to IND-2.
- 2-A-18 11-15-66 Area bounded by Norris St., Washington St., the Mich. Cent. RR and Fourth St., from R-3 and IND-1, to IND-B.
- 2-A-19 9-19-67 Two parcels east of Venoy Rd. in the SW 1 /4 of Sec. 34, from R-1B to B-1.
- 2-A-20 12-19-67 A parcel fronting on Glenwood Rd., west of Venoy Rd., in the SW 1/4 of Sec. 27, from B-2 to B-3.
- 2-A-21 1-16-68 Area north of Maple Ave. extended 180 ft. east of John Hix Rd. to Michigan Ave., from R-1C to Transitional Industrial District.
- 2-A-22 6-4-68 Parcel in the SE 1/4 of Sec. 27, T. 2 S. R. 9 E., from R-1A to R-V.
- 2-A-24 10-15-68 Area north of Van Born Rd. and east of Treadwell Rd., from IND-B to R-1B.
- 2-A-25 11-19-68 The south 10 ft. of Lot 3, Hoag's Subdivision, from B-1 to B-2.
- 2-A-26 11-19-68 The west 190 ft. of a parcel lying between Treadwell Rd. and the Pere Marquette R. R. right of way, from R-1B to IND-2.
- 2-A-27 12-17-68 Area bounded by Forest Ave. and Venoy Rd., from IND-1 and B-3 to R-3; Lots 1 through 20 between Forest St. and Clinton St. off Venoy Rd., from R 1C to R-3; lots bounded by Sophia, Elizabeth and Park Sts., from B-1 to B-4; other lots in Clark and Jamieson's Addition, from R-3 to B-4; and lots between Main St. and Michigan Ave. East, from R-3 to B-4 .
- 2-A-28 2-18-69 Lots bounded by Wayne Rd., Annapolis Ave., Newberry St. and Harroun Pkwy., from R-1B and B-2 to P-1.
- 2-A-29 4-15-69 Area of the NE corner of Cogswell and Van Born Rds., from IND-B to IND-2.
- 2-A-30 5-20-69 The south 10 ft. of Lot 2, Isabella Clark's (No. 1) Subdivision, from R-3 to B-4.
- 2-A-31 7-15-69 Area bounded by Treadwell Rd. and Annapolis Ave., from R-1B to IND-2.
- 2-A-32 8-19-69 Part of the NE 1/4 of the SW 1/4 of Sec. 34, T.2 S., R. 9 E., from R-3 to B-1.
- 2-A-33 10-8-69 Areas bounded by Hubbard St., Annapolis Ave. and Mildred St., from B-2 to B-1; by Annapolis Ave. and Hubbard St., from R-1B to B-2; by Dearborn and Hubbard Sts., from R-1B to B-2; the north 220 ft. of the SE 1/4 of the SW 1/4 of Sec. 34, T. 2 S., R. 9 E., from R-1A to R-3; area south of Stellwagen St., from R-1A to R-3; area north of Van Born Rd., from R-1B to R-3; and part of the SE 1/4 of Sec. 34, T. 2 S., R. 9 E., from R-1B to R-3.
- 2-A-34 11-5-69 Part of the SE 1/4 of Sec. 27, T. 2 S., R. 9 E., from R-1A to R-V.
- 2-A-36 4-20-71 Area bounded by Michigan Ave., John Hix Rd., Glenwood Rd. and Newburgh Rd., from R-1AA to R-3.
- 2-A-37 8-17-71 Part of the east 1/2 of the SE 1/4 of Sec. 34, bounded by Van Born and Merriman Rds., from R-3 to B-2.
- 2-A-39 11-2-71 Parcel on the east side of Venoy just north of Forest, from R-1B to R-3.
- 2-A-40 4-11-72 Area on the west side of Merriman Rd. between Avon St. and Carlisle Pkwy., from R-1 C to B-2 .
- 2-A-44 10-3-72 Lots 1 and 2 of A.L. Chase's Addition, and Lot 288 of Assessor's Wayne Plat No. 6, in the NE 1/4 of Sec. 32, T. 2 S., R. 9 E., from IND-2 to B-2.
- 2-A-45 7-18-73 Property on the NW corner of S. Wayne Rd. and Sims Ave., from P-1 to R-5.
- 2-A-46 9-17-74 Areas north of Michigan Ave., east of Hannan Rd., and east and west of Newburgh Rd., and east and west of John Hix Rd., from R-3 to B-4, and from B-3 to B-4, and from R-4 to B-4.
- 2-A-47 3-16-76 Area on the SW corner of Michigan Ave. East and Williams St., from IND-2 to B-4.
- 2-A-48 10-18-77 Parcel south of and adjacent to Glenwood Hts. Sub division, from R-3 to R-1AA; lot north of Michigan Ave. West and on the west side of Dearborn St., from P-1 to R-1A; and lots on the southern end of Elizabeth St. cul-de-sac, from R-4 to R-1 C .
- 2-A-49 11-21-78 Parcel on the northeast corner of Van Born Rd. and Whitman St., from R-3 and B-2 to B-3 .
- 2-A-50 12-19-78 Property on the NW corner of Third and Forest Sts., from IND-1 to R-1C.

