

## **Chapter 110 ZONING<sup>1</sup>**

### ***ARTICLE I. TITLE***

#### **Sec. 110-1.1. Title.**

This chapter shall be known, cited and referred to as the "City of Westland Zoning Ordinance."

### ***ARTICLE II. INTENT AND PURPOSE***

#### **Sec. 110-2.1. Intent and purpose.**

This Zoning Ordinance of the City of Westland is adopted with the purpose of promoting and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

- 2.1.1 To meet needs for places of residence, recreation, industry, trade, service, and other uses of land.
- 2.1.2 To ensure that uses of the land shall be situated in appropriate locations and relationships.
- 2.1.3 To limit inappropriate overcrowding of the land and congestion of population, transportation systems, and other public facilities.
- 2.1.4 To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public facility and service needs.
- 2.1.5 To establish adequate standards for the provision of light, air, and open spaces.
- 2.1.6 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- 2.1.7 To protect residential, commercial, and industrial uses alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- 2.1.8 To provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- 2.1.9 To fix reasonable standards to which buildings and structures shall conform.

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<sup>1</sup>Editor's note(s)—Printed herein is the Zoning Ordinance of the city, Ordinance No. 248, as adopted by the on August 4, 1997, as amended through February 2, 2015. Prior Ordinance 235, adopted Nov. 19, 1990, is hereby repealed by art. XX. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

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- 2.1.10 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
  - 2.1.11 To isolate or control the location of unavoidable nuisance-producing uses.
  - 2.1.12 To define the powers and duties of the administrative and enforcement officers and bodies.
  - 2.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.
  - 2.1.14 It is the specific intent of this ordinance to permit the uninterrupted, unimpaired use of land for public uses and essential services, including, but not necessarily limited to, schools, parks, community centers, churches, cemeteries, hospitals, fire and police stations, and similar public uses for as long as deemed necessary by the residents or their elected representatives.

The standards and requirements contained in this ordinance, and the district mapping reflected on the City of Westland Zoning Map are intended to further the implementation of the objectives of the master plan, as well as protect all desirable existing structures and uses.

#### Temporary Moratorium on Massage Parlors

In recent years, the City of Westland has seen an increase in the establishment of massage parlors. Regulation and enforcement of these businesses can be a challenge for the city due to an overconcentration of such uses, licensing and background checks, and the possibility of criminal activity. These uses can present deleterious effects on neighboring residential districts, resulting in traffic, noise, and the possibility of crime, and can also adversely affect current enforcement resources.

The city has determined that an examination of the applicable provisions of the Westland City Code, the Westland Zoning Ordinance and the master plan of the city is required to evaluate the current regulatory scheme pertaining to massage parlors. The review will identify appropriate measures and potential new regulations to limit overconcentration, increase compliance with property maintenance, zoning and licensing standards, and decrease crime.

Therefore, as of March 4, 2019, no city department may accept any application for a permit or license to establish a massage parlor for a period of 12 months - to give the city the opportunity to review the Westland Code, the Zoning Ordinance, and the master plan of the city in order to implement a compliance strategy and to develop consistent, cohesive and sensible regulation of such land uses in the city. This temporary moratorium shall not be construed to prohibit or curtail the continuance of current massage parlors that have already been properly approved and licensed.

#### Temporary Moratorium on Automobile Gasoline Stations

In recent years, the City of Westland has seen an increase in the number of inquiries by owners of property, future owners, or developers within the city seeking to develop new automobile gasoline stations. The city has also noted an increase in the number of automobile gasoline stations in the city which have closed, and which have remained unoccupied for long periods of time after closure. Due to the nature of the business and the potential environmental hazards remaining after their closure, it is extremely difficult to repurpose the properties upon which they are located, thereby exacerbating the time such a property remains unoccupied; and as a direct and proximate consequence, many properties in the city on which automobile gasoline stations previously operated are unproductive and unsightly.

It has also been determined that the overconcentration of automobile gasoline stations can have significant impacts relating to traffic, noise, and lighting on the adjacent areas and can attract a continuous traffic flow, create multiple conflicting traffic movements for access to and from the site, and create significant site circulation conflicts.

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The city has determined that an examination of the applicable provisions of the Westland City Code, the Westland zoning ordinance and the master plan of the city is required to evaluate the current regulatory scheme pertaining to new automobile gasoline stations. The review will identify appropriate measures and potential new regulations to limit overconcentration and facilitate the re-occupancy of vacant and abandoned automobile gas stations.

Therefore, as of Monday, September 21, 2020, no city department may accept any application for a land use approval, permit or license to establish a new automobile gasoline station for a period of 12 months, to give the city the opportunity to review the Westland Code, the zoning ordinance, and the master plan of the city in order to implement a compliance strategy and to develop consistent, cohesive and sensible regulation of such land uses in the city. This temporary moratorium shall not be construed to prohibit or curtail the continuance of current automobile gasoline stations. Automobile gasoline stations that have been vacant and abandoned for no more than six months and have previously been approved may be reestablished.

#### Temporary Moratorium on Processing Requests for Land Use Approvals, Permits or Licenses in Commercial or Industrial Ares of the City to Establish a Caregiver Grow and Cultivation Operation Under the Michigan Medical Marijuana Act

The City of West desires to ascertain the safest and best path to compliance with the Michigan Medical Marijuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq., the Michigan Zoning Enabling Act, P.A. 2006, No. 110, MCL 125.3101 et seq. and all other applicable laws in order to best protect the public health, safety and welfare.

In the meantime, extending the existing moratorium, on a limited and temporary basis, is reasonable and necessary in order to allow the city time to review the Michigan Medical Marijuana Act, existing case law and potential amendments to its ordinances.

Therefore, as of Tuesday, December 21, 2021, no city department may accept, process or approve any request for a land use approval, permit or license to establish any caregiver grow and cultivation operation under the Michigan Medical Marijuana Act for a period of 12 months, to give the city the opportunity to review the Westland Code, the zoning ordinance, and the master plan of the city in order to implement a compliance strategy and to develop consistent, cohesive and sensible regulation of such land uses in the city.

On October 21, 2019, the City of Westland adopted a marijuana business ordinance establishing a licensing and regulatory process for medical and adult use marijuana businesses to the extent permissible under the Michigan Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) and the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018). The marijuana business ordinance does not discuss caregiver grows and cultivation operation under the Michigan Medical Marijuana Act. The city is currently implementing the marijuana business ordinance and this moratorium shall have no impact on that ordinance.

(Ord. No. 177-A, § 1, 3-18-19; Ord. No. 177-A-1, § 1, 3-2-20; Ord. No. 177-A-3, § 1, 7-20-20; Ord. No. 248-A-100, § 1, 10-5-20; Ord. No. 248-A-101, § 1, 1-4-21; Ord. No. 248-A-109, § 1, 7-6-21; Ord. No. 248-A-110, § 1, 12-20-21)

## ***ARTICLE III. ADMINISTRATION AND ENFORCEMENT***

### **Sec. 110-3.1. Organization.**

3.1.1. The administration of this ordinance is hereby vested in six agencies of the government of the City of Westland as follows:

Planning department;

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Building department (with the zoning enforcement officer);

Zoning board of appeals;

City planning commission;

City council;

Department of public service.

This section shall first set out the authority of each of these six offices, and then describe the procedures and substantive standards with respect to the following administrative functions:

Issuance of zoning certificates;

Issuance of occupancy and temporary certificates;

Variance;

Appeals;

Amendments;

Site plan approval;

Special land use approval uses;

Planned unit developments;

Fees;

Penalties.

### **Sec. 110-3.2. Planning department.**

The planning director and such deputies or assistants that shall be duly appointed, shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall:

- 3.2.1 Have possession of permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, site plan approvals, special approvals, lot splits, subdivision plats, and applications therefor.
- 3.2.2 Assist in providing public information relative to this ordinance.
- 3.2.3 Forward to the planning commission all applications for site plan approval, special land use approval, planned unit developments, and amendments to this ordinance that are initially filed with the planning department.
- 3.2.4 Forward to the zoning board of appeals applications for appeals, variances, nonlisted uses, or other matters on which the board of appeals is required to consider under this ordinance.
- 3.2.5 Forward to the city council recommendations of the planning commission on special land use approvals, planned unit developments, site plan approval and zoning ordinance amendments.

### **Sec. 110-3.3. Building department.**

The building director, as the zoning enforcement officer and such deputies or assistants that shall be duly appointed shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall.

- 3.3.1 Issue all zoning certificates and make and maintain records thereof.

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- 3.3.2 Issue all certificates of occupancy and temporary certificates of occupancy, and make and maintain records thereof.
  - 3.3.3 Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance, approved site plans, or special approvals.
  - 3.3.4 Issue violation notices requiring compliance within 30 days, and advising suspected violators of right of appeal.
  - 3.3.5 Require that all construction work of any type be stopped when such work is not in compliance with this ordinance; and revoke any permit which was unlawfully issued, or any permit wherein work not in compliance with this ordinance has been performed, and such work has not been corrected within 30 days of notification of such defects.
  - 3.3.6 Have possession of permanent and current records of all building permits, site plans, and other approvals relative to this ordinance.
  - 3.3.7 Assist in providing public information relative to this ordinance.
  - 3.3.8 Enforce all orders of the city council and zoning board of appeals regarding actions pertaining to this ordinance.
  - 3.3.9 Enforce all rules, regulations and standards of this ordinance.

#### **Sec. 110-3.4. Zoning board of appeals.**

- 3.4.1 *Creation.* A zoning board of appeals consisting of nine members is hereby established having powers and duties in accordance with Section 5, Act 207, Public Acts of 1921, as amended. Hereinafter, the word "board" shall mean the zoning board of appeals.
- 3.4.2 *Membership.* The zoning board of appeals shall consist of nine members appointed by the city council to serve three-year terms. One of the nine members of the board may also be a member of the City of Westland Planning Commission and one may be a member of the city council. In addition to the nine members of the board, the city council may appoint one alternate member to serve a three-year term. The alternate member may be a member of the planning commission or the city council provided that a regular member does not hold such a position. The alternate member shall attend all zoning board of appeals meetings.

The alternate member shall be called by the board chair or a designated representative in the following instances:

  - a. If a regular member is absent or unable to attend two or more consecutive meetings.
  - b. If a regular member notified the chair of the board that he/she will be absent or unable to attend a meeting for more than 30 consecutive days.
  - c. If a regular member has abstained from voting or has notified the chair of the board that he/she intends to abstain from discussion and voting on a case by reason of a conflict of interest. In such case the alternate member shall serve until a final decision has been made on that one case.
- 3.4.3 *Payment of members.* The members and alternate members of the zoning board of appeals shall be paid for attendance at meetings in accordance with a schedule established by the city council, except that a member of the city council who is also a member or alternate member of the zoning board of appeals shall not be paid for attendance at zoning board of appeals meetings. Alternates shall be paid for attendance whether or not they sit as regular members.
- 3.4.4 *Jurisdiction.* The zoning board of appeals is hereby vested with the following jurisdiction and authority.

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- a. To hear and decide appeals from and review any order, requirement, decision, or determination made under this ordinance by the enforcement officer or any other administrative official or body except as provided in [subsection] "e" below.
  - b. To hear and pass upon the applications for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
  - c. To interpret nonlisted uses.
  - d. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
  - e. Decisions of the city council pertaining to special land uses and special planned unit developments shall not be subject to zoning board of appeals review.
  - f. Nothing contained herein shall be construed to empower the zoning board of appeals to change the terms of this chapter, to effect changes in the zoning map or grant temporary uses.

3.4.5 *Meetings and rules.* All meetings of the zoning board of appeals shall be held at the call of the board clerk or designated representative, or at such times as the board may determine. All hearings conducted by said board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The clerk, or if that person is absent the acting clerk may administer oaths and compel attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the zoning board of appeals shall be filed immediately in the office of the city clerk and shall be a public record. The board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Public Acts of Michigan, and select or appoint such officers as it deems necessary.

3.4.6 *Required vote.* The concurring vote of five members of the board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer or planning department, or to decide in favor of the applicant any matter upon which the board is required to pass under this ordinance or to effect any variance except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in this ordinance.

3.4.7 *Finality of decision of the zoning board of appeals.* All decisions and findings of the zoning board of appeals on any appeal, or any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. However, the board may decide to rehear a previously determined matter upon submission of an application with new evidence within 30 days of the original decision.

### **Sec. 110-3.5. City planning commission.**

3.5.1 *Creation.* The city planning commission, as established under the provisions of Act 285, 1931, as amended, is the planning commission referred to in this ordinance. The planning commission shall also have the powers of a zoning commission as set forth in Section 301 of Public Act 110 of 2006. A zoning commission is thereby established by this ordinance.

3.5.2 *Membership.* The planning commission shall consist of nine members who shall represent insofar as possible different professions or occupations, and who shall be appointed by the mayor subject to the approval by a majority vote of the members elect of the city council. All members of the planning commission shall serve as such with compensation and shall hold no other municipal office except that one of such members may be a member of the zoning board of appeals. The term of each member shall be three years. All members shall hold office until their successors are appointed. Members, after public hearing, may be removed by the mayor with the concurrence of the council for inefficiency, neglect of duty, or

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malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term as set forth herein.

3.5.3 *Chair, meetings, and rules.* The commission shall elect its chair from among the appointed members and create and fill such other of its offices as it may determine. The term of chair shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

3.5.4 *Jurisdiction.* The planning commission shall discharge the following duties under this ordinance:

- a. Review all applications for amendments to this ordinance (text or map), hold hearings thereon, and report findings and recommendations to the city council.
- b. Review all applications for special land uses and planned unit developments, hold hearings thereon and report findings and recommendations to the city council.
- c. Receive from the enforcement officer recommendations as related to the effectiveness of this ordinance, and report findings and recommendations thereon to the city council.
- d. Review all applications for site plan approval, hold hearings thereon and report findings and recommendations to the city council.

## **Sec. 110-3.6. City council.**

3.6.1 *Special land uses.* The city council shall review planning commission recommendations on all applications for special land uses, hold hearings thereon, and make final decisions to grant approval, deny approval, or grant approval with conditions, all as provided for in article XIII. In so doing, the city council shall function in an administrative capacity in accordance with duly adopted administrative rules of procedure. Decisions of the city council pertaining to special land uses shall be in accordance with the standards set forth in this ordinance.

3.6.2 *Planned unit developments.* The city council shall review planning commission recommendations on all applications for planned unit developments, hold hearings thereon, and make final decisions to grant approval, deny approval, or grant approval with conditions, all as provided for in article XIV. In so doing the city council shall function in an administrative capacity in accordance with duly adopted administrative rules of procedure. Decisions of the city council pertaining to planned unit developments shall be in accordance with the standards set forth in this ordinance.

3.6.3 *Site plan review approval.* The city council shall review planning commission recommendations on all applications for site plan approval, hold hearings thereon, and make final decisions to grant approval, deny approval, or grant approval with conditions, all as provided for in article XII. In so doing, the city council shall function in an administrative capacity in accordance with duly adopted administrative rules of procedures. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon the standards and requirements contained in this ordinance. A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and all conditions imposed thereunder, other applicable ordinances, and state and federal statutes.

3.6.4 *Zoning ordinance amendments.* The city council shall enact such amendments to this ordinance as it shall from time to time deem appropriate. However, the city council shall not enact a proposed amendment until it has received and reviewed the report of the planning commission, including a summary of comments submitted at the planning commission's public hearing pertaining to the proposed amendment. After review of the planning commission's report, the city council may adopt a proposed amendment with or without modifications, or may refer the proposed amendments again to the planning commission for a further report.

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### **Sec. 110-3.7. Department of public service.**

The city engineer and other duly appointed officials in the department of public service shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall:

- 3.7.1 Enforce all rules, regulations and standards of this ordinance, particularly those that deal with parking lot design, construction and maintenance; ingress and egress to sites; provision for water and sewer facilities; and, lot grading and drainage.
- 3.7.2 Conduct inspections of building sites, drainage, and utility structures, water and sewer facilities, property grading and off-street parking facilities to determine compliance with the terms of this ordinance, approve engineering site plan, approve grade certificate prior to issuance of certificate of occupancy.
- 3.7.3 Enforce all rules, regulations and standards of related city ordinances, particularly the parking lot ordinance (Ord. No. 189) and the subdivision ordinance (Ord. No. 124).
- 3.7.4 Assist in providing public information relative to this ordinance.