2-A-51 4-3-79 Property on the NW corner of Van Born Rd. and Howe Rd., from R-IC to B-3.

2-A-52 4-17-79 Property on the SW corner of Annapolis and Fourth Sts., from R-IC to B-2.

2-A-53 6-5-79 Property on the NW corner of Venoy and Annapolis, from R-1B to B-1.

2-A-54 6-19-79 Property between Third and Fourth Sts. north of Forest St., from IND-1 to R-3.

2-A-57 3-18-80 Property on the west side of Third St. north of Forest St., from IND-1 to R-1C.

2-A-59 1-6-81 Property between Van Born Rd. and Glover St., west of Chamberlain St., from R-1C to B-3 .

2-A-61 12-1-81 Property on the south side of Brush St., between Williams and Elizabeth Sts., from IND-1 to R-3.

2-A-63 6-1-82 Property on the east side of Venoy, north of Van Born, from R-1B to B-1.

2-A-66 2-15-83 Vacant property on the north side of Michigan Ave. West, approximately 600 ft. west of Newburgh Rd., from B-4 to B-3.

2-A-69 7-19-83 Property on the north side of Michigan Ave. West immediately west of Wayne Bowl and Recreation, 36900 Michigan Ave. West, from B-4 to B-3.

2-A-70 7-19-83 Property on the north side of Michigan Ave. West, west of Newburgh Rd., commonly known as 37630 Michigan Ave. West, from B-4 to B-3.

2-A-72 4-17-84 34136 Myrtle St., from IND-1 to IND-2.

2-A-73 10-2-84 4095 S . Venoy Rd., from R-IB to R-3.

2-A-77 5-21-85 Lots 1 to 13 of Block 8 of the South Addition to the Village, between Michigan Central R.R. and Myrtle St., from IND-1 to IND-2.

2-A-78 8-20-85 37380, 37300, 37200 and 37100 Michigan Ave., from B-4 to B-3.

2-A-79 8-20-85 3850 Howe Rd., from IND-1 to IND-2.

1986-01 1-21-86 2912 Wayne Rd., from B-2 to B-3.

1986-07 6-17-86 36850 and 36860 Van Born Rd., from IND-2 to IND-1.

1986-13 9-16-86 Property on Michigan Ave. West, west of John Hix Rd., from B-4 to B-3.

1986-14 10-21-86 39115 Maple Ave., from IND-2 to IND-1.

1986-16 12-16-86 Property on Michigan Ave., west of John Hix Rd., from B-4 to B-3.

1986-17 12-16-86 38910 Michigan Ave., from B-4 to B-3.

1986-18 12-16-86 4476 Treadwell Rd., from IND-2 to IND-1.

1987-03 2-17-87 Property in the vicinity of Van Born Rd. and Howe Rd., from R-3 to B-3 .

1987-05 5-19-87 3515 Second St., from B-4 to B-3 .

1987-06 6-16-87 Northeast corner of Michigan Ave. West and Hannan Rd., from B-4 to IND-B.

1987-07 6-16-87 Lots 476 to 489 in Louis Savage Garfield Park Subdivision, from IND-2 to IND-1.

1987-09 9-14-87 Northwest corner of Michigan Ave. and Newburgh Rd., from B-4 to B-3.

1987-11 9-14-87 Property in the vicinity of Brush St. and Newberry St., from B-4 to HD.

1987-13 10-20-87 5055 Hannan Rd., from IND-2 to IND-1.

1987-14 11-17-87 Property on Hannan Rd., north of Van Born Rd., from IND-2 to IND-1.

1987-15 11-17-87 35112 Michigan Ave., from B-4 to HD.

1988-06 4-5-88 Property in northeast part of Parcel 007-99-0007, from R-IAA and RV to PRD.

1988-10 4-19-88 Northwest corner of Michigan Ave. W. and Elizabeth St., from B-3 to B-4

1988-18 8-1-88 Northeast corner of Michigan Ave. W. and John Hix Rd., from B-4 to IND-B.

1988-19 8-16-88 Northwest corner of Forest and Third Sts., from R-IC to R-3.

1988-22 9-20-88 34420 and 34402 Sims Ave., from R-3 to B-1.

1988-23 9-20-88 3041 S. Wayne Rd., from B-2 to B-3.

1988-26 10-18-88 3831 Hannan Rd. and Nyman St., from R-1C to B-3.

1988-27 10-18-88 3015, 3019, 3023, 3025 and 3027 S. Wayne Rd., from B-2 to B-3.

1989-02 2-21-89 32500 Van Born Rd., from IND-2 to IND-B.

1989-06 5-16-89 3831 Nyman St., from R-1C to B-3.

1989-11 8-1-89 North side of Michigan Ave., east of Hannan Rd., from B-4 to R-4.

1989-12 9-5-89 North side of Michigan Ave., west of John Hix Rd., from B-4 to R-4.

1989-13 9-5-89 35430 Clinton and adjoining property, from B-2 to IND-2.

1989-18 9-19-89 Parcels 22-99-001-002 and 22-99-001-003 (25.92 acres), from IND-2 to IND-B.

1989-19 12-19-89 West side of Walker St., between Annapolis Ave. and Earl St., from IND-2 to IND-1.

1990-09 5-15-90 Parcels 11-99-0011, 11-99-0012 and 11-99-0013 (9.5 acres), from IND-2 to IND-1.

1990-11 7-3-90 Parcels 11-99-0019, 11-99-0021, 11-99-0022, 11-99-0023, 11-99-0024, 11-99-0025, 11-99-0026 and 11-99-0027, from IND-2 to IND-1.

1990-14 7-17-90 Parcel 10-99-0019, from IND-B to R-4.

1990-16 9-4-90 3720 S. Venoy Rd., from IND-B to IND-2.

1990-17 10-16-90 34573 Glenwood Rd., from R1-C to R-3.

1991-11 8-6-91 39390 Michigan Ave., from IND-B to B-4.

1991-18 9-17-91 35431 Brush St., from IND-1 to HD.

1991-24 11-4-91 2903, 2909 and 2913 S. Wayne Rd., from B-2 to B-3.

1992-26 6-16-92 2.862 acres on the south side of Annapolis Ave., east of Treadwell Rd. and west of the C. & O. R.R. R.O.W., from IND-2 to IND-1.

1992-27 6-16-92 18.01 acres on the north side of Annapolis Ave., east of Treadwell Rd. and west of the C. & O. R.R. R.O.W., from IND-2 to IND-1.

1992-28 6-16-92 1.38 acres on the north side of Annapolis Ave., east of Treadwell Rd. and west of the C. & O. R.R. R.O.W., from IND-2 to IND-1.

1992-33 10-20-92 Avondale Subdivision No. 5, Lots 24-01-0931 through 24-01-0942, from B-1 to R-1C.