### **Sec. 110-3.8. Zoning certificates.**

- 3.8.1 *Zoning certificates.* Except as hereinafter provided, no zoning certificate pertaining to the use of land or buildings shall be issued by any officer, department, or employee unless the application for such zoning certificate has been examined and approved by the zoning enforcement officer, or his duly appointed representative, and, where appropriate, has received written approval from the planning director, or his duly appointed representative. The zoning certificate shall indicate that the proposed building or structure and site plan complies with all the provisions of this ordinance and that all required planning commission, city council, and zoning board of appeals approvals have been obtained. Said zoning certificate shall be signed by the zoning enforcement officer. The site plan shall provide the signature of the appropriate member of the planning commission, city council, and zoning board of appeals, acknowledging approval of the site plan. Any zoning certificate issued in conflict with the provisions of this ordinance shall be null and void.
- 3.8.2 *Period of validity for zoning certificates.* A zoning certificate shall be valid for a period of one year from the date of the earliest approving signature thereon.

### **Sec. 110-3.9. Occupancy certificates.**

No building or addition thereto, constructed after the effective date of this ordinance and no addition to or expansion within a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the enforcement officer. No change of use of any existing building or structure or land shall be made unless a certificate of occupancy has been issued by the enforcement officer. Every certificate of occupancy shall state that the use of the occupancy complies with the provisions of this ordinance and whether there are any use restrictions or other provisions to be adhered to by the occupant.

- 3.9.1 *Application for occupancy certificates.* Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the enforcement officer.
- 3.9.2 *Issuance of occupancy certificate.* No occupancy certificate for a building, portion thereof, or addition to an existing building, constructed after the effective date of this ordinance shall be issued until the premises have been inspected and certified by the enforcement officer, planning department,



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engineering division, and fire department to be in conformity with the plans and specifications upon which the zoning certificate was based, and the building and site meet all applicable standards. No parcel of land shall be utilized or occupied until such site is inspected and certified by the enforcement officer, planning department, and engineering division to be in compliance with all appropriate ordinance standards. In construction of new buildings, a certificate of occupancy may be issued on satisfactory final inspection. Where a land use requires site plan approval by the council, a certificate of occupancy shall not be issued unless said site and structures thereon are in conformity with said approved site plan, including, but not limited to:

- a. Completion of building(s) and structure(s), internally and externally in accordance with the approved dimensions and floor layout.
- b. Interior and exterior architectural design and style as approved.
- c. All landscaping in accordance with the approved size, type, quality, dimensions, and design including the provision of sod within the front, side and rear yards of each dwelling.
- d. Parking lots with delineation of all regular parking spaces, handicapped spaces, signs and ramps, as approved.
- e. Traffic signs, including, but not limited to:
  - (1) Entrance-exit signs.
  - (2) No left turn - no right turn signs.
  - (3) One way - do not enter-exit signs.
  - (4) Traffic control signs, such as stop or yield.
- f. Masonry and/or decorative walls to be installed.
- g. Fences to be installed.
- h. Lighting for building and/or parking area.
- i. Dumpsters with approved screening on all sides.
- j. Final grading plans and complete "as built" drawings for residential sites and "as built" transparencies for multifamily, commercial, and industrial sites shall be submitted to the engineering division.
- k. All copies and/or originals of recorded documents for required dedications of easements and/or road rights-of-way shall be submitted to the city clerk's office and to engineering division.
- l. The occupancy certificate shall be issued or a written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 30 days after the enforcement officer is notified in writing that the building or premises are ready for occupancy.
- m. An electronic CAD (computer-aided design) copy of the property legal description and the legal description of all utility easements and all improvements to the site shall be provided to the engineering division for inclusion into the City of Westland GIS data base.

3.9.3 *Issuance of temporary occupancy certificates.* The enforcement officer may issue a temporary occupancy certificate for a portion of a building and site in the process of erection or alteration provided that such certificate shall not be effective for longer than six months, provided further that such portion of the building and site is in conformity with the provisions of this ordinance and the City of Westland Building Code, and provided further that the applicant has agreed in writing to comply with all of such provisions as to the entire building and site and has posted cash, irrevocable letter of credit, or other acceptable financial guarantee, the form and amount approved by the, building official

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that the building and site shall be brought into full compliance with the terms of this ordinance. Such financial guarantee shall be of sufficient amount to cover the cost of bringing the building and site into full compliance. The temporary occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be used, not later than 30 days after the enforcement officer is notified in writing that the building or premises are ready for occupancy.

3.9.4 *Revocation of permit.* Any permit issued under the provisions of this ordinance may be revoked by the building department at any time whenever the holder thereof:

- a. Shall have made any false or fraudulent statements in the application for such permit, or in the exercise of such permit.
- b. Shall have violated any of the provisions of this ordinance.
- c. Shall have failed to satisfy the requirements of this ordinance or of any rules adopted pursuant thereto.
- d. Shall have caused, created, or maintained, in the exercise of such permit, a menace or danger to the public health, safety, or welfare.
- e. Shall have failed to maintain the site as approved by the city council or zoning board of appeals, including, but not limited to, maintenance of:
  - (1) Buildings or structures.
  - (2) Architectural size or design of building.
  - (3) Walls and/or fences.
  - (4) Landscape areas.
  - (5) Parking lots.
- f. Shall have altered a site plan area, as approved by the city council or zoning board of appeals.

3.9.5 *Revocation appeal hearing; zoning board of appeals.* Any person, firm, or corporation aggrieved by the revocation of a building permit may request a violation appeal hearing before the zoning board of appeals, in accordance with the rules and procedures of said board of appeals.

### **Sec. 110-3.10. Variances.**

3.10.1 *Purpose.* The zoning board of appeals may, in passing on appeals, grant a variance or modify the regulations of this ordinance only in the specific instances hereinafter set forth, where such board makes findings of fact in accordance with the standards hereinafter prescribed. Such variances may be granted only when the board finds that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations of this ordinance. Such variances may be granted only so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done.

3.10.2 *Application for variance and notice of hearing.* An application for a variance shall be filed with the city clerk. The application shall consist of a completed application form, fee, and the information required. The application shall contain the following information:

- a. Legal description, address, and tax parcel number of the subject property;
- b. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this ordinance;

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- c. Name and property of the applicant, property owner(s), and the interest of the applicant in the property.

3.10.3 *Standards for variances.* The zoning board of appeals shall not vary the regulations of this ordinance except in accordance with the standards established in Act 207 of Public Act 1921, as amended, and unless it shall make findings based upon the evidence presented to it in each specific case that all of the following standards are met:

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the owner if the strict letter of the regulations is carried out. Inconveniences or increased development costs shall not be deemed hardships under the terms of this section.
- b. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, or to other property within the same zoning classification.
- c. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
- d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently or previously having an interest in the property.
- e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- g. The zoning board of appeals may, at its discretion, grant a variance that shall be the minimum variance that will make possible a reasonable use of the land or structure.

3.10.4 *Conditions.* The zoning board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this ordinance.

3.10.5 *Authorized variances.* No order of the zoning board of appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the building permit or zoning certificate is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

### **Sec. 110-3.11. Appeals.**

3.11.1 *Scope of appeals.* An appeal may be taken to the zoning board of appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the enforcement officer, the city planning commission, or the city council, except that decisions or actions of the city council to deny special land use or planned unit developments approval shall not be subject to appeal. An appeal from any decision or action of the enforcement officer, the city planning commission, or the city council shall be taken not later than 30 days after the start of construction or alterations or a change in use such as to make the use nonconforming, as authorized by any permit or certificate issued by the enforcement officer, or within 30 days after the decision or the action complained of, by filing with the enforcement officer and the board a notice of appeal specifying the grounds thereof. The enforcement officer shall forthwith transmit to the board all of the papers constituting a record upon which the action appealed from was taken.

3.11.2 *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the enforcement officer certifies to the board, after the notice of the appeal has been filed with him, that by

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reason of facts stated in the certificate, a stay would, in his opinions cause imminent peril to life and property. In such case the proceedings shall not be stayed other than by a restraining order which may be granted by the board or by a court of record on application and with notice to the enforcement officer and on due cause shown.

**3.11.3 Public hearing.**

- a. Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.
- b. The notice shall be given not less than 15 days before the date of the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - i. Describe the nature of the request;
  - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.

**3.11.4 Decision of the zoning board of appeals.** The board shall thereafter reach its decision within 90 days from the date of the public hearing on the appeal. The decision of the board shall not become final until the expiration of five days from the date of the entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

**3.11.5 Disposition of appeals.** For all matters assigned to it, the board may affirm or may reverse, wholly or in part, or modify orders, requirements, decisions, or determinations of the enforcement officer, planning commission, or city. To that end, the board shall have all the powers of the enforcement officer, planning commission, or city council from whom the appeal is taken. The enforcement officer shall maintain records of all actions of the board relative to appeals. Recourse from final decisions of the board of appeals shall be to the circuit court.

**Sec. 110-3.12. Amendments.**

**3.12.1 Authority—Declaration of public policy.** The city council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

**3.12.2 Initiation of amendment.** Text amendments may be proposed by any governmental body or any interested person or organization. Map amendments may be initiated by any governmental body or by persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory

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interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforceable.

3.12.3 *Application for amendment.* An application for an amendment to this ordinance shall be filed with the planning department in such form and accompanied by such information as required by the planning director. The planning director, upon receiving an application for amendment, shall transmit the application, along with all pertinent data filed herewith, to the planning commission.

3.12.4 *Hearing on application.* The planning commission shall hold at least one public hearing on each application for an amendment to the zoning ordinance at such time and place as shall be established by the planning commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the planning commission shall, by rule, prescribe from time to time, or as may be required by Charter.

3.12.5 *Notice of hearing.*

- a. Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.
- b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - i. Describe the nature of the request.
  - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses, other means of identification may be used.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.

3.12.6 *Findings of fact and recommendation of the planning commission.* The planning commission shall make written findings of fact and shall submit same together with its recommendations to the city council within 60 days of receipt of the application, and at the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the planning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing uses of property within the general area of the property in question.
- b. The zoning classification of property within the general area of the property in question.
- c. The suitability of the property in question in the uses permitted under the existing zoning classification.
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- e. The objectives of the City of Westland Master Plan.
- f. The planning commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest.

3.12.7 *Action by the city council.*

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- a. The city council shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the planning commission on the proposed amendment.
  - b. The city council may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged and dated before a notary by the owners of 20 percent of the area of land to be altered, or by the owners of 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed, except by the two-thirds vote of the city council.

3.12.8 *Effect of denial of amendment.* No application for a map amendment which has been denied by the city council shall be resubmitted for a period of two years from the date of the order of denial, except on the grounds of new evidence of proof of change of condition found to be valid by the planning commission and the city council.

3.12.9 *Notice of amendment adoption.* Following adoption of a zoning ordinance amendment by the city council, one notice of adoption shall be published in a newspaper of general circulation in the City of Westland within 15 days after adoption. The notice shall include the following information:

- a. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- b. The effective date of the ordinance amendment.
- c. The place and time where a copy of the ordinance may be purchased or inspected.

#### **Sec. 110-3.13. Site plan review.**

When required, a site plan review and approval shall be obtained from the city before issuance of a zoning certificate. Site plan review shall be carried out in accordance with the provisions of this ordinance.

#### **Sec. 110-3.14. Special land uses.**

Special land use review and approval shall be obtained from the city council after the council has reviewed the recommendation of the planning commission. City council approval shall be obtained before issuance of a zoning certificate for any special land use.

#### **Sec. 110-3.15. Planned unit developments.**

Planned unit developments shall be deemed to be an amendment to the zoning ordinance. Approval shall be obtained from the city council after it has reviewed the recommendations of the planning commission.

#### **Sec. 110-3.16. Fees.**

Appeals, variances, amendments, special uses, planned unit development districts and site plan reviews:

Any application for an amendment to the text of this ordinance or for special land use, planned unit development approval, or site plan review and approval, shall be accompanied by a fee as established by resolution of the city council. There shall be no fee, however, in the case of applications filed in the public interest by the city or any city official.

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**Sec. 110-3.17. Penalties.**

Any person, firm, corporation, or agent, or any employee or contractor of same, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this ordinance, shall be subject to a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both, for each offense, and each day that a violation continues to exist shall constitute a separate offense. Costs of prosecution shall also be assessed.

**Sec. 110-3.18. Civil remedies.**

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this ordinance are hereby declared to be a nuisance per se. The owner or agent in charge of the building or land, or both the owner and the agent may be adjudged guilty of maintaining a nuisance per se, and any court of competent jurisdiction may order the nuisance abated.

**ARTICLE IV. GENERAL PROVISIONS**

**Sec. 110-4.1. Interpretation.**

- 4.1.1 *Minimum requirements.* In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort convenience, and general welfare.
- 4.1.2 *Higher standards govern.* Where the conditions imposed by any provisions of this ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 4.1.3 *Flexibility.* Although the district requirements are very specific in most instances, reasonable flexibility is offered through such devices as special land use, planned unit developments and variances. A principal objective of this ordinance is the encouragement of appropriate innovation.
- 4.1.4 *Nonabrogation of private agreements.* This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- 4.1.5 *Unlawful buildings, structures, site plans and uses.* No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building structure, or use remains unlawful hereunder.

**Sec. 110-4.2. Separability.**

It is hereby declared to be the intention of the Westland City Council that the several provisions of this ordinance are separable, in accordance with the following:

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4.2.1 *Invalid provisions of ordinance.* If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

4.2.2 *Invalid application of provisions of ordinance.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

### **Sec. 110-4.3. Scope of regulations.**

4.3.1 *Application to all buildings, structure, plans, and uses* All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations including parking, loading and site plan provisions of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

4.3.2 *Previously approved special district (SD), special planned developments (SPD) and other special developments.* Areas indicated on zoning maps as land areas within developments which were approved by the city in accordance with special district regulations of Ordinance Nos. 129, 235 and other special developments shall be considered conforming under the terms of this ordinance, subject to all terms or conditions imposed under said approval.

4.3.3 *Timely exercise of variance.* Where a variance has been granted pursuant to the provisions of this ordinance such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of the issuance unless extended by the approving body.

4.3.4 *Application of yard requirements for uses without buildings.* Where a lot is to be occupied for a permitted use without buildings, the side yard and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation area.

4.3.5 *Residence district land shall not provide access to nonresidence district land.* No land which is located in a residence district shall be used for driveways walkway, or access purposes to any land which is located in a nonresidential district, unless such access shall be by a public street.

### **Sec. 110-4.4. Minimum lot size.**

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any residence district, on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this ordinance are complied with. Where two adjoining lots are under the same ownership, and said two lots are individually smaller than the lot size requirements of the district in which they are located, said two lots shall be considered one lot for the purposes of this section.

### **Sec. 110-4.5. Accessory buildings and uses.**

4.5.1 *Time of construction or establishment.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. No accessory use shall be established on a zoning lot prior to the time of establishment of the principal use.

4.5.2 *Separation between buildings.* In a residential district, detached accessory structures shall be located no closer to any other accessory or principal building than ten feet. An accessory building may be constructed in



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a residential district at a distance less than ten feet from the principal building, if the accessory building complies with provisions of subsection 110-7.4.3 and to the footnotes to schedule of lot size, yard, and building bulk requirements of subsection 110-7.4.4 of this ordinance.

### **Sec. 110-4.6. Bulk regulations.**

- 4.6.1 *Continued conformity with bulk regulations.* The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.
- 4.6.2 *Division of zoning lots.* No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
- 4.6.3 *Location of required open space.* All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- 4.6.4 *Permitted obstructions in required yards.* The following shall be considered to be permitted obstructions when located in the required yards specified:
- a. *In all yards:* Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 24 inches or less into the yard; approved freestanding signs; arbors and trellises; flagpoles; window unit air-conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions.
  - b. *In front yards:* One-story bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard.
  - c. *In rear yards:* Open off-street parking spaces; balconies; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard.
  - d. *In side yards:* Overhanging eaves and gutters projecting 18 inches or less into the yard.

### **Sec. 110-4.7. Incomplete dwellings.**

No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this ordinance shall be used as a dwelling for more than one year following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this ordinance relative to dwellings in the district in which said structure is located. No such structure constructed after the effective date of this ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

### **Sec. 110-4.8. Existing uses classified as special land uses.**

Existing special land uses classified as special land uses under this ordinance. If a use exists as a special land use or other equivalent designation at the date of adoption of this ordinance and is classified as a special land use under the terms of this ordinance, said use shall be considered to be a legal special land use provided all use, building, structure, site plan and locational requirements of this ordinance are met.

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### **Sec. 110-4.9. Interpretation of use lists.**

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or permitted accessory uses may be permitted upon a positive recommendation of the planning commission and a finding by the zoning board of appeals that such uses are clearly similar in nature and compatible with the listed uses for that district. In making such a finding, the zoning board of appeals shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and aesthetic characteristics. The zoning board of appeals shall determine whether such uses shall be permitted by right, special land uses, or permitted as accessory uses. The planning commission and the zoning board of appeals shall have the authority to establish general standards and conditions under which a use may be included in a district under the terms of this section. No use shall be permitted in a district under the terms of the section if said use is specifically listed as a use permitted by right or as a special land use in any other district. A record shall be kept of all uses, conditions and standards which are approved under the terms of this section and once a specific use has been permitted, said type of use may be established within the district subject to any pertinent conditions and standards without further recourse to the procedures of this section.

### **Sec. 110-4.10. Temporary construction structures.**

Temporary construction structures for nonresidential use may be permitted upon approval of the building director when such structures are for use by a contractor or builder in conjunction with a construction project. Any such temporary structure shall be removed as soon as said construction project is completed.

### **Sec. 110-4.11. Number of permitted uses.**

Except as specifically permitted in the townhouse, garden apartment, and shopping center business districts, no more than one principal use or building shall be placed on a zoning lot, as defined in article XVII herein. However, the zoning board of appeals may permit more than one principal use or structure provided that the land area and frontage allocated to each principal building or use are equal to or greater than the lot area and frontage requirements in the zoning district, and provided further that the buildings and land comply with all other requirements of the ordinance in the district in which they are located. In determining area, frontage, and yard setbacks for each such building, a line extending midway between adjacent principal buildings or uses and at right angles to the front lot line shall be considered to be a side lot line.

### **Sec. 110-4.12. Residential occupancy.**

4.12.1 Intent. This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. The city finds that occupancy limits are needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This ordinance is intended also to accommodate those alternative living arrangements.

4.12.2 A dwelling unit may not be occupied by more persons than one of the following family living arrangements:

- a. One or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit, in all districts.

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- b. Four persons plus their offspring living as a single housekeeping unit, in all residential districts.
  - c. Six persons living as a single housekeeping unit in any residential district.
  - d. A functional family living as a single housekeeping unit which has received a special land use permit.
- 4.12.3 In this section offspring means descendants, including natural offspring, adopted children, foster children and legal wards.
- 4.12.4 In this section functional family means a group of people having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.
- 4.12.5 In addition to the standards for granting a special land use approval, a permit for a functional family is subject to the following standards and regulations:
- a. It must meet the definition of this section.
  - b. Two off-street parking spaces must be provided. Additional parking spaces may be recommended by the planning commission if any of the following conditions are met:
    - (1) The property is located more than 300 feet from a bus stop.
    - (2) Street parking available for visitor parking is limited.
    - (3) The petitioner intends to park more than two vehicles regularly on the site and there is limited area available for tandem parking in a driveway.

In order for the planning commission to determine if adequate parking will be provided, the petitioner must submit a plan indicating the location of proposed off-street parking and an analysis of public parking and transit facilities provided within a 300-foot radius of the parcel.
  - c. The permit shall apply only to the functional family type which obtained the permit and shall be limited to the number of persons specified in the permit.
  - d. There is a contact person who will act as head of household in relating to the city.
- 4.12.6 The zoning board of appeals may grant a variance from the standards of this section if it is reasonably necessary to give a handicapped person (as defined in 42 USC §3602) equal opportunity to use and enjoy a dwelling.
- 4.12.7 The occupancy limits of this section do not apply to rooming or boarding houses, emergency shelters, or convalescent homes.

### **Sec. 110-4.13. Temporary sales, uses, or special events and temporary buildings and structures**

Temporary uses, temporary sales of merchandise (including, but not limited to, Christmas trees, pumpkins, flowers, produce, and fireworks), and seasonal or special events may be allowed by the city council in a nonresidential district upon issuance of a permit, when the application information below is provided and the standards of this section are met. Temporary structures are defined as including: Tents, canopies, and other membrane structures used for such sales or events. Temporary structures must also comply with the standards or this section.

- a. *Application information:* The applicant shall submit the following to the building department:

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1. An application form and required fee, as established by the city council. An applicant for temporary fireworks sales must be state registered and certified for the sale of fireworks.
  2. A written statement describing the requested use or event and the start and end dates.
  3. A written description of the procedures to be used for traffic/parking management, waste disposal, security and similar measures to minimize any negative impacts.
  4. Proof of ownership, or if the applicant is not the owner of the land, written permission of the owner of the property to allow the proposed use or event.
  5. Information establishing that reasonable liability insurance coverage is carried, to the satisfaction of the city attorney.
  6. A plot or sketch plan (to scale) illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, boundaries of proposed sales/activity areas, location of any proposed building or structures, any proposed lighting, calculation of required parking based on the standards of article XVI, proposed traffic circulation, location of fire hydrants, proposed setbacks from all property lines and distance to any parcels zoned for residential use, location and size of any proposed signs, and any other information deemed to be necessary by the building director.
  7. Whenever a temporary structure, tent or other enclosure is proposed, the applicant shall be required to submit the plans for such structure, covering, or enclosure to the building department for review, permits and inspection prior to commencement of sales or other activity under the temporary use permit. All proposals for temporary structures will be reviewed by the fire prevention division, and must comply will all requirements of the state construction code, the International Fire Code, NFPA regulations, and all other applicable codes, ordinances and regulations.
  8. Whenever an applicant for a temporary use permit intends to utilize the site for fireworks sales, a copy of the state permit and site plan shall be provided with the application in accordance with the requirements of Public Act 256 of 2011.
  9. A performance guarantee or escrow, in an amount and form acceptable to the city attorney, but which shall be not less than the minimum established by the city council. The performance guarantee shall be deposited prior to the issuance of a permit. The performance guarantee shall be used by the city to pay the cost of returning the property to its state prior to commencement of the event or refunded to the applicant upon compliance with the requirements of this and any other applicable city ordinances.
- b. *Standards and procedures for review:* Proposed temporary uses, events, buildings and structures shall be reviewed by the building director and other such departments as deemed necessary by the building director, using the following standards, and a recommendation shall be made to city council:
1. All required information has been submitted.
  2. The proposed temporary use or event will be on a lot with a permitted principal building or on a vacant lot in a nonresidential district, and the use meets the minimum required setback for buildings in the zoning district and as required in this section.
  3. The proposed use, layout, hours of operation and site improvements, such as fencing, are designed to help ensure compatibility with surrounding land uses.
  4. Adequate off-street parking and circulation will be provided. Where article XVI does not require parking for the proposed use, at least one parking space shall be provided for each 800 square

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feet of gross lot area used for the activity or the amount of parking shall be deemed sufficient by the city council based on reference sources and past experience of the city or other communities.

5. Adequate provisions have been made for trash disposal, sewage disposal and security.
  6. All applicable city building codes and ordinances will be met.
- c. *Operational standards:* A temporary or seasonal sale or event shall comply with the following operational standards:
1. The length of a temporary use or sales event shall not exceed seven days during a season, except that sales of Christmas trees are permitted for up to 45 days. Uses and events which are to occur on a regular schedule (such as every weekend) or over a period of longer than seven days shall be permitted only in commercially zoned districts, based upon a decision by the city council that the use or event will comply with the intent and standards of this section. Such a request must be made known at the time of application, and the permit shall specify the seasonal sales time period.
  2. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary uses and seasonal events shall be removed from the premises within five days of the end of the event. Following the five-day period, the city shall use the escrow fee to clear such items from the property.
  3. The building director shall immediately cease operations of any temporary use or seasonal event which does not conform to these standards.
- d. *Required information and standards for temporary uses, events, and structures:*
1. Temporary sidewalk sales or sales from a temporary structure, which are accessory to the permitted use of the property, shall meet the following requirements:
    - (a) The sale shall be located on an improved lot or parcel which is zoned CB-1, CB-2, CB-3 or CB-4, which has access via an existing paved driveway from a primary road or State of Michigan thoroughfare.
    - (b) All areas subject to vehicular use shall be paved.
    - (c) There shall be no more than two temporary signs to advertise the sale.
    - (d) The portion of the parcels used for accessory, temporary sales shall be located no closer than 250 feet from a parcel that is zoned for residential purposes.
    - (e) The portion of the property used for accessory, temporary sales, and the temporary signs shall meet the setback requirements applicable to the district.
    - (f) The temporary use shall not reduce the parking on the parcel below the required number of spaces for the principal and the accessory, temporary use.
    - (g) The temporary structure must be a canvas, fabric or membrane tent structure. Rail boxes, semi-trailers, and other box type structures are prohibited. The color of the tent structure must be a neutral tan, white or gray.
  2. Temporary sidewalk sales or sales from a temporary structure, which are not accessory to the permitted use, shall meet the following requirements:
    - (a) The sale shall be located on an improved lot or parcel which is zoned CB-1, CB-2, CB-3 or CB-4, which has access via an existing paved driveway from a primary road or State of Michigan thoroughfare.
    - (b) All areas subject to vehicular use shall be paved.

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- (c) There shall be no more than two temporary signs to advertise the sale.
    - (d) The portion of the property used for non-accessory, temporary sales shall be located no closer than 250 feet from a parcel that is zoned for residential purposes.
    - (e) The portion of the property used for non-accessory, temporary sales, and the temporary signs shall meet a minimum setback of 85 feet from the right-of-way line and be setback a minimum of 20 feet from any adjacent property line.
    - (f) The temporary use shall not reduce the parking on the parcel by more than ten percent, and shall not reduce the parking below the required number of spaces for the principal and the non-accessory, temporary use.
    - (g) The temporary structure must be a canvas, fabric or membrane tent structure. Rail boxes, semi-trailers, and other box type structures are prohibited. The color of the tent structure must be a neutral tan, white or gray.
  3. Temporary uses for Christmas tree sales must be located in a commercial zoning district.
  4. Temporary uses for a circus, carnival, concert, air or watercraft show, or similar event shall meet the following requirements:
    - (a) The use must minimize the impact of site activity on surrounding properties, with consideration given to security, parking, traffic, hours of operation, lighting, noise or sound, or other detrimental effects.
    - (b) Security measures must be detailed and must demonstrate that they will adequately provide security for the event.
    - (c) The city council may deny the use based upon the impact that it will have on surrounding properties or security considerations, or may require reasonable conditions to reduce to a minimum any detrimental effect. Such conditions shall become a part of the permit.
  5. Temporary sales conducted by churches or non-profits on property owned by the church or non-profit shall meet the following requirements:
    - (a) The sale shall be located on an improved lot or parcel which is owned by the church or non-profit.
    - (b) All areas subject to vehicular use shall be paved.
    - (c) Reasonable measures shall be implemented to minimize the impact of site activity on surrounding properties.
  6. The building director may approve permits for a temporary residence during construction (including mobile homes) on sites for which a building permit has been issued for construction, major repair, or remodeling of a dwelling unit, and such temporary structure must meet the following requirements:
    - (a) Permits shall be issued for a period of six months, and one addition six-month period shall be permitted if the work is proceeding in an expeditious matter. However, the temporary residential structure shall be moved onto the site no more than 14 days prior to commencement of construction and shall be removed from the site within 14 days following the issuance of a certificate of occupancy for the construction project.
    - (b) The temporary residential structure shall meet district setback requirements.
    - (c) All electrical connections to the temporary residential structure shall be inspected and approved by the building department.

## **ARTICLE V. NONCONFORMITIES**

### **Sec. 110-5.1. Statement of intent.**

This ordinance established separate districts, each of which is an appropriate area for the location of the lots and uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that nonconforming lots, uses, building and structures which substantially and adversely affect the orderly development and assessed value of other property in the district not be permitted to continue without restriction. The purpose of this article is to provide for the regulation of these nonconformities and to specify those circumstances and conditions under which nonconformities shall be permitted to continue.

### **Sec. 110-5.2. Regulations pertaining to nonconforming uses, building and structures.**

It is the purpose of this ordinance to eliminate nonconformities as rapidly as is permitted by law. A nonconforming use or structure shall not be repaired, restored, extended, enlarged or substituted for except in accord with the following requirements:

- 5.2.1 *Repairs, improvements and modernization of nonconforming buildings and structures.* Minor repairs or maintenance of nonconforming buildings and structures are permitted in order to keep them structurally safe and sound. A nonconforming building or structure may be repaired, improved or remodeled provided such repair or improvement does not exceed 25 percent of the market value of the structure to which they are made. The replacement cost shall be determined prior to any repairs or improvements by the building director based upon a report by a qualified appraiser. Improvements to parking and loading areas and to landscaping may be made without any cost limitation provided parking and loading areas which are enlarged meet the requirements of this ordinance.
- 5.2.2 *Damage by fire or other catastrophe to nonconforming buildings or structures.* Any nonconforming buildings or structures damaged by fire, explosion, flood, erosion or other means, shall not be rebuilt, repaired or reconstructed if damaged in excess of 50 percent of the structure's pre-catastrophe market value except when the use or structure would fully comply with the requirements of this ordinance. For developments containing more than one building, the 50 percent standard shall apply to the market value of the total development.
- 5.2.3 *Structural changes and enlargement of nonconforming uses, building or structures.* A nonconforming use, building or structure shall not be enlarged, extended or structurally altered, nor shall the nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity. Any nonconforming use which has been changed and decreased in intensity of use or nonconformity shall not thereafter be permitted to increase the intensity of use or nonconformity.
- 5.2.4 *Mineral extraction nonconformity.* If a mineral extraction operation is designated a nonconforming use, existing holes or shafts may be worked or enlarged on the land which constituted the lot on which operations were conducted at the time of the operation being so classified, but no new holes or shafts shall be established.
- 5.2.5 *Unlawful nonconformity.* No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- 5.2.6 *Physically unsafe nonconformities.* If a nonconforming building or structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of

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physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

**Sec. 110-5.3. Determination of market value.**

The market value and cost of repairing, restoring, or improving a nonconforming use, building or structure excluding contents damaged by fire, explosion, flood, erosion, or other means shall be made on the basis of an appraisal by a qualified individual taken from the list of appraisers as maintained by the building director.

**Sec. 110-5.4. Nonconforming lots of record.**

A permitted principal building and uses, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption of amendment of this ordinance, provided such lot shall have been in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are applicable in the district, provided that minimum setback dimensions and other requirements shall conform to the regulations for the district. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the zoning board of appeals.

**Sec. 110-5.5. Nonconforming buildings or structures under construction.**

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**Sec. 110-5.6. Discontinuance of use.**

- 5.6.1 *Discontinuance of a nonconforming use.* A nonconforming use, building or structure shall be subject to discontinuance as provided by law, including the provision that a nonconforming use once converted to a conforming use cannot be re-established for any reason.
- 5.6.2 *Abandonment.* In the event that a nonconforming use, building or structure is willfully abandoned by the owner or holder, said nonconforming use, building or structure shall not resume or be re-established. Discontinuance of a nonconforming use, building or structure for a period of 12 months or more shall be deemed willful abandonment.
- 5.6.3 *Intention of owner to reestablish use.* Neither the intention of the owner nor that of anybody else to use a building or lot or part of either for any nonconforming use, nor the fact that said building or lot or part of either may have been used in violation of this ordinance shall be taken into consideration in interpreting and construing the words "discontinued" or "abandoned."
- 5.6.4 *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination that does not affect any established nonconforming rights.
- 5.6.5 *Purchase or condemnation.* In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the City of Westland



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may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures.

## **ARTICLE VI. ZONING DISTRICTS**

### **Sec. 110-6.1. Districts.**

For the purposes of this ordinance, the City of Westland is hereby divided into zoning districts. Except as otherwise provided in this ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, moved or altered, except in conformity with the regulations herein specified for the zoning district in which the structure or land is located.

#### *6.1.1 Single- and two-family residence districts:*

- R-1 single-family residential district
- R-2 single-family residential district
- R-3 single-family residential district (reserved for future use)
- R-4 single-family residential district (reserved for future use)
- R-5 single-family residential district
- R-6 two-family residential district

#### *6.1.2 Multiple-family residence districts:*

- THR townhouse residential district
- GAR garden apartment residential district
- MRR mid-rise residential district
- MHR mobile home residential district

#### *6.1.3 Business districts:*

- OB office business district
- CB-1 low-intensity commercial business district
- CB-2 shopping center commercial business district
- CB-3 general commercial business district
- CB-4 vehicle service district

#### *6.1.4 Industrial districts:*

- I-1 light industrial district
- I-2 general industrial district

#### *6.1.5 PUD planned unit development district.*

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## **Sec. 110-6.2. Official zoning map.**

- 6.2.1 *Incorporation of official zoning map herein.* The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled, "City of Westland Official Zoning District Map" as may be amended from time to time.
- 6.2.2 *Identification of official zoning map.* The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city, under the following words: "This is to certify that this is the Official Zoning Map of the City of Westland, Michigan" together with the date of the adoption of this ordinance.
- 6.2.3 *Changes to the official zoning map.* If, in accordance with the provisions of this ordinance and Act 207 of the Public Acts of 1921, as amended, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.
- 6.2.4 *Final authority of official zoning map.* Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the planning director shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.
- 6.2.5 *Rules for interpretation of zoning district boundaries.* The following rules shall apply with respect to the boundaries of the various districts as shown on the official zoning map:
- a. District boundary lines are the center lines of highways, streets, alleys, and easements; right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
  - b. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map from section quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
  - c. Where a district boundary line divided a lot in single ownership on the effective date of this ordinance, the board of appeals, after due hearing, may extend the regulations for either portion of such lot.