1993-05 3-16-93 Part of Lots 311 through 320 of Avondale Subdivision No. 1, on the west side of Merriman Rd. between Carlisle Pkwy. and the C. & O. R.R. R.O.W., from B-2 to R-1C.

1993-06 4-6-93 Parcels 10-99-0015 and 10-99-0016, from B-4 to R-4.

1993-07 4-6-93 Parcel 12-99-0005, from IND-2 to IND-1.

1993-14 8-3-93 35915 Clinton St., from IND-1 to IND-2.

1994-04 8-1-94 Lots 1-8 of Enright Park Subdivision, the northwest corner of Annapolis Ave. and Hubbard St., from B-1 to R-1C.

1994-05 8-1-94 Parcel 22-99-0002, from R-1B to R-3.

1995-05 3-7-95 Lots 645-653 of Supervisors Nankin Plat No. 13, including the vacated street, from B-3 to B-4.

1995-16 10-2-95 4436 Walker St., from IND-2 to IND-1.

1996-21 9-17-96 Parcels 10-99-0004 and 9-99-0015, east of John Hix Rd., between Michigan Ave. East and Maple Ave., from T-1 to IND-2.

1997-07 8-5-97 3.67 acres adjacent to Van Born Rd., from B-2 to R-3.

1997-08 8-5-97 Lots 147, 148 and 223-226 of the Michigan Boulevard Subdivision, from R-3 to B-3.

1998-02 1-6-98 Property adjacent to Treadwell Rd., from R-1B to IND-2.

1998-10 10-20-98 Parcel 12-99-0003-000, on the east side of Treadwell Rd., south of Van Born Rd., from IND-2 to IND-1.

1999-02 1-5-99 Southern half of Parcel 55-011-99-0010-000, on the west side of Cogswell Rd., north of Van Born Rd., from IND-2 to IND-1.

1999-03 1-5-99 Parcel 55-018-0191-301, on the northeast corner of Michigan Ave. East and Wayne Rd., from B-1 to B-4.

1999-10 3-15-99 Parcels 55-019-02-0455, 55-019-02-0554, 55-019-02-0585, 55-019-02-0637, 55-019-02-0536, 55-019-02-0558, 55-019-02-0629, 55-019-02-0546, 55-019-02-0579 and 55-019-02-0633, bounded by Chamberlin, Stellwagen, Biddle, Harroun, Washington and Richard Sts., from R-B to R-1C.

1999-12 4-6-99 4060 Third St., from IND-1 to R-1C.

1999-13 4-6-99 Lots 1-15 of the Louis Savage Garfield Park Subdivision, from R-1C to B-1.

1999-17 6-1-99 Lots 26-30, Lot 224 and Lots 328-330 of the Louis Savage Garfield Park Subdivision, from R-1C to B-3.

1999-18 6-15-99 Vacation of alley between Lots 7a and 8 of the Resubdivision of Henry and Edsel Subdivisions.

1999-19 6-15-99 Vacation of alley south of Lot 89a and north of Lots 90 and 91 of Assessors Wayne Plat No. 3.

1999-20 7-6-99 Parcel 022-99-0010-705, the southerly portion of Lots 43a to 48a and all of Lots 49-66 of Woodworth Gardens Subdivision, from IND-B to PRD.

1999-21 7-20-99 Lots 008-99-0013-000 and 008-99-0015-000, located on the southwest corner of Newburg and Glenwood Rds., from R-1AA to B-2.

1999-24 11-1-99 Parcel 55-012-99-0005, north of Van Born Rd. and east of Cogswell Rd., from IND-1 to IND-2.

2000-01 1-4-00 Lots 16-25 of the Louis Savage Garfield Subdivision, from R-1C to B-3.

2000-03 2-15-00 Parcel 11-99-0006-000, from IND-2 to IND-1.

2000-06 4-4-00 Parcels 010-01-0142-002, 010-01-0146-000 and 010-01-0147- 000 from IND-2 to IND-1.