## **Sec. 110-6.3. Essential services exempted.**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this ordinance, provided, however, that the installation shall conform to Federal Communications Commission regulations, and those of other authorities having jurisdiction. However, the following essential services shall be subject to the special land-use provisions of article XIII if they are to be located in any residential or business district:

- a. Electrical substations.
- b. Gas regulator stations.
- c. Major transmission lines.

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- d. Radio, television, microwave transmission and relay towers.
  - e. Telephone exchange and transmission equipment buildings.
  - f. Railroad rights-of-way, but excluding railroad yards and shops.
  - g. Water pumping stations.
  - h. Water and waste-water works, reservoirs, pumping and filtration plants.

#### **Sec. 110-6.4. Zoning of annexed land.**

On land hereafter annexed to, or consolidated with, the City of Westland, no building or structure shall be erected, enlarged or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the city council. Within 30 days of the annexation, the planning commission shall file an application for an amendment to establish the zoning district classification of such land. Action shall be taken by the city council regarding the classification of annexed land within 60 days of its receipt of the amendment application from the planning commission.

#### **Sec. 110-6.5. Radio receiving and/or transmitting antennae towers.**

Radio receiving and/or transmitting antennae towers up to a maximum height of 50 feet, as measured from the established grade, shall be allowed in all districts provided the antenna tower is for an amateur radio station licensed by the Federal Communications Commission. Antennae towers for licensed amateur radio stations may be erected up to a maximum height of 75 feet, as measured from the established grade; provided that if the height of the tower is greater than the distance from the center of the base of the antenna tower to any property line, then written permission must first be obtained from at least two-thirds of the adjoining property owners. Antennae towers in residentially-zoned districts shall also meet the following requirements:

- a. All such free-standing towers shall be of a self-supporting design.
- b. The antenna and tower shall be enclosed in a fence or wall to deter any person from climbing the tower, except for service or repair.
- c. Antenna and tower plans shall be submitted to the building official with specifications indicating the ability of the antenna and tower to withstand wind-pressure and ice loads, in accordance with the BOCA Building Code adopted by the City of Westland.
- d. Proof of insurance shall be submitted indicating protection of adjacent property owners from any damage caused by the antenna or tower.

#### **Sec. 110-6.6. Satellite dish antennas.**

Satellite dish antennas for noncommercial use shall be permitted as accessory uses in the rear yards of residentially zoned parcels subject to the following standards except as authorized by Federal Law:

- a. Only one satellite dish antenna shall be permitted on each parcel.
- b. It shall not be located where it will block fire lanes or utility easements or obstruct the view from windows in existing adjoining buildings.
- c. It shall not be closer to any lot line than its height.
- d. Satellite dish antennas anchored to the ground shall not exceed one story or 14 feet in height.
- e. Satellite dish antennas may be mounted on the roof provided they are not visible from the front of the building and provided further they do not exceed three feet in diameter.

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- f. Satellite dish antennas located on corner lots shall be screened from the road right-of-way.
  - g. Variances. A variance may be granted by the zoning board of appeals from the provisions of this section in cases involving practical difficulties, where the evidence supports that the topographic features or special characteristics of the site create special conditions such that the strict application of this section will prevent the reception of usable satellite signals.

### **Sec. 110-6.7. Exterior materials.**

To promote the consistent and orderly development of the community and to enhance the character of the city's visual environment, the materials proposed for the exterior of all principal buildings must be shown on approved site plans and building permits. All exterior wall materials on new principal buildings or additions to existing principal buildings shall be shown on a site plan or building permit plans and be made of face or glazed brick, split rock, or stone veneer, unless, one or more of the following materials, or other similar materials are approved by the city council:

- a. Concrete fluted or ribbed blocks.
- b. Concrete precast or formed in place panels.
- c. Granite, marble or lime stone.
- d. Tinted or reflected glass or glass blocks.
- e. Residential buildings shall hereafter be constructed of face or glazed brick, split rock, or stone veneer, except for "decorative paneling" or siding which shall not exceed ten percent of the face of any wall and also excepting gable ends, dormers and the second story of single-family dwellings, if 65 percent of the lots and frontage on both sides of the street in any block where the proposed improvement is contemplated contains structures made of material other than brick, split rock, or stone veneer; in which event, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be substantially similar in type and style so that the new or altered building will be in harmony with the character of the existing neighborhood, nothing herein shall prevent any residential improvement from being constructed of brick, split rock, or stone veneer. The building director may issue the building permit upon examining the plans and specifications and determining that the materials proposed on the application will not alter the harmony or character of the neighborhood. All sites, except single-family dwelling lots, are required to have architectural review of building materials as part of the site plan review process.
- f. The exterior materials indicated on the site plan shall not be painted or stained unless approved by the city council.

### **Sec. 110-6.8. Wireless telecommunications towers and antennas.**

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

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in nonresidential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use or collocation of new and existing tower sites as a primary option rather than construction of additional single-use towers;

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- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
  - (8) Consider the public health and safety of communication towers; and
  - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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

6.8.2 *Definitions.* As used in this ordinance, the following terms shall have the meanings set forth below:

- a. "Alternative tower structure" means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- c. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- d. "FAA" means the Federal Aviation Administration.
- e. "FCC" means the Federal Communications Commission.
- f. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- g. "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- h. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

6.8.3 *Applicability.*

- a. *New towers and antennas.* All new towers or antennas to be located within the City of Westland shall be subject to these regulations, except as provided in subsections 6.8.3(b) through (d), inclusive.

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- b. *Amateur radio station operators/receive only antennas.* This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
  - c. *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of subsections 6.8.4(f) and (g).
  - d. *AM array.* For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### 6.8.4 General requirements.

- a. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the planning director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Westland or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The planning director may share such information with other applicants applying for approvals or special land use approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Westland, provided, however that the planning director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d. *Aesthetics.* Towers and antennas shall meet the following requirements:
  - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- f. *State or federal requirements; monitoring fee.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling

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state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. The planning director shall establish compliance and monitoring procedures to ensure compliance with state and federal standards and regulations. Owners of all wireless telecommunication antennas shall pay an annual license fee of \$100.00 per antenna to fund the cost of monitoring compliance.

- g. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Westland concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- h. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Westland irrespective of municipal and county jurisdictional boundaries.
- i. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- j. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Westland have been obtained and shall file a copy of all required franchises with the planning director.
- k. *Public notice.* For purposes of this ordinance, any special use request, variance request, or appeal of an approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection 6.8.7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the zoning ordinance.
- l. *Signs.* No signs shall be allowed on an antenna or tower.
- m. *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 6.8.8.
- n. *Multiple antenna/tower plan.* The City of Westland encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

#### 6.8.5 Administratively approved uses.

- a. *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:
  - (1) The planning director may administratively approve the uses listed in this section.
  - (2) Each applicant for administrative approval shall apply to the planning director providing the information set forth in subsections 6.8.7(b)(1) and 6.8.7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of the city council to reimburse the City of Westland for the costs of reviewing the application.
  - (3) The planning director shall review the application for administrative approval and determine if the proposed use complies with subsections 6.8.4, 6.8.7(b)(4) and 6.8.7(b)(5) of this ordinance.

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- (4) The planning director shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the planning director fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
  - (5) In connection with any such administrative approval, the planning director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - (6) If an administrative approval is denied, the applicant shall file an application for a special land use approval pursuant to subsection 6.8.7 prior to filing any appeal that may be available under the zoning ordinance.
- b. *List of administratively approved uses.* The following uses may be approved by the planning director after conducting an administrative review:
- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any I-1 or I-2 zoning district, upon compliance with the setback and separation requirements contained in subsections 6.8.7(b)(4) and (b)(5).
  - (2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
    - (a) *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the planning director as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
      - (i) The antenna does not extend more than 30 feet above the highest point of the structure;
      - (ii) The antenna complies with all applicable FCC and FAA regulations; and
      - (iii) The antenna complies with all applicable building codes.
    - (b) *Antennas on existing towers.* A proposed antenna which is to be attached to an existing tower may be approved by the planning director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
      - (i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the planning director allows reconstruction as a monopole.
      - (ii) Height.
        - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
        - (b) The height change referred to in subsection (ii)(a) may only occur one time per communication tower.
        - (c) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in subsection 6.8.7. The



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tower's pre-modification height shall be used to calculate such distance separations.

(iii) Onsite location.

- (a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location provided applicable setback requirements are met.
- (b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- (c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 6.8.7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 6.8.7(b)(5).
- (d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in subsection 6.8.7(b)(5) shall only be permitted when approved by the planning director.

- (3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

6.8.6 *Permitted uses.*

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

6.8.7 *Special land use approval required.*

- a. *General.* The following provisions shall govern the issuance of special use permits for towers or antennas by the city council:
  - (1) If the tower or antenna is not a permitted use under subsection 6.8.6 of this ordinance or permitted to be approved administratively pursuant to subsection 6.8.5 of this ordinance, then a special land use approval shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
  - (2) Applications for special land use under this section shall be subject to the procedures and requirements of article XIII of the zoning ordinance, except as modified in this section.
  - (3) In granting a special land use approval, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
  - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

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- (5) An applicant for a special land use approval shall submit the information described in this section and a nonrefundable fee as established by resolution of the city council to reimburse the City of Westland for the costs of reviewing the application.

b. *Towers.*

- (1) *Information required.* In addition to any information required for applications for special use permits pursuant to article XIII of the zoning ordinance, applicants for a special land use approval for a tower shall submit the following information:
- (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in subsection 6.8.7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the planning director to be necessary to assess compliance with this ordinance. Refer to article XII of the zoning ordinance.
  - (ii) Legal description of the parent tract and leased parcel (if applicable), and the names and addresses of all owners and lessees.
  - (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 6.8.4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing towers(s) and the owner/operator of the existing tower(s).
  - (v) A landscape plan showing specific landscape materials in accordance with article XI of the zoning ordinance.
  - (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - (vii) A description of compliance with subsections 6.8.4(d), (e), (f), (g), (j), (l), and (m), 6.8.7(b)(4), 6.8.7(b)(5) and all applicable federal, state or local laws.
  - (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - (ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - (x) A written description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - (xi) A written description of the feasible location(s) of future towers or antennas within the City of Westland based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) *Factors considered in granting special land use approval for towers.* In addition to any standards for consideration of special land use approval applications pursuant to article XIII of the zoning ordinance, the city council shall consider the following factors in determining whether to issue a special land use approval, although the city council may waive or reduce the burden on the

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applicant of one or more of these criteria if the city council concludes that the goals of this ordinance are better served thereby:

- (i) Height of the proposed tower;
  - (ii) Proximity of the tower to residential structures and residential district boundaries;
  - (iii) Nature of uses on adjacent and nearby properties;
  - (iv) Surrounding topography;
  - (v) Surrounding tree coverage and foliage;
  - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (vii) Proposed ingress and egress; and
  - (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 6.8.7(b)(3) of this ordinance.
- (3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the city council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all towers for which a special land use approval is required; provided, however, that the city council may reduce the standards setback requirements if the goals of this ordinance would be better served thereby:

- (i) Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
  - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the city council may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- (i) Separation from off-site uses.
    - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses as specified in Table 1, except as otherwise provided in Table 1.
    - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

**Table 1**

Off-Site Uses	Separation Distance
Single-family or duplex residential units <sup>1</sup>	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower <sup>2</sup> whichever is greater
Vacant unplatted residentially zoned lands <sup>3</sup>	200 feet or 300% height of tower whichever is greater
Existing multifamily residential units greater than duplex units	200 feet or 300% height of tower whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply as required by the zoning ordinance

<sup>1</sup> Includes modular homes and mobile homes used for living purposes.

<sup>2</sup> Separation measured from base of tower to closest building setback line.

<sup>3</sup> Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

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

**Table 2**

	Lattice	Guyed	Monopole 75 ft. In Height or Greater	Monopole Less Than 75 ft. in Height

Lattice	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Monopole 75 ft. in height or greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole less than 75 ft. in height	750 ft.	750 ft.	750 ft.	750 ft.

- (6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height.
- (7) *Landscaping.* Article XI of the zoning ordinance shall govern the landscaping surrounding towers for which a special land use approval is required.

6.8.8 *Buildings or other equipment storage.*

- a. *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
  - (1) The cabinet or structure shall not contain more than 240 square feet of gross floor area or be more than ten feet in height. An addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 240 square feet of gross floor area or ten feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent of the roof area.
- b. *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
  - (1) In residential districts, the equipment cabinet or structure shall be located in conformance with applicable setback requirements.
  - (2) In commercial or industrial districts the equipment cabinet or structure shall be located in conformance with applicable setback requirements.
- c. *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 240 square feet of gross floor area or be more than ten feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

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

For each location identified on the applicant/provider's survey maps and drawings, the applicant shall include a description of the security to be posted at the time of receiving a building permit for the wireless communication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subsection 6.8.9 above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the office of the Wayne County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner

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shall be responsible for the payment of any costs and attorney's fees incurred by the City of Westland in securing removal.

**[Sec. 110-9.9. Reserved.]**

**Sec. 110-6.10. Wind turbines.**

6-10.1 *Purpose and intent.* The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:

- (a) To promote the safe, effective, and efficient use of wind turbines installed to reduce the on-site consumption of electricity supplied by utility companies while protecting the health, safety, and welfare of the residents of the City of Westland.
- (b) To minimize the potential adverse effects that wind turbines and wind energy facilities may have on residential areas and land uses by promoting and requiring careful design, siting, noise limitations, and innovative camouflaging techniques.
- (c) To avoid potential damage to people and adjacent properties from turbine failure through engineering and proper siting of turbine structures.

6-10.2 *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means the person or entity filing an application under this article.

*Hub height* means the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

*Nonparticipating landowner* means any landowner except those on whose property a wind turbine is located.

*Occupied building* means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use on the date the permit application is submitted.

*Operator* means each person or entity responsible for the day-to-day operation and maintenance of a wind turbine.

*Roof-mounted wind turbine* means a single wind energy conversion system that is mounted to the roof of any structure with a maximum rotor diameter of seven feet.

*Turbine height* means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

*Wind turbine* means a freestanding or roof-mounted, single wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. This may also include an anemometer.

6-10.3 *Permitted uses.*

- (a) The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
- (b) Permitted uses. The following uses are specifically permitted:
  - (1) A single roof-mounted wind turbine not to exceed the height limit in that zoning district and shall be considered a permitted accessory use on a single parcel in any R-1, R-2, R-3, R-4, or R-5 zoned district, if it meets all of the other applicable standards and requirements of article VI.

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6-10.4 *Permit required.*

- (a) A freestanding wind turbine or a second roof-mounted wind turbine in any R-1, R-2, R-3, R-4, or R-5 zoned district zoned parcel requires special land use approval.
- (b) Except as forth in article VI, subsection 110-6-10.3(b)(1), no wind turbine shall be constructed or located within the City of Westland unless a permit has been issued to the owner or operator approving construction of it under this article.
- (c) Any physical modification to an existing and permitted wind turbine or turbines that materially alters the size, type and number of wind turbines or other equipment shall require a permit amendment under this article. Like-kind replacements shall not require a permit modification.
- (d) Wind turbines in all zoning districts shall be subject to any approval required by the Federal Aviation Administration (FAA).

6-10.6 *Wind turbines in nonresidential districts.*

- (a) *General.* The following provisions shall govern the issuance of special use permits for wind turbines by the city council:
  - (1) If the wind turbine is not a permitted use under subsection 110-6-9.3(b)(1) of this section, a special land use approval shall be required for the construction of a wind turbine.
  - (2) Applications for special land use under this section shall be subject to the procedures and requirements of article XIII of the zoning ordinance, except as modified in this section.
  - (3) In granting a special land use approval, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed wind turbine on adjoining properties.
  - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
  - (5) An applicant for a special land use approval shall submit the information described in this section and a non-refundable fee as established by resolution of the city council to reimburse the City of Westland for the costs of reviewing the application.
- (b) The application shall contain the following:
  - (1) A narrative describing the project location, the approximate generating capacity of the wind turbine, the height of the turbine to be constructed, and a description of ancillary facilities.
  - (2) An affidavit or similar evidence of agreement between all property owners demonstrating that the applicant has the permission of all property owners to apply for necessary permits for construction and operation of the wind turbine.
  - (3) A scaled site plan clearly indicating the location, type and height of the proposed wind turbine and ancillary equipment, property lines, setback lines, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wind turbine and any other structures, topography, parking, and other information deemed by the planning director to be necessary to assess compliance with this section.
  - (4) A landscape plan showing specific landscape materials in accordance with article XI of this chapter.
  - (5) Documents related to decommissioning.