2000-19 8-1-00 Lot 92(b) of Chase and Abells Addition and the southeasterly portion of lot 315(a1a1) and (a1a1b) of Assessors Wayne Plat No. 7 from B-4 to IND-1.

2001-03 2-5-01 Parcel 013-01-0014, being Lots 313a2a, 315a, 316, also part of adjacent vacated street (Williams St.) Assessors Wayne Plat No. 7T2SR9EL65P97 WCR, also part of vacated street (main St.) Assessors Wayne Plat No. 9 from R-4 to B-4 .

2001-08 4-3-01 Lots 27 through 33 of Crest View Subdivision, T2S R9E L54 P92 WCR, from B-2 and R-1C to B-1.

2002-06 2-5-02 35100 Van Born Road from R-1C to B-3.

2002-07 2-19-02 Lot 327 Louis Savage Garfield Park Subdivision, T2S R9E WCR, from R-1C to B

2002-26 8-5-02 4953 Venoy Road, Tax ID # 55-023-99-0014-000 from B-1 to R-1B.

2003-01 1-7-03 Vacant land on the north side of Van Born Road, Tax ID # 55-024-99-0025-707 from B-2 to R-3.

2003-02 2-4-03 Parcels #55-010-01-0001-301, #55-010-01-0002-301, #55-010-01-0003-301, #55-010-01-0005-300, #55-010-01-0006-300, #55-010-01-0007-300, #55-010-01-0008-300, #55-010-01-0009-300, #55-010-01-0010-300, #55-010-01-0011-102, #55-010-01-0011-301, #55-010-01-0012-102, #55-010-01-0012-301, #55-010-01-0013-102, #55-010-01-0013-301, #55-010-01-0014-102, #55-010-01-0014-301, #55-010-01-0015-301 and #55-010-01-0015-302 from B-1 to B-3.

2003-04 5-6-03 Northeast corner of Michigan Avenue East and South Wayne Road, Tax ID # 55-018-01-0191-301 from B-4 to PDD.

2003-09 6-3-03 Southeast corner of Forest Avenue and South Wayne Road, Tax ID # 55-018-0301-003 from B-3 to PDD.

2003-14 11-18-03 Parcels #55-010-01-0432-000 and #55-010-01-0433-000 from R-1C to B-3, except for the south four feet of lot 0432 (Louis Savage Garfield Park Subdivision)

2004-07 7-20-04 Parcels #55-020-99-0001-000 and #55-020-99-0002-000, 34102 and 34128 Van Born Road, from R-1C to PDD.

2004-12 9-7-04 Lots 332 - 334 of Louis Savage Garfield Park Subdivision from R-1C to B-3.

2005-02 1-4-05 Lots along the south side of Michigan Avenue East from Washington to First Streets, from IND-B to B-1.

2005-04 1-4-05 Lots along the north side of Michigan Avenue West, from 35540 Michigan Avenue West to 36046 Michigan Avenue West, from IND-3 to B-4.

2005-09 4-5-05 East side of Wayne Road from Van Born Road to Phyllis Street, from B-3 to B-2.

2005-10 4-5-05 West side of Wayne Road from John Street to Richard Street from B-3 to B-1.

2005-11 4-5-05 East side of Wayne Road from John Street to Harroun Street, from B-3 to B-1.

2005-12 4-5-05 West side of Wayne Road from Richard Street through Lot 14, from B-3 to B-1.

2005-13 4-5-05 West side of Wayne Road from Annapolis Street to Earl Street, from B-3 to B-2.

2005-14 4-5-05 West side of Wayne Road from Earl Street to Clinton Street, from B-3 to B-2.

2005-15 4-5-05 East side of Wayne Road from Lot 14a to Clinton Street, from B-3 to B-1.

2005-16 4-5-05 East side of Wayne Road, generally described as the northeast corner of Clinton Street, from B-3 to B-1.

2005-17 4-5-05 Brush Street, generally described as the southwest corner of Newberry Street, from I-1 to R-3.