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- (6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
  - (7) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City of Westland to ensure compliance with this article.
  - (8) The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbines generator; provided, however, this standard shall not apply to an anemometer tower. The planning director or the city council may require the submission of a wind resource study ("study") documenting wind resources on the site over a minimum of one year. The study shall indicate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of one percent or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The city may retain the services of an independent, recognized expert to review the results of the study prior to acting on the application for special land use permit. This review shall be at the expense of the applicant.
  - (9) Each proposed wind turbine or anemometer tower shall be set back from any adjoining lot line a distance equal to the overall height of the tower.
- (c) Within 45 days after receipt of a permit application, the planning director will determine whether the application is complete and advise the applicant accordingly.
  - (d) After the completeness determination, the Westland Planning Commission will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
  - (e) After the public hearing by the planning commission, the city council will make a decision whether to issue or deny the special land use.
  - (f) The city council shall make the final determination on the application for special land use approval. Such determination shall be based solely on the requirements and standards of this chapter. Approval, approval with conditions, or disapproval shall be made by resolution setting forth the city council's findings regarding the pertinent requirements and standards. If the special land use is approved by the city council, the applicant may then submit the written approval to the zoning enforcement officer who will then sign the zoning certificate if all other zoning certificate requirements have been met, and all required signatures have been obtained. If the special land use approval is denied, the city council may by resolution require that a revised special land use application be resubmitted for review and approval in accordance with the process outlined above. If in the judgment of the city council, the special land use application can be approved if minor modifications are made, the city council may by resolution issue a conditional approval in writing and provide for resubmission of a revised special land use application to the enforcement officer who shall sign the zoning certificate upon determination that all appropriate modifications have been made in accordance with city council stipulations, and that all other zoning certificate requirements have been met.
  - (g) Each action taken with reference to special land use review and approval shall be duly recorded in the minutes of the planning commission and city council and the grounds for the action taken upon each special land use submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.
  - (h) It shall be the responsibility of the owner of a property for which special land use approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the special



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land use approval was granted, or until a new special land use approval has been obtained as a basis for modifying the use or site plan. Any property owner who fails to so maintain a special land use as approved shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate to such a use violation. All plans, specifications, and statements submitted with the application for a special land use approval shall become, with any changes ordered by the city council, a part of the conditions of any approval issued by the city council pursuant thereto.

- (i) Factors considered in granting special land use approval for wind turbines. In addition to any standards for consideration of special land use approval applications pursuant to article XIII of the zoning ordinance, the city council shall consider the following factors in determining whether to approve a special land use, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:
- (1) Height of the proposed wind turbine;
  - (2) Proximity of the wind turbine to residential structures and residential district boundaries;
  - (3) Nature of uses on adjacent and nearby properties;
  - (4) Surrounding topography;
  - (5) Surrounding tree coverage and foliage;
  - (6) The size of the property upon which the proposed wind turbine is to be located, set back requirements, and lot-coverage requirements;
  - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (8) The results of any study;
  - (9) Proposed ingress and egress;
  - (10) The impact on the natural environment;
  - (11) The exterior lighting and drainage shall not negatively affect any adjacent property or the surrounding area;
  - (12) The proposed special land use will be consistent with the general objectives of the city master plan;
  - (13) The potential effect of noise and light flicker upon any individual in surrounding occupied buildings or on a nonparticipating landowner's property;
  - (14) The proposed special land use will be compatible with adjacent uses of land in terms of location, size and character, and will have no negative impact on adjacent property or the surrounding neighborhood; and,
  - (15) Reasonable conditions may be imposed by the city council upon approval of a special land use to reduce to a minimum any detrimental effect. Conditions imposed shall become part of the site plan and shall remain unchanged unless a change in conditions is approved by the city council.
- (j) Setbacks. The following setback requirements shall apply to all wind turbines for which a special land use approval is required; provided, however, that the city council may reduce the standards setback requirements if the goals of this ordinance would be better served thereby:
- (1) Wind turbines must be set back a distance equal to at least a distance equal to the overall height of the wind turbine from any adjoining lot line.

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- (2) Any guys and accessory buildings must satisfy the minimum zoning district setback requirements.
  - (3) Wind turbines shall be set back from the nearest occupied building a distance of not less than ten feet.
  - (4) All wind turbines shall be set back from the nearest public road a distance equal to the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base. Those turbines rigidly attached to a building and whose base is on the ground may reduce this required setback by the amount equal to the distance from the point of attachment to the ground.
  - (k) Security fencing. The city council may require wind turbines to be enclosed by security fencing not less than six feet in height.
  - (l) Landscaping. Article XI of the zoning ordinance shall govern the landscaping surrounding wind turbines for which a special land use approval is required.

6-10.7 *Wind turbine design and installation.*

- (a) *Compliance with building code.* All wind turbines shall comply with the building code currently adopted by the city. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footing. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.
- (b) *Braking system.* All wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (c) *Compliance with applicable electrical codes and standards.* All electrical components of the wind turbine shall conform to relevant and applicable local, state and national codes, as well as applicable international standards.
- (d) *Visual appearance; power lines.*
  - (1) Wind turbines shall be either monopole, monolithic tube or lattice style construction, and a non-obtrusive color such as white, off-white or gray.
  - (2) Roof-mounted wind turbines are not subject to color restrictions except that they must be maintained in their original manufactured color.
  - (3) Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - (4) Wind turbines shall not display advertising, except for one sign no greater than two square feet identifying the turbine manufacturer, and one sign no greater than two square feet providing the owner's name, address and telephone number for emergency calls. Both signs must be located on the lowest ten feet of the structure.
  - (5) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
- (e) *Warnings.*
  - (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

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- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
  - (f) *Climb prevention/locks.*
    - (1) Wind turbines shall not be climbable up to 15 feet above ground surface.
    - (2) All access doors to wind turbines and electrical equipment shall be locked to prevent entry by unauthorized persons.

6-10.8 *Wind turbine height.*

- (a) Maximum height for a single wind turbine in R-6, THR, GAR, MRR, MHR, CB-1, CB-2, CB-3, CB-4, OB, I-1, and I-2 districts shall be limited to 70 feet.
- (b) Maximum height for a single wind turbine serving a R-1, R-2, R-3, R-4, and R-5 zoned district shall be limited to 30 feet from ground level.

6-10.9 *Noise and shadow flicker.*

- (a) Audible sound from any and all wind turbines shall not exceed 45 dba, as measured at the exterior of an occupied building on a nonparticipating landowner's property.
- (b) The city council may impose restrictions upon the owner or operator of a wind turbine to minimize shadow flicker to any occupied building or nonparticipating landowner's property.

6-10.10 *Utility notification.* No wind turbine shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6-10.11 *Signal interference.* The applicant shall not disrupt or interfere with radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine.

6-10.12 *Decommissioning.*

- (a) The property owner or facility owner and operator shall, at its expense, complete decommissioning of a wind turbine or wind energy facility within 12 months after the end of the useful life of the facility or individual wind turbine. The wind turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of six months.
- (b) Decommissioning shall include removal of wind turbines, building, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (c) Disturbed earth shall be graded and reseeded.

(Ord. No. 248-A-69, §§ 1—12, 8-2-10)

## **ARTICLE VII. SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS**

### **Sec. 110-7.1. Intent.**

It is the intent of this article to provide for single- and two-family residential development at a variety of densities, which are consistent with the existing and desirable future pattern of development in the city. Provision is made for a variety of residential densities in order to accommodate different residential preferences within areas which meet the minimum lot size standards consistent with each different preference. The regulations provide for a limited number of nonresidential special land uses which may be established for the convenience of residents while still preserving the overall residential character of the districts. Provision is also made for

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accommodating mobile homes used as single-family dwellings on lots outside of mobile home parks. The intent of these regulations is to permit the use of mobile homes in all districts in which similar dwellings constructed on the site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such mobile homes and dwellings that have been or might be constructed under these and other lawful regulations in the same district.

**Sec. 110-7.2. Permitted land uses: R-1 through R-5 single-family residential districts.**

7.2.1 *Permitted principal uses.* The following land uses shall be permitted by right in R-1, R-2 and R-5 single-family district:

- a. Single-family detached dwellings.
- b. Parks and playgrounds.
- c. Essential services for which special land use approval is not required in accordance with section 110-6.3.
- d. On-site signs as regulated in article XV.
- e. Mobile homes used as single-family dwellings, subject to the requirements set forth in subsection 7.9.6.
- f. State licensed residential facilities, as defined in Public Act 110, Section 102(s) and Section 206.

7.2.2 *Special land uses.* The following land uses shall be permitted as special land uses in the R-1, R-2 and R-5 single-family districts subject to the lot area, yard, and setback requirements set forth in this article and subject to the standards and approval requirements as provided for in article XIII:

- a. Cemeteries.
- b. Cultural facilities, as follows:
  - Public libraries and public art galleries.
  - Public museums and aquariums.
- c. Education facilities (nonboarding), as follows:
  - Elementary schools.
  - Junior and senior high schools.
  - Colleges and universities.
- d. Essential services for which special land use approval is required in accordance with section 110-6.3.
- e. Extended health-care facilities, as follows:
  - Hospitals.
  - Sanitariums.
  - Nursing and convalescent homes.
- f. Greenhouses, nurseries and related horticultural operations, provided any accessory retail operations are limited to the sale of plant material or food products grown on the site, gardening supplies and equipment, and other products directly related to gardening or horticulture.
- g. Group day care home.

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- h. Kennels for more than three dogs when located on a lot which also contains the principal residence of the proprietor.
  - i. Off-street parking for immediately adjacent nonresidential uses.
  - j. Philanthropic and eleemosynary uses.
  - k. Public service uses and buildings, as follows:
    - Public administration buildings, local, county, state, and federal.
    - Fire stations.
    - Police stations.
  - l. Recreation and social facilities, as follows:
    - Golf courses, driving ranges, pitch and putt, or miniature golf courses.
    - Recreation buildings and community centers, noncommercial.
    - Swimming pools, noncommercial.
    - Tennis clubs and courts, noncommercial.
  - m. Religious institutions, as follows:
    - Churches, chapels, temples, and synagogues.
    - Convents, seminaries, monasteries, and nunneries.
    - Rectories, parsonages, and parish houses.

7.2.3 *Accessory structures and uses.* The following structures and uses shall be permitted in the R-1, R-2 and R-5 districts as accessory to a permitted use or an approved special land use subject to the lot size, yard, and setback requirements set forth in this article:

- a. Adult foster care family home.
- b. Auditoriums, meeting rooms, offices, and similar facilities accessory to religious institutions, provided such facilities are used for activities normally associated with church business. Activities associated with church business generally do not have daily business hours; use existing church space and facilities on a temporary basis; use mostly volunteers as employees; donate revenues produced directly to the church; and, offer mostly donated goods or services.
- c. Athletic fields and playgrounds accessory to educational facilities when the athletic fields or playgrounds are specifically approved as special land uses and when 1.2 square feet of site area over and above the minimum otherwise required is provided for every 1.0 square feet of site area occupied by the accessory athletic school or play ground.
- d. Clubhouses and other structures on the grounds of private clubs, golf courses, and tennis clubs, accessory to recreational and social facilities when the clubhouse or other structures are specifically approved as special land uses.
- e. Child-care centers and nursery schools accessory to religious institutions when the child-care centers or nursery schools are specifically approved as special land uses.
- f. Family day care home.
- g. Garages and carports.
- h. Greenhouses and conservatories, private (noncommercial).

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- i. Home occupations, subject to the following performance standards:
    - 1. Total floor area devoted to the home occupation in the principal building shall not exceed 25 percent of the gross floor area of the dwelling. No accessory building shall be used in the activities of the home occupation.
    - 2. Outside appearance of premises shall have no visible evidence of the conduct of a home occupation.
    - 3. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
    - 4. No article or service shall be sold or offered for sale on the premises except those which are produced by such home occupation on the premises.
    - 5. The nature of the home occupation shall not generate more than ten business-related vehicle trips in any one day in the vicinity of the home occupation, not more than two persons visiting the site at one time and any need for parking generated by the conduct of such home occupation shall be provided off-street in accordance with the off-street parking requirements.
    - 6. No equipment or process shall be used in such home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
    - 7. A garage, yard, house or basement sale is permitted if conducted in accordance with the requirements of other city ordinances.
    - 8. The following are typical examples of uses which often can be conducted within the limits of these restrictions and thereby qualify as home occupations. Uses which may qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it for a home occupation); accountant, architect, author, conducting craft or fine art activities, consultant, dressmaking, musical instrument instruction, dance classes, photography, individual tutoring, millinery, preserving and home cooking.
    - 9. The following uses are not permitted as home occupations if conducted as a person's principal occupation and the person's dwelling is used as the principal place of business: vehicle repair or painting, dental office and medical office.
    - 10. Child day care facilities not exceeding six children.
  - j. Living quarters, detached for persons employed on the premises if occupied by such persons and their immediate family, when 4,400 square feet of site area above the minimum otherwise required is provided for each accessory dwelling unit.
  - k. Mausoleums and grounds maintenance buildings accessory to cemeteries.
  - l. Pavilions, restrooms, snack bars, and similar buildings accessory to parks and playgrounds.
  - m. Radio receiving and/or transmitting antennae towers subject to the standards in section 110-6.5.
  - n. Satellite dish antennae subject to the standards in section 110-6.6.
  - o. Secondary religious facilities servicing a principal religious institution with special land use approval.
  - p. Sewage disposal units, individual.
  - q. Stadiums and grandstands in athletic fields accessory to educational facilities when the stadiums or grandstands are specifically approved as special land uses and when 1.2 square feet of site area over and above the minimum otherwise required is provided for every 1.0 square feet of site area occupied by the accessory stadium or grandstand.

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- r. Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
  - s. Swimming pools and tennis courts, private.
  - t. Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.
  - u. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

**Sec. 110-7.3. Permitted land uses: R-6 two-family residential district.**

7.3.1 *Permitted principal uses.* The following land uses shall be permitted by right in the R-6 two-family residential district:

- a. Two-family dwellings.
- b. Single-family dwellings subject to the lot size, yard, and building bulk requirements in the R-5 district.
- c. Essential services for which special land use approval is not required in accordance with section 110-6.3.
- d. On-site signs as regulated in article XV.
- e. State licensed residential facilities, as defined in Public Act 110, Section 102(s) and Section 206.

7.3.2 *Accessory structures and uses.* The following structures and uses shall be permitted as accessory to a permitted use in the R-6 residential district:

- a. Garages and carports.
- b. Home occupations, subject to the standards in subsection 7.2.3(i).
- c. Radio receiving and/or transmitting antennae towers subject to standards in section 110-6.5.
- d. Satellite dish antennae subject to the standards in section 110-6.6.
- e. Sewage disposal units, individual.
- f. Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- g. Swimming pools and tennis courts, private.
- h. Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.
- i. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

**Sec. 110-7.4. Lot size, yard and building bulk requirements.**

7.4.1 *Lot size requirements.* Lot size requirements for R-1, R-2, R-5 and R-6 districts shall be as specified in the "schedule of lot size, yard, and building bulk requirements." In addition, the following lot size requirements shall be met:

- a. No lot shall be less in width than one-fourth its depth.
- b. The lot size requirements for special land uses shall be minimum requirements which may be increased if determined necessary in order to meet special land use standards as a condition for granting special land use approval.

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- c. No additional lot area shall be required for accessory uses except as specifically set forth for each accessory use.

7.4.2 *Yard setback requirements.* Yard setback requirements for R-1, R-2, R-5 and R-6 districts shall be as specified in the "schedule of lot size, yard, and building bulk requirements."

- a. Where two-thirds or more of the lots on a block face are built upon, no new front yard shall be less than the average front yard for the built-upon lots.
- b. The side yard abutting upon a street shall not be less than 20 feet, when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the adjoining front yard. Side yards between dwellings shall be alternated so as to provide a minimum of 15 feet between dwellings.
- c. The yard size requirements for special land uses shall be minimum requirements which may be increased if determined necessary to meet special land use standards and as a condition for granting special land use approval.
- d. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as allowed in subsections 110-4.6.5 and 110-7.4.3 and in article XI.
- e. For lots less than 60 feet in width, which were of record on the effective date of this ordinance a minimum side yard of three feet and a minimum combined width of both side yards of 11 feet shall be permitted, provided that the principal buildings on adjoining lots shall be located not less than ten feet apart, and provided the width of the overhang shall not exceed 12 inches, not including gutter.
- f. For lots less than 35 feet in width which were on record on the effective date of this ordinance, the required combined width of side yards may be reduced by six inches for each lot or major fraction thereof by which the width of such lot is less than 35 feet provided that the minimum side yard shall be not less than three feet and the combined width of both side yards shall be not less than six feet. Provided, however, that this requirement shall not apply to any lot which at the time this ordinance becomes effective is narrower at the front building line, or less in area than the specifications herein provided, if such lot was of record at the time of the effective date of this ordinance.

7.4.3 *Residential accessory buildings.* Buildings accessory to residential buildings shall be governed by the following regulations:

- a. Where a residential accessory building is structurally attached to a main building or is less than ten feet distant from a main building, it shall be subject to, and must conform to, all yard and bulk regulations of this ordinance, applicable to the main building.
- b. A residential accessory building may occupy not more than 40 percent of a required rear yard, and/or 25 percent of any non-required rear yard; provided that in no instance shall the total square footage of all accessory buildings exceed the ground floor area of the main buildings.
- c. A detached accessory building shall be located so that its front building line is at least ten feet to the rear of the building line of any main building, provided that a detached private garage shall be so located that its front building line is not closer to the front lot line than the rear building line of any main building.
- d. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot.
- e. Structures such as steps, paved terraces, garden walls, or retaining walls, not over three feet above the finished grade, may be erected in the required front, side or rear open spaces.



- f. Accessory buildings for residential land uses shall not be erected in any required yard except a rear yard, provided further, that in no instance shall such a building be nearer than two feet to any adjoining lot line.
- g. Nonresidential accessory buildings or structures shall not be constructed on any lot prior to the time of construction of the principal building.
- h. Detached accessory structures shall not exceed a height of 14 feet. However, the height of an accessory structure may exceed 14 feet provided that:
  - (1) The size of the lot exceeds one-third of an acre (14,520 square feet),
  - (2) The accessory structure does not exceed the maximum height requirement for the principal structure, and
  - (3) Approval of the zoning board of appeals is first obtained for any such height variance.

7.4.4 *Maximum building bulk requirements.* Maximum building bulk requirements for R-1, R-2, R-5 and R-6 districts shall be as specified in the "schedule of lot size, yard, and building bulk requirements."

**Sec. 110-7.5. Minimum single-family and two-family residential floor area and width.**

The minimum single-family and two-family dwelling use floor area and width for the R-1, R-2, R-5 and R-6 residential districts shall be as specified below:

		Minimum Floor Area per Dwelling Unit	Minimum Width per Dwelling Unit
R-1	Single-family dwellings With basement	1,600 sq. ft. 1,900 sq. ft.	24 ft.
	Without basement		
R-2	Single-family dwellings With basement	1,500 sq. ft. 1,700 sq. ft.	24 ft. 24 ft.
	Without basement		
R-5	Single-family dwellings With basement	1,000 sq. ft. 1,200 sq. ft.	24 ft. 24 ft.
	Without basement		
R-6	Two-family dwellings With basement	900 sq. ft. 1,200 sq. ft.	24 ft. 24 ft.
	Without basement		

**Sec. 110-7.6. Signs.**

Signs shall be allowed in residential districts in accordance with the regulations established in article XV.

**Sec. 110-7.7. Off-street parking and loading.**

Off-street parking and loading facilities, accessory to uses allowed in residential districts, shall be provided in accordance with the regulations established in article XVI.

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### **Sec. 110-7.8. Frontage of dwelling.**

Each dwelling shall be situated upon a lot having direct frontage for at least 20 feet upon a public street at least 50 feet wide except that in single-family districts, a single family detached dwelling may be erected upon a lot having direct frontage for at least 20 feet upon:

- a. Any public street which is not an alley or secondary means of access to the block.
- b. An unobstructed easement of access to a public street, providing said easement is at least 30 feet wide at all points and is for the exclusive use of the lot upon which said dwelling is to be situated.
- c. An unobstructed private road which provides access to a public street, providing said private road has an easement or right-of-way of at least 30 feet at all points and is improved to the asphalt hard surface requirements of the City of Westland Engineering Department standards.

(Ord. No. 248-A-6, § 5, 1-4-99)

### **Sec. 110-7.9. Standards for mobile homes in single-family districts.**

A mobile home may be used as a single-family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.

#### *7.9.1 Lot requirements.*

- a. A mobile home may be placed only on a lot that is located in a zoning district which permits single-family dwellings.
- b. Not more than one mobile home (single- or double-wide) shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single-family dwelling is located.
- c. A mobile home shall not be used as an accessory building on any residential lot.
- d. Unless otherwise specified herein, mobile homes used outside of mobile home parks shall conform to all of the requirements and standards in the zoning district in which the mobile home is located.

#### *7.9.2 Minimum floor area, floor width, and building bulk requirements.*

- a. The minimum exterior width along any exterior side elevation of the mobile home shall be not less than 24 feet at any point.
- b. The mobile home shall comply with the minimum square footage (floor area) requirements for the zoning district in which it is located.
- c. The minimum interior floor-to-ceiling height shall not be less than seven feet, six inches.

#### *7.9.3 Foundation requirements.*

- a. A mobile home shall be attached to a permanent foundation constructed on the site in accordance with the Building Code of the City of Westland.
- b. The mobile home shall be installed according to manufacturer's setup requirements, and secured using an anchoring system that meets the Michigan Mobile Home Commission requirements.
- c. The distance between the ground elevation of the mobile home and the top of the basement or crawlspace shall not exceed two feet.

- d. The wheels, tongue and hitch assembly, or other towing appurtenances shall be removed before attaching the mobile home to its foundation.

7.9.4 *Utilities.* Mobile homes in single-family districts shall be connected to public water and sewer facilities.

7.9.5 *Exterior design and appearance.* The exterior design and appearance of a mobile home in a single-family district shall be similar or closely compatible to that found on conventional single-family stick-built homes in the surrounding area. Accordingly, mobile homes in single-family districts shall meet the following standards:

- a. Exterior walls, including the roof line, shall be finished with natural or simulated natural materials, common to conventional single-family dwellings, such as, but not limited to, beveled siding, vertical siding, board and batten siding, brick, shakes or shingles.
- b. The pitch of the roof shall not be less than one foot of rise for each four feet of horizontal run.
- c. The roofing material shall be shake, tile, composition shingle or other material commonly found on conventional single-family stick-built homes in the surrounding areas.
- d. A roof drainage system shall be designed to collect and concentrate the discharge of rain and snow-melt waters and prevent roof drainage along the sides of the dwelling.
- e. The roof shall have sloping lines with eaves, such as gable, mansard or shed style roofs, or shall be compatible with conventional single-family stick-built homes in the surrounding areas.
- f. A mobile home shall have no fewer than two permanent exterior doors for entrance and/or exit, either at the front and rear or front and side of the mobile home. Each door shall have either steps or a porch connected to the exterior door area where a difference in elevation requires the same.

7.9.6 *Construction standards.* Mobile homes located in single-family districts shall comply with the building code of the City of Westland and with the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 88 Stat. 700, 42 U.S.C. Section 5401, et seq.). If the mobile home was built prior to 1974, it must be certified by the City of Westland as complying with the standards of the above Act.

**Sec. 110-7.10. Schedule of lot size, yard and building bulk requirements.**

	Minimum Lot Size			Minimum Yard Setback Requirements				Maximum Bulk Requirements		
	Minimum Lot Area	Minimum Lot	Minimum Lot	Front	Least Side	Sum of Sides	Rear	Minimum Building Height	Maximum Lot Coverage	
	(sq. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	stories	feet	(percent)
<b>USES PERMITTED BY RIGHT</b>										
R-1 Single-Family Detached Dwelling	9,600	80	100	30	5	20	35	2	30	30
R-2 Single-Family Detached Dwelling	8,400	70	100	30	5	15	35	2	30	30

R-5 Single-Family Dwelling	7,200	60	100	25	5	15	35	2	30	30
R-6 Two-Family Dwelling <sup>2</sup>	8,400	80	100	25	10	20	35	2	30	30
<b>SPECIAL LAND USES IN SINGLE-FAMILY DISTRICTS</b>										
Cemeteries	435,600	660	330	30	30	60	30	2	30	30
Child Care Centers and Nursery Schools	20,000	100	100	30	30	60	30	2	30	30
Cultural Facilities	20,000	100	100	Each yard setback shall be 30 feet plus 1 foot for each foot in height of structure over 30 feet				2	30	30
Educational Facilities	80,000	200	200	Same as above				2	30	30
Health Care Facilities	40,000	150	150	Same as above						30
Kennels for up to 6 dogs for each additional dog	130,680 5,000	200	200	75	75	150	75	20	30	30
Off-Street Parking for Adjacent Nonresidential Uses	7,200	60	100	15	15	15	15	0	0	0
Philanthropic and Eleemosynary Uses	40,000	150	150	30	30	60	30	2	30	30
Public Service Uses	20,000	100	100	30	30	60	30	2	30	30
Public Utility Uses	20,000	100	100	30	30	60	30	2	30	30
Recreational and Social Facilities	80,000	200	200	30	30	60	30	2	30	30
Religious Institutions	40,000	150	150	30	30	60	30	2	30	30

FOOTNOTES:

1. Where the garage is continuous with and attached to the house, the sum of two sides shall be at least ten feet, provided a minimum clearance of 15 feet exists between existing adjoining houses on either side (R-1, R-2, R-5, R-6 districts).
2. Single-family dwellings in the R-6 district will be subject to the lot size, yard, and building bulk requirements in the R-5 district.
3. The building director, upon good cause shown, may in his discretion, and only with respect to the construction of a new single-family residence, waive a requirement of this schedule up to a distance not exceeding six inches, and

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further provided such waiver will not act to increase the size or square footage of the structure beyond those dimensions as set forth in the building plans previously approved by the building director.

***ARTICLE VIII. TOWNHOUSE (THR), GARDEN APARTMENT (GAR), MID-RISE (MRR)  
AND MOBILE HOME (MHR) RESIDENTIAL DISTRICTS***

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### **Sec. 110-8.1. Intent.**

It is the intent of this article to provide for multiple-family housing of a variety of types and densities consistent with the existing and desirable future pattern of development in the city. Provision is made for townhouse, garden apartment and mid-rise multiple-family districts. Provision is also made for mobile home parks at multiple-family densities. These residential types will provide a range of housing options for current and future residents. The townhouse, garden apartment, mid-rise, and mobile home districts should be located in areas which are large enough to create a substantial multiple-family environment. In general, the townhouse and garden apartment districts should be mapped on parcels which alone or together with other contiguous townhouse or garden apartment parcels contain at least 80,000 square feet and constitute an entire block face or more. The mid-rise districts should, in general, be mapped on individual parcels which are at least 200,000 square feet. The mobile home district should be mapped on parcels which are located in close proximity to amenities such as public parks and open space areas, and established shopping facilities. The regulations in this article protect townhouse, garden apartment, and mid-rise residential districts from the encroachment of incompatible land uses. Regulations for these districts do not permit the wide range of nonresidential special land uses permitted in single-family residential districts because these districts are intended for selective mapping at limited locations which should be preserved for multiple-family use. Office and low-intensity commercial uses are permitted as special accessory land uses in the mid-rise residential district.

### **Sec. 110-8.2. Permitted land uses (THR townhouse, GAR garden apartment and MRR mid-rise residential districts).**

- 8.2.1 *Permitted uses.* Permitted uses of land or buildings shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use permitted in the zoning district in which such building or zoning lot shall be located, except in accordance with the provisions of section 110-4.9.
- 8.2.2 *Prohibited uses.* It is the intent of this ordinance to specifically prohibit uses which are not listed as permitted uses, or which are not approved for addition to the list of permitted uses in accordance with section 110-4.9. Establishments which have more than 20 percent of their floor area devoted to other uses or to accessory uses shall be deemed in violation of this ordinance.
- 8.2.3 *Site plan requirements.* All uses in the THR, GAR and MRR districts shall be subject to the site plan requirements set forth in article XI and shall meet the following additional site plan requirements:
- a. All public utilities shall be placed underground.
  - b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by engineering standards duly adopted by the city council.
- 8.2.4 *Site plan review requirements.* All uses shall be subject to the site plan review requirements of article XI.
- 8.2.5 *Signs.* Signs shall be permitted in accordance with the regulations established in article XV.
- 8.2.6 *Off-street parking and loading.* Off-street parking and loading facilities, accessory to uses permitted shall be provided in accordance with the regulations established in article XVI.

### **Sec. 110-8.3. THR townhouse residential district.**

- 8.3.1 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the THR townhouse residential district:

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- a. Townhouse dwelling units.
  - b. Single-family dwellings subject to lot, size, yard and building requirements of the R-5 district.
  - c. Parks and playgrounds.
  - d. Essential services for which special land use approval is not required in accordance with section 110-6.3.
  - e. On-site signs as regulated in article XV.
  - f. State licensed residential facilities, as defined in Public Act 110, Section 102(s) and Section 206.

8.3.2 *Accessory structures and uses.* The following structures and uses shall be permitted as accessory to a permitted use in the THR townhouse residential district:

- a. Community buildings containing recreation facilities, offices, meeting rooms, and other services for the exclusive use of the residents of the property on which they are located and their nonpaying guests, provided that a minimum separation of 50 feet is provided between community buildings and any residential structures, and provided further that applicable building bulk requirements set forth herein are complied with.
- b. Garages and carports.
- c. Home occupations subject to the standards in subsection 110-7.2.3(i).
- d. Radio receiving and/or transmitting antennae towers subject to the standards in section 110-6.5.
- e. Satellite dish antennae subject to the standards in section 110-6.6.
- f. Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- g. Swimming pools and tennis courts for the exclusive use of the residents of the property on which they are located and their gratuitous guests.
- h. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

8.3.3 *Minimum lot size requirements.*

- a. Minimum lot area: 80,000 square feet for lots with up to 16 residential units, plus 4,300 square feet for each additional residential unit. The minimum lot area for developments designed specifically to house elderly residents shall be reduced to 55 percent of the square footage cited above.
- b. Minimum lot width: 200 feet.
- c. Minimum lot depth: 200 feet.

8.3.4 *Minimum yard requirements.*

- a. *Minimum setback requirements:*

Front: 35 feet  
Side: Single-story building: 20 feet  
Two-story building: 30 feet  
Rear: 35 feet

- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.

- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash which is generated from indoor domestic activities shall not be located in any required or unrequired front yard area or in any required side yard area subject to the standards of subsection 110-11.6.1.
- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street or a single- or two-family residential district. Parking shall be permitted in unrequired side and rear yard areas. Parking shall be prohibited in required front yards.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in required front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

8.3.5 *Maximum building bulk requirements.*

- a. Maximum building height:  
Stories: 2  
Feet: 30
- b. Maximum lot coverage: 30 percent for all principal and accessory buildings.
- c. Maximum building length: 180 feet.
- d. Maximum number of residential units per structure: 10
- e. Separation between buildings: 20 feet or greater as determined by the formula below (see appendix for diagram):

S =

S = Required minimum horizontal distance between any wall of Building "A " and any wall of Building "B" or the vertical prolongation of either.

La = Length of Building "A"  
The length of Building "A" is the length of that portion or portions of a wall or walls of Building "A" from which, when viewed directly from above, lines drawn perpendicular to Building "A" will intersect any wall of Building "B".

Lb = Length of Building "B"  
The length of Building "B" is the length of that portion or portions of a wall or walls of Building "B" from which, when viewed directly from above, lines drawn perpendicular to Building "B" will intersect any wall of Building "A".

Ha = Height of Building "A"  
The height of Building "A" at any given level is the height above natural grade level of any portion or portions of a wall or walls, along the length of Building "A". Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Hb = Height of Building "B"  
The height of Building "B" at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building "B". Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



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### 8.3.6 *Minimum development standards.*

- a. *Minimum residential unit floor area:*
  - (i) Studio and one-bedroom townhouse units:
    - With basement: 750 square feet.
    - Without basement: 950 square feet.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all units on a zoning lot shall be studio or efficiency units

- (ii) Two or more bedroom townhouse units:
  - With basement: 950 square feet.
  - Without basement: 1,150 square feet.