2005-18 4-5-05 Brush Street, generally described as the southeast corner of Brush Court, from I-1 to R-3.

- 2005-19 4-5-05 East side of Wayne Road, generally described as the southeast corner of Michigan Avenue East, from B-3 to B-4.
- 2005-20 4-5-05 West side of Wayne Road, generally described as the southwest corner of Michigan Avenue East, from B-3 to B-4.
- 2005-21 4-5-05 East side of Wayne Road between Elm Street and Chestnut Street (addresses: 3027, 3025, 3023, 3019, 3015), from B-3 to B-2.
- 2005-22 4-5-05 East side of Wayne Road, generally described as the southeast corner of Glenwood Road, from B-3 to B-2.
- 2005-31 9-6-05 Lots 14 and 15, Block 1, the South Addition to the village, T2S, R9E, L12, P31, WCR, from R-3 to B-2.
- 2006-01 2-7-06 Southern portion of 2910 Venoy Road - 57 ft. x 100 ft., from R-4 to B-2.
- 2006-08 5-1-06 Area located east of the alley east of South Wayne Road between Chestnut Street and Elm Street, from R-1C to P-1.
- 2006-12 9-5-06 Lots 12 to 16, inclusive, A.L. Chase's Addition to Wayne, lots 6 to 8, inclusive, Junction Place, and Lots 1 to 7, inclusive, Assessors Wayne Plat No. 1, from IND-2 to IND- 1.
- 2006-22 12-5-06 Lot 97, Wayne Urban Renewal Replat No. 4, from B-1 to B- 2.
- 2007-04 2-6-07 5750 Treadwell Road, from R-1B to IND-B.
- 2009-18 12-1-09 The following parcels are rezoned from B-1 and B-4 to B-5:

Property Tax ID No. Street Address

55-006-03-0002-000	35858 Michigan Avenue West
55-006-03-0006-000	35836
55-006-03-0009-000	35830
55-006-03-0012-000	35816
55-006-03-0014-000	35812
55-006-05-0061-000	35760 Michigan Avenue West
55-006-05-0060-000	35732
55-006-05-0057-002	35712
55-006-06-0001-000	35731 Michigan Avenue West
55-006-08-0025-000	35640 Michigan Avenue West
55-006-08-0024-001	35634
55-006-08-0023-000	35630-22
55-006-08-0022-001	35612
55-006-07-0002-001	SE corner Michigan Ave. W.; Clark Street
55-006-07-0001-302	3629 Clark Street
55-006-07-0002-002	3617
55-006-07-0001-301	35613-03 Michigan Avenue West
55-006-09-0015-002	35550 Michigan Avenue West
55-006-09-0014-000	35540
55-006-09-0012-001	35512
55-006-10-0022-300	35545 Michigan Avenue West
55-013-01-0056-000	35505
55-006-10-0011-003	35501 Mich. Ave. W.; 3616-32 Elizabeth St.
55-006-10-0015-302	3680 Elizabeth Street
55-006-10-0015-301	35518 Park Street
55-006-10-0002-004	35445 Michigan Avenue West