Any housing development designed specifically for elderly residents shall provide a minimum floor area of 320 square feet for efficiency apartments and 450 square feet for one bedroom units. In addition, any such elderly housing development shall allocate a minimum of 1,000 square feet of floor area to common space (such as dining areas, recreation areas, sitting rooms, etc.). The common space shall be increased by at least 35 square feet per dwelling unit for each unit in excess of 30 units contained in the development.

- b. *Mandatory garage:* A one-car or larger garage shall be provided for each townhouse unit. Said garage shall be attached to the unit it serves or lie adjacent to private outdoor space attendant to the unit it serves.
- c. *Mandatory private outdoor space:* A minimum of 150 square feet of private outdoor space shall be provided for each townhouse unit. Said outdoor space shall be enclosed with a fence or wall at least five feet in height and constructed of materials equal in quality and durability to that used to cover the townhouse unit itself. Said wall or fence may have openings for ventilation.
- d. *Mandatory landscaped open-space area:* A landscape open space area or areas landscaped in accordance with the provisions of Section 11:3.5 and equal in size to 1,000 square feet times the number of residential units on the site shall be provided. Open space areas counted toward meeting this requirement shall have a length not greater than four times their width and shall be located where they are easily accessible to the residential units they serve. Required open space area may be reduced in size by one square foot for each square foot of private outdoor space that is provided in excess of the 150 square foot per residential unit minimum requirement set forth in "c" above.

## **Sec. 110-8.4. GAR garden apartment residential district.**

8.4.1 *Permitted principal uses.* The following land uses are permitted by right in the GAR District:

- a. Townhouse dwelling units.
- b. Single-family dwellings subject to lot, size, yard and building requirements in the R-5 district.
- c. Garden apartments.
- d. Parks and playgrounds.
- e. Essential services for which special land use approval is not required in accordance with section 110-6.3.
- f. On-site signs as regulated in article XV.

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- g. State licensed residential facilities, as defined in Public Act 110, Section 102(s) and Section 206.

8.4.2 *Accessory structures and uses.* Any accessory structure or uses permitted in the THR townhouse district (see subsection 110-8.3.2).

8.4.3 *Minimum lot size requirements.*

- a. Minimum lot area: 80,000 square feet for lots with up to 20 dwelling units, plus 3,600 square feet for each additional dwelling unit. The minimum lot area for developments designed specifically to house elderly residents shall be reduced to 55 percent of the square footage cited above.
- b. Minimum lot width: 200 feet.
- c. Minimum lot depth: 200 feet.

8.4.4 *Minimum yard requirements.*

- a. Minimum setback requirements:

Front: 35 feet

Side:

    Single story building: 20 feet

    Two story building: 30 feet

Rear: 35 feet

- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in section 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash which is generated from domestic activities shall not be located in any required or unrequired front yard area or in any required side yard subject to standards in section 110-11.6-1.
- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street or a single- or two-family residential district. Parking shall be permitted in unrequired side and rear yard areas. Parking shall be prohibited in required front yards.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

8.4.5 *Maximum building bulk requirements.*

- a. Maximum building height:

Stories: 3

Feet: 40

- b. Maximum lot coverage: 30 percent for all principal and accessory buildings.
- c. Maximum building length: 180 feet.
- d. Separation between buildings: 20 feet or greater as determined by the formula in section 110-8.3.5.

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#### 8.4.6 *Minimum development standards.*

- a. Minimum residential unit floor area:
  - (i) Studio and one-bedroom garden apartment units: 750 square feet or 550 square feet plus a 200-square-foot separate storage area for each unit.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all units on a zoning lot shall be studio or efficiency units.
  - (ii) Two or more bedroom garden apartment units: 950 square feet or 750 square feet plus a 200-square-foot separate storage area for each unit.

Any housing development designed specifically for elderly residents shall provide a minimum floor area of 320 square feet for efficiency apartments and 450 square feet for one bedroom units. In addition, any such elderly housing development shall allocate a minimum of 1,000 square feet of floor area to common space (such as dining areas, recreation areas, sitting rooms, etc.). The common space shall be increased by at least 35 square feet per dwelling unit for each unit in excess of 30 units contained in the development.
- b. Mandatory private outdoor space: A minimum of 60 square feet outdoor space or balcony shall be provided for each garden apartment unit.
- c. Mandatory landscape open-space area: GAR district: A landscape open-space area or areas landscaped in accordance with the provisions of section 110-11.3.5 and equal in size to 1,000 square feet times time number of residential units on the site shall be provided. Outdoor open space areas counted towards meeting this requirement shall have a length not greater than four times their width and shall be located where they are easily accessible to the garden apartment units they serve.

### **Sec. 110-8.5. MRR mid-rise residential district.**

8.5.1 *Permitted principal uses.* The following land uses are permitted by right in the MRR mid-rise residential district:

- a. Townhouse dwelling units.
- b. Garden apartments.
- c. Mid-rise residential structures.
- d. Parks and playgrounds.
- e. Essential services for which special land use approval is not required in accordance with section 110-6.3.
- f. On-site signs as regulated in article XV.
- g. State licensed residential facilities, as defined in Public Act 110, Section 102(s) and Section 206.

8.5.2 *Special land uses.* Any use permitted by right in the OB, or CB-1 districts shall be permitted as a special land use in the MRR district subject to the standards and approval requirements as provided for in article XIII and further subject to the following conditions:

- a. The special land use shall not occupy a building area equal to more than ten percent of the total building area occupied by residential permitted principal uses. Parking facilities for either the special land use or the permitted residential use shall not be counted in building area calculations for the purposes of this section.

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- b. Signs for the special land use shall not exceed in number or area one-half the total which would be permitted if the special land use were located in the OB district.
  - c. The site shall be arranged so that vehicular access and parking facilities for the special land use do not conflict with vehicular access and parking facilities for the permitted principal use.

8.5.3 *Accessory structures and uses.* Any accessory structures or uses permitted in the THR townhouse district (see subsection 110-8.3.2).

8.5.4 *Minimum lot size requirements.*

- a. Minimum lot area: 80,000 square feet for lots with up to 20 dwelling units, plus 1,250 square feet for each additional residential unit. The minimum lot area for developments designed specifically to house elderly residents shall be reduced to 55 percent of the square footage cited above.
- b. Minimum lot width: 200 feet.
- c. Minimum lot depth: 200 feet.

8.5.5 *Minimum yard requirements.*

- a. Minimum setback requirements:
  - Front: 50 feet, or one foot for every foot of building height, whichever is greater.
  - Side: 30 feet, or one foot for every foot of building height, whichever is greater.
  - Rear: 50 feet, or one foot for every foot of building height, whichever is greater.
- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash which is generated from domestic activities shall not be located in any required or unrequired front yard area or in any required side yard area subject to the standards of subsection 110-11.6.1.
- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
- f. Parking structures and shelters shall not be permitted in any required front, side or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

8.5.6 *Maximum building bulk requirements.*

- a. Maximum building height:
  - Stories: 12
  - Feet: 120
- b. Maximum lot coverage: 35 percent for all principal buildings, and 65 percent for the total of all principal and accessory buildings and paved vehicular drive and parking areas.
- c. Maximum building length: 180 feet.

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- d. Separation between buildings: The minimum distance between any two buildings shall be regulated according to the length and height of such buildings.

The formula regulating the required minimum distance between two buildings (referred to as Building "A" and Building "B") is determined by the formula in subsection 110-8.3.5.

**8.5.7 Minimum residential unit floor area.**

- a. Studio and one-bedroom dwelling units: 750 square feet.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all dwelling units shall be of the studio or one-bedroom type.

- b. Two bedrooms or more dwelling units: 950 square feet.

**8.5.8 Minimum landscape open-space area.** A landscape open-space area or areas equal in size to 350 square feet times the number of residential units on the site shall be provided. Such landscape open-space areas shall be landscaped as provided in subsection 110-11.3.5.

**Sec. 110-8.6. MHR mobile home residential district.**

Regulations for the MHR mobile home residential district shall be the same as in the Michigan Mobile Home Commission Rules as adopted and amended by the Michigan Mobile Home Commission for the City of Westland and set forth herein shall govern where applicable.

**8.6.1 Rule 920.** Rule 920(i) of the Michigan Mobile Home Commission Rules shall read as follows for the City of Westland:

- a. A road shall have a driving surface not less than the following:
  - (1) One way 20 feet
  - (2) Two way, with no parking 22 feet
  - (3) At access points where general traffic enters or leaves the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads.

**8.6.2 Rule 923.** Rule 923 of the Michigan Mobile Home Commission Rules shall read as follows for the City of Westland:

Rule 923. Curbing, integral valley, inverted crown or other drainage system acceptable to the City Engineer shall be installed on all internal roads. If curbing is used, it shall be constructed as follows:

- (a) Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.
- (b) If integral valley curbing and gutter or mountable curb and gutter are used, the height of the curb measured from the gutter line shall be between 3 and 5 inches.
- (c) Crosswalks shall conform to Act No. 8 of the Public Acts of 1973, being § 125.1361 et seq. of the Michigan Compiled Laws. [Effective 3/1/79.]

**8.6.3 Rule 941.** Rule 941 of the Michigan Mobile Home Commission Rules shall be amended by adding the following language for the City of Westland:

- (5) The minimum site size for any mobile home lot shall be 5,500 square feet, except that this minimum may be reduced to 4,400 square feet provided that additional mobile home park open-space is set aside in an amount equal to one (1) square foot for each square foot by which each site is reduced. Said additional open-space shall not be counted toward meeting the open-space requirements established elsewhere in these rules.

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8.6.4 *Rule 944*. Rule 944(1) of the Michigan Mobile Home Commission Rules shall be amended to read as follows for the City of Westland:

- (1) Mobile homes, permanent park buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the park.

## **ARTICLE IX. BUSINESS DISTRICTS**

### **Sec. 110-9.1. Intent.**

It is the intent of this article to provide for viable office and commercial development in the City of Westland, while at the same time preserving the quality of adjacent and nearby residential areas. It is the determination of the Westland City Council that this intent can best be achieved by limiting office and commercial development to sites which are sufficiently wide and deep to permit business areas to function and be perceived as separate and apart from nearby residential areas. Where sites which are not sufficiently wide and deep exist, the council has determined that the residential environment can best be protected by limiting permitted business uses to those which will have the least external impact on adjacent residences. This article sets forth regulations for five business districts, each of which has a different combination of land uses and/or area, bulk, and other requirements. Each district is designed for mapping in certain locations where its specific combinations of use, area, bulk, and other requirements are more appropriate than the combinations of use, areas, bulk, and other requirements of the other four districts. In determining uses for inclusion in each district, the city council has considered intensity factors including trip generation characteristics, trade and service area characteristics, typical hours of operation, and other determinants of residential compatibility.

The OB office business district provides for the most limited range of business uses. It is designed for mapping on shallow sites which back up to residential areas. The office uses generate the lowest volumes of vehicular traffic and have other use-intensity characteristics which make them compatible with adjacent residential areas. The CB-1 commercial business district provides the same office uses permitted in the OB district as well as a selection of commercial and personal service uses which are of relatively low-use intensity in comparison to other commercial uses. The CB-1 commercial business district is intended for mapping on shallow sites which back up to residential areas. Flexibility is provided for the CB-1 district by permitting higher-intensity uses as special land uses. The CB-2 shopping center business district provides for a wide range of commercial business uses, including high-intensity commercial uses. The shopping center district is intended for mapping on relatively wide and deep sites. The CB-3 general commercial business district provides for a wide range of commercial business uses. The CB-4 vehicle service district provides for certain automotive sales and service uses and compatible uses. The CB-3 and CB-4 districts are mapped on sites where the existing pattern of high-intensity thoroughfare-oriented development is firmly established, and on other sites where there is a particular need to provide for the uses permitted in these districts.

### **Sec. 110-9.2. General requirements: OB, CB-1, CB-2, CB-3 and CB-4 business districts.**

9.2.1 *Permitted uses*. Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use permitted hereinunder in the zoning district in which such building or zoning lot shall be located, except in accordance with the provisions of section 110-4.9.

9.2.2 *Prohibited uses*. It is the intent of this ordinance to specifically prohibit uses which are not listed as permitted uses, or which are not approved for addition to the list of permitted uses in accordance with section 110-4.9. Establishments which have more than 20 percent of their floor area devoted to other uses or to accessory uses shall be deemed in violation of this ordinance.

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9.2.3 *Site plan requirements: Business districts.* All uses in the OB, CB-1, CB-2, CB-3 and CB-4 districts shall be subject to the site plan requirements set forth in article XI and shall meet the following additional site design requirements:

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by engineering standards duly adopted by the city council.

9.2.4 *Site plan review requirements: Business districts.* All uses shall be subject to the site plan review requirements of article XII.

9.2.5 *Signs.* Signs shall be permitted in accordance with article XV.

9.2.6 *Off-street parking and loading.* Off-street parking and loading facilities, accessory to uses permitted, shall be provided in accordance with the regulations established in article XVI.

### **Sec. 110-9.3. OB office business district.**

9.3.1 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the OB office business district:

- a. Office uses:
  - Architectural, engineering, and similar offices.
  - Real estate, insurance, financial institutions and other business offices.
  - Medical offices and outpatient clinics.
  - Legal and accounting offices.
  - Business service establishments, including:
    - Management consulting services.
    - Consumer credit reporting agencies.
    - Duplicating services.
    - Mailing and stenographic services.
    - Other similar business services.
  - Offices, but not meeting halls, of nonprofit organizations including:
    - Professional membership organizations.
    - Labor unions, civic, social and fraternal organizations.
    - Political organizations.
    - Stock, bond, and other brokerage establishments.
- b. Laboratories, medical and dental.
- c. Essential services for which special land use approval is not required in accordance with section 110-6.3.
- d. On-site signs as regulated in article XV.

9.3.2 *Special land uses.*

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- a. Any permitted principal use in the CB-1 or CB-2 districts shall be permitted as a special land use in the OB business district subject to the standards and approval requirements as provided in article XIII and subject further to the requirement that such special land use or combination of special land uses shall not occupy more than 25 percent of the structure in which it is located or the complex of structures on the same zoning lot on which it is located.
  - b. Establishments other than drive-in or drive-through restaurants that sell prepared food such as ice cream, baked goods, and pizza, for take out.
  - c. Institutional and related uses as listed below:
    - Child care centers and nursery schools.
    - Cultural facilities, as follows:
      - Public libraries and public art galleries.
      - Public museums and aquariums.
    - Educational facilities (nonboarding) as follows:
      - Elementary schools.
      - Junior and senior high schools.
      - Colleges and universities.
    - Essential services for which special land use is required in accordance with section 110-6.3.
    - Recreation and social facilities, as follows:
      - Golf courses, golf driving ranges, pitch and putt, or miniature golf courses, recreational buildings and community centers, noncommercial.
      - Swimming pools, noncommercial.
      - Tennis clubs and courts, noncommercial.
    - Religious institutions, as follows:
      - Churches, chapels, temples, and synagogues.
      - Rectories, parsonages, and parish houses.
    - Extended health care facilities as follows:
      - Hospitals.
      - Sanitariums.
      - Nursing and convalescent homes.
  - d. Marijuana provisioning centers/retailers, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.
  - e. Marijuana safety compliance facilities, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.

9.3.3 *Accessory structures and uses.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.



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- b. No accessory structure shall be located in any front or side yard area.
  - c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
  - d. Auditoriums, meeting rooms, offices, and similar facilities shall be permitted as accessory uses to religious institutions, provided such facilities are used for activities normally associated with church business. Activities associated with church business generally do not have daily business hours; use existing church space and facilities on a temporary basis; use mostly volunteers as employees; donate revenues produced directly to the church; and, offer mostly donated goods or services.

9.3.4 *Minimum lot size requirements: OB district.*

- a. Minimum lot area: 10,000 square feet.
- b. Minimum lot width: 80 feet.

9.3.5 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures:  
Front: 25 feet  
Side: 10 feet  
Rear: 30 feet
- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. A side yard which abuts a street shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides.
- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
- f. Parking structures and shelters shall not be permitted in any required front, side or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

9.3.6 *Maximum building bulk requirements: OB district.*

- a. Maximum building height:  
Stories: 2  
Feet: 30
- b. Maximum lot coverage: 30 percent for all principal and accessory buildings.
- c. Maximum building length: 180 feet.