55-006-10-0001-304 35425 Mich. Ave. W.; Metro Mall 3601-3709
55-006-09-0001-000 35454 Michigan Avenue West
55-003-11-0104-001 35310
55-003-12-0001-000 35240 Michigan Avenue West
55-003-12-0002-301
55-003-12-0003-000
55-003-12-0004-000
55-003-11-0101-001 35234 Michigan Avenue West
55-003-11-0100-001 35228-18
55-003-11-0099-002 35164
55-003-11-0097-001 35150
55-003-11-0084-001 35136
55-003-11-0085-001 35132 Michigan Avenue West
55-003-11-0095-001
55-003-11-0086-302 35128 Michigan Avenue West
55-003-11-0087-004 35122
55-003-11-0087-003 35118
55-003-11-0091-302 35112
55-003-11-0090-302 35104-02
55-018-01-0112-301 SW corner Mich. Ave. W; Newberry St. (0.61 acre)
55-018-01-0115-003 35215 Michigan Avenue West
55-018-01-0120-301 35111 Michigan Avenue West
55-003-10-0047-305 3519 S. Wayne Road
55-003-10-0008-001 35028-06 Michigan Avenue West
55-003-10-0009-303 35004
55-003-10-0011-001 34932
55-003-10-0012-001 34924-14
55-003-10-0013-307 34912
55-003-10-0013-305 34904-00
55-003-10-0014-303 34852
55-003-10-0015-307 34844-40
55-003-10-0016-303 34836
55-003-10-0016-305 34830-28
55-003-10-0017-000 34816
55-003-10-0019-000 34806
55-003-10-0042-000 3518 Second Street
55-003-10-0041-000 3515 Second Street; 34646 Sims Avenue
55-003-10-0020-000 34630-10 Michigan Avenue West
55-013-06-0315B007 36137-11 Michigan Avenue East
55-013-01-0032-001 35400-12 Michigan Avenue East
55-018-01-0180-301 35354-00 Michigan Avenue East
55-018-01-0188-300 35250-00 Michigan Avenue East

55-018-02-0018-002 Parking Structure
55-018-02B0023-000 34841 Veterans Plaza
55-018-02-0022-001 3850 Second Street
55-018-07-0220-304 35173-01 Michigan Avenue East

2010-12 12-21-10 The following parcels are rezoned from B-4 to B-5:

Property Tax ID No. Street Address

55-003-10-0049-000 35000 Sims Avenue
55-003-10-0069-001 34808 Sims Avenue

2011-01 2-1-11 The following properties south of Brush Street and east of Elizabeth Street are rezoned from IND-1 to R-3:

Chase and Abells Addition to Wayne

Lots 93 and 94 35547 Brush Street
Lot 95 35537 Brush Street
Lot 96
Lot 97
Lot 98

Assessors Wayne Plat No. 7

Lot 304 and 305-303 35449 Brush Street

2013-06 7-2-13 Rezoning a portion of 36253 Michigan Avenue East, from B-5 to IND-2.

2013-08 11-4-13 Rezoning property with Parcel ID No. 55-009-01-0191-001, commonly known as 37434 Michigan Avenue, from B-4 to B-3.

2014-07 8-4-14 Rezoning properties commonly known as 37458 and 37440 Michigan Avenue (Parcel ID Nos. 55-009-01-0190-001 and 55-009-01-0190-002), from B-4 to B-3.

2016-01 2-2-16 Rezoning properties commonly known as 36111 Michigan Avenue East (Parcel ID No. 55-013-06-0315-301), from B-5 to I-2.

2016-03 6-7-16 Rezoning properties commonly known as 4429 S. Wayne Road (Parcel ID No. 55-018-04-008-000) from B-1 to B-2C.

2016-04 6-7-16 Rezoning properties commonly known as 5006 S. Wayne Road (Parcel ID Nos. 55-016-02-0012-001 and 55-016-02-0013-001) from B-1 to B-2C.

2017-01 2-7-17 Rezoning properties described as Lots 26, 27, 28, 29, 30, 31, and 32 and outlots in Clark Subdivision from R-1C to IND-B.

2018-02 2-6-18 Rezoning properties commonly known as 35707 and 35751 Brush Street (Parcel ID Nos. 55-013-01-0082-300, 55-013-01-0084-300 and 55-013-01-0085-303) from R-3 to I-2.

2018-06 9-4-18 Rezoning a 4.7 acre northeast portion of the property commonly known as 5454 S. Venoy Road (Parcel ID No. 55-023-99-0002-000) from R-1A to PDD.

2019-07 7-11-19 Rezoning 36900 Michigan Avenue from B-4 to IND-1.

2019-10 12-12-19 Rezoning 5158 S. Wayne Road from B-2 to B-3C.

2020-06 12-1-20 Rezoning property commonly known as Vacant Cogswell Road (Parcel ID No. 55-011-99-0009-000) from IND-2 to IND-2(C).