(Ord. No. 248-A-93, § 1, 10-21-19)

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## **Sec. 110-9.4. CB-1 low intensity commercial business district.**

9.4.1 *Permitted principal uses.* The following land and/or structure uses shall be permitted by right in the CB-1 low intensity commercial business district:

- a. Any principal use permitted in the OB office business district.
- b. Convenience commercial uses:
  - Convenience food stores.
  - Dry goods and notions stores.
  - Flower shops.
  - Ticket agencies, entertainment.
  - Ticket agencies, transportation.
  - Tobacco shops.
  - Travel agencies.
  - Food stores, including grocery stores, supermarkets and specialized food stores, such as bakeries and delicatessens.
  - Hardware stores.
- c. Personal service uses:
  - Barber and beauty shops.
  - Dry cleaning and laundry establishments.
  - Photographic studios.
  - Tailor and dressmaker shops.
  - Art merchandising studios.
  - Art supply stores.
  - Book and stationery stores.
  - Business machine sales.
  - Camera stores.
  - Carpet and rug stores.
  - Coin and philatelic stores.
  - Furniture stores.
  - Gift shops.
  - Hearing aid stores.
  - Interior decorators.
  - Jewelry stores, costume.
  - Jewelry stores, fine.
  - Key shops.

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- Leather and luggage stores.
  - Musical instrument sales.
  - Office supply stores.
  - Optician retail sales.
  - Picture framing.
  - Tanning salons.
  - d. Comparison commercial uses:
    - Bicycle sales, rental, and repair shops.
    - Electrical showrooms and shops.
    - Garden supply stores.
    - Hobby shops.
    - Household, appliance stores.
    - Household, notions and dry goods.
    - Music, video and record sales and rental stores.
    - Novelty shops.
    - Paint, glass, and wallpaper stores.
    - Pet stores.
    - Plumbing showrooms and shops.
    - Sporting goods.
    - Toy stores.
  - e. General commercial uses and repair services as listed below:
    - Appliance repair establishments for household appliances.
    - Blueprinting and photostating establishments.
    - Catering establishments.
    - Exercise and physical fitness establishments, less than 10,000 square feet in area.
    - Exterminating shops.
    - Locksmith shops.
    - Newspaper distribution agencies.
    - Parking lots and garages.
    - Pawn shops.
    - Printing and publishing shops, less than 10,000 square feet in area.
    - Small engine repair for lawn mowers, snow blowers, and similar devices. Veterinary establishments.
    - Wood sales for fireplaces and stoves, provided that no splitting of wood occurs on the site.
  - f. Funeral homes and mortuaries.

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9.4.2 *Special land uses.*

- a. Any permitted principal use in the CB-2 district shall be permitted as a special land use in the CB-1 low intensity commercial business district subject to the standards and approval requirements as provided in article XIII and subject further to the requirement that such special land uses or combination of special land uses shall not occupy more than 25 percent of the structure in which it is located or the complex of structures in the same zoning lot on which it is located.
- b. Restaurants and establishments serving alcoholic beverages for consumption on the premises shall be permitted as special land uses in the CB-1 district subject to the standards and approval requirements as provided in article XIII.
- c. Restaurants with drive-through facilities subject to a traffic impact study, prepared by a qualified traffic engineer.
- d. Institutional and related uses as listed below shall be permitted as special land uses in the CB-1 low intensity commercial business district subject to the standards and approval requirements as provided in article XIII. Such uses shall include:

Child-care centers and nursery schools.

Cultural facilities, as follows:

Public libraries and public art galleries.

Public museums and aquariums.

Educational facilities (nonboarding), as follows:

Elementary schools.

Junior and senior high schools.

Colleges and universities.

Essential services for which special land use approval is required in accordance with section 110-6.3.

Extended health care facilities, as follows:

Hospitals.

Sanitariums.

Nursing and convalescent homes.

Public service uses and buildings, as follows:

Public administration buildings, local, county, state, and federal.

Fire stations.

Police stations.

Recreation and social facilities, as follows:

Golf courses, golf driving ranges, pitch and putt, or miniature golf courses.

Recreational buildings and community centers, noncommercial.

Swimming pools, noncommercial.

Tennis clubs and courts, noncommercial.

Religious institutions, as follows:

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Churches, chapels, temples, and synagogues.

Rectories, parsonages and parish houses.

- e. Automobile accessory stores, provided no installation of accessories or parts occur on the premises.
- f. Drug stores and pharmacies.
- g. Clothing stores.
- h. Marijuana provisioning centers/retailers, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.
- i. Marijuana safety compliance facilities, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.

9.4.3 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- d. Auditoriums, meeting rooms, offices, and similar facilities shall be permitted as accessory uses to religious institutions, provided such facilities are used for activities normally associated with church business. Activities associated with church business generally do not have daily business hours; use existing church space and facilities on a temporary basis; use mostly volunteers as employees; donate revenues produced directly to the church; and, offer mostly donated goods or services.
- e. Temporary outdoor sales accessory to special land uses or to uses permitted by right as regulated by section 110-4.13.

9.4.4 *Minimum lot size requirements.*

- a. Minimum lot area: 10,000 square feet.
- b. Minimum lot width: 80 feet.

9.4.5 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures: CB-1:  
Front: 15 feet.  
Side: 10 feet.  
Rear: 20 feet.
- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, article XI, and in paragraph "d" below.
- c. Side yard which abut streets shall conform to the same yard setbacks and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors.

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- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
  - f. Parking structures and shelters shall not be permitted in any required front, side or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

9.4.6 *Maximum building bulk requirements.*

- a. Maximum building height:  
Stories: 2  
Feet: 30
- b. Maximum lot coverage: 40 percent for all principal and accessory buildings.

(Ord. No. 248-A-93, § 1, 10-21-19; Ord. No. 248-A-102, 2-1-21)

**Sec. 110-9.5. CB-2 shopping center commercial business district.**

9.5.1 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the CB-2 shopping center commercial business district:

- a. Any principal use permitted in the OB and CB-1 districts.

9.5.2 *Special land uses.*

- a. Any permitted principal use in the CB-3 district shall be permitted as a special land use in the CB-2 shopping center commercial business district subject to the standards and approval requirements as provided in article XIII and subject further to the requirement that such special land uses or combination of special land uses shall not occupy more than 25 percent of the structure in which it is located or the complex of structures in the same zoning lot on which it is located.
- b. Standard restaurants, fast-food restaurants, and establishments serving alcoholic beverages for consumption on the premises shall be permitted as special land uses in the CB-2 shopping center commercial business district subject to the standards and approval requirements as provided in article XIII.
- c. Institutional and related uses as listed below shall be permitted as special land uses in the CB-2 shopping center commercial business district subject to the standards and approval requirements as provided in article XIII. Such uses shall include:

Child-care centers and nursery schools.

Cultural facilities, as follows:

Public libraries and public art galleries.

Public museums and aquariums.

Educational facilities (nonboarding), as follows:

Elementary schools.

Junior and senior high schools.

Colleges and universities.

Essential services for which special land use approval is required in accordance with section 110-6.3.

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Extended health care facilities, as follows:

Hospitals.

Sanitariums.

Nursing and convalescent homes.

Public service uses and buildings, as follows:

Public administration buildings, local, county, state, and federal.

Fire stations.

Police stations.

Recreation and social facilities, as follows:

Golf courses golf driving ranges, pitch and putt, or miniature golf courses.

Recreational buildings and community centers, noncommercial.

Swimming pools, noncommercial.

Tennis club and courts, noncommercial.

- d. Auto accessory stores, provided no installation of accessories or parts occur on the premises.
- e. Drug stores and pharmacies.
- f. Clothing stores.
- g. Marijuana provisioning centers/retailers, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.
- h. Marijuana safety compliance facilities, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.
- i. Blood plasma donation centers.

9.5.3 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use or a principal use permitted as part of a planned unit development shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is necessary.
- d. Temporary outdoor sales accessory to special land uses or uses permitted by right.

9.5.4 *Minimum lot size requirement.*

- a. Minimum lot area: 4 acres.
- b. Minimum lot width: Not less than one-fourth depth.

9.5.5 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures:
  - Front: 50 [feet].
  - Side: 25 [feet].

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Rear: 25 [feet].

- b. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any requires side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 110-11.6.1.
- e. Unsheltered parking shall not be permitted within 25 feet of a side or rear yard which abuts a street.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

9.5.6 *Maximum building bulk requirements.*

- a. Maximum building height: Equal to the distance to the nearest property line.
- b. Maximum lot coverage: 35 percent for all principal and accessory buildings.

(Ord. No. 248-A-93, § 1, 10-21-19; Ord. No. 248-A-99, § 1, 8-3-20)

**Sec. 110-9.6. CB-3 general commercial business district.**

9.6.1 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the CB-3 general commercial business district:

- a. Any principal use permitted in the OB, CB-1 and CB-2 districts.
- b. General commercial uses as listed below:

Amusement establishments, including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and skating rinks.

Art, sculptor, and composer studios.

Auction rooms.

Blueprinting and photostating establishments.

Catering establishments.

Clubs and lodges, private.

Exterminating shops.

Greenhouses and nurseries.

Kennels.

Locksmith shops.

Mail order and catalogue stores.

Meeting halls.



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Newspaper distributing agencies.

Parking lots and garages.

Pawn shops.

Physical culture and health services including exercise and physical fitness establishments, gymnasiums, and public baths.

Printing and publishing shops, less than 10,000 square feet in area.

Taxidermists.

Theaters, indoor.

Veterinary establishments.

Motels and hotels.

#### 9.6.2 *Special land uses.*

- a. Any special land use permitted in the CB-2 shopping center commercial business district.
- b. Standard restaurants, drive-in restaurants, fast-foot restaurants, drive-through restaurants, and establishments serving alcoholic beverages for consumption on the premises.
- c. Adult-oriented commercial uses subject to the following restrictions:

Adult-oriented commercial uses have been found to contribute to the serious deterioration of the commercial area in which they are located as well as surrounding residential areas. Such uses are permitted in the City of Westland because of constitutional protections. They are limited in frequency of occurrence and proximity to residential areas in order to protect property values and the quality of life for property owners and residents. Such uses exert their most serious blighting influence when concentrated in close proximity to one another and when located near residential areas. Therefore, not more than two adult-oriented uses shall be permitted within a 1,000-foot distance. No adult-oriented use shall be permitted within 750 feet of a residential district or use. No adult-oriented use shall be permitted within 750 feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas. All entries, windows, and other building openings for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area.

Adult-oriented uses shall include:

Bookstores which have more than 15 percent of their stock in trade, books, magazines or other publications, the sale of which is prohibited to minors.

Theaters and mini-theaters which have more than 15 percent of their screening time over a six-month period devoted to motion pictures, the attendance at which is prohibited to minors.

Cabarets or bars with live topless-type entertainment, hostesses, waitresses, or other employees.

Nude photographic studios.

- d. Auto accessory stores, provided no installation of accessories and parts occurs on the premises.
- e. Drug stores and pharmacies.
- f. Clothing stores.

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- g. Mini- or self-storage warehouses.
  - h. Massage establishments with state-certified massage therapists or practitioners subject to the rules and regulations in article VII, entitled massage establishments.

9.6.3 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use or a principal use permitted as part of a planned unit development shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side yard area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- d. Temporary outdoor sales accessory to special land uses or uses permitted by right.

9.6.4 *Minimum lot size requirements.*

- a. Minimum lot area: 20,000 square feet.
- b. Minimum lot width: 100 feet.

9.6.5 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures:  
Front: 25 feet.  
Side: 20 feet.  
Rear: 20 feet.
- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 110-11.6.1.
- e. Unsheltered parking will not be permitted within 25 feet of the front property line nor of a side or rear yards abutting a street.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

9.6.6 *Maximum building bulk requirements.*

- a. Maximum building height: Equal to the distance to the nearest property line.
- b. Maximum lot coverage: 45 percent for all principal and accessory buildings.

(Ord. No. 248-A-96, 7-6-20)

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## **Sec. 110-9.7. CB-4 vehicle service district.**

9.7.1 *Permitted principal uses.* The following land and/or structure uses shall be permitted by right in the CB-4 vehicle service district:

- a. Automotive accessory stores.
- b. Automobile and light truck sales establishments, including related repair garages, service centers, and other related automotive retail operations.
- c. Automotive washing establishments.
- d. Food storage lockers.
- e. Nurseries.
- f. Mobile home sales.
- g. Recreational vehicle storage subject to conditions stated in subsection 110-9.7.7 of this ordinance.
- h. Mini- or self-storage warehouses.
- i. Essential services as set forth in section 110-6.3.
- j. On-site signs as regulated in article XV.

9.7.2 *Special land uses.* The following land and/or structure uses are permitted as special land uses in the CB-4 vehicle service district subject to the standards and approval requirements as set forth in article XIII:

- a. Standard restaurants, drive-in restaurants, fast-food restaurants, and drive-through restaurants.
- b. Automobile service facilities involving major repairs such as body repair, painting, and engine rebuilding as regulated by article X, subsection 110-10.3.1.d and article XI.
- c. Gasoline service stations with or without convenience food store or food shop that sell prepared food such as milk, bread, baked goods, etc. for carry-out.
- d. Any principal use permitted in the OB office business district.
- e. Marijuana provisioning centers/retailers, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.
- f. Marijuana safety compliance facilities, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.

9.7.3 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use or a principal use permitted as part of a planned unit development shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side yard area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- d. Temporary outdoor sales accessory to special land uses or to uses permitted by right.

9.7.4 *Minimum lot size requirements.*

- a. Minimum lot area: 20,000 square feet.
- b. Minimum lot width: 100 feet.

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9.7.5 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures:  
Front: 35 feet.  
Side: 30 feet.  
Rear: 30 feet.
- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrian outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 110-11.6.1.
- e. Unsheltered parking shall be permitted in required front, side, and rear yards, but not within 25 feet of the front property line.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

9.7.6 *Maximum building bulk requirements.*

- a. Maximum building height: Equal to the distance to the nearest property line.
- b. Maximum lot coverage: 45 percent for all principal and accessory buildings.

9.7.7 *Recreational vehicle storage (subject to the following conditions):*

- a. Recreational vehicles in storage shall not be connected to electricity, water, gas, or sanitary sewer services.
- b. Recreational vehicles in storage shall not be used for living or housekeeping purposes.
- c. Recreational vehicles shall not be stored in the front yard, as defined by the front setback line.
- d. Recreational vehicles in storage must be kept in good repair and carry an unexpired license and/or registration.
- e. Use of a recreational vehicle in storage for the storage of household equipment, tools, or other items not usually kept in a recreational vehicle is prohibited.
- f. The recreational vehicle storage area shall be hard surfaced, or shall be constructed as recommended by engineering division and approved by the city council.
- g. Recreational vehicles in a storage shall be spaced a minimum of three feet apart to provide ease of access. Additional spacing requirements required by the Westland Fire Department shall be complied with.
- h. Maneuvering lanes between rows of vehicles shall be at least 22 feet in width.
- i. Storage of unoccupied mobile homes that are designed and normally used for year-round living in a permanent location is prohibited in a recreational storage area.

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- j. All storage or recreational vehicles shall be effectively screened by a solid or opaque fence, either wood or metal fence, as determined by city council, including solid entrance and exit gates not less than six feet nor more than eight feet in height.

9.7.8 *Conditions for gasoline service stations.*

- a. *Applicability.*
  - i. New construction;
  - ii. Expansion of the gross floor area of any building on the zoning lot of an existing station by more than ten percent;
  - iii. Alterations to any structure on the zoning lot of an existing station where a building permit is required, and the cost of such work exceeds 60 percent of the assessed valuation of the property; and
  - iv. Reopening of a station after cessation of operation for six months shall be treated as new construction and shall comply with all conditions within this section.
- b. *Conditions.*
  - i. All gasoline service stations newly proposed are subject to a traffic impact study, prepared by a qualified traffic engineer.
  - ii. Gasoline service stations shall only be permitted at the intersection of two major roads classified either state trunkline, county primary, city major.
  - iii. The minimum lot area shall be 30,5000 square feet, and as nearly rectangular as possible.
  - iv. Maximum number of automobile service stations at any intersection shall not exceed two, which shall be situated diagonally from each other.
  - v. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection measured from the road right-of-way.
  - vi. Pump islands shall be a minimum of 25 feet from any public right-of-way or lot line. Overhead canopies shall be setback at least 15 feet from the public right-of-way.
  - vii. Outdoor storage or parking of vehicles for sale, partially dismantled vehicles, damaged vehicles, new and used parts and discarded parts, shall be prohibited.
  - viii. The exterior of the main building shall be harmonious with its surroundings and shall include brick, stone, wood, or other masonry finished building materials other than glass and metal as the primary material. The canopies shall be designed within a minimum height of 12 feet, and a maximum height of 15 feet, and the canopy design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.

(Ord. No. 248-A-93, § 1, 10-21-19; Ord. No. 248-A-106, § 1, 5-3-21; Ord. No. 248-A-107, § 1, 5-3-21)

**Sec. 110-9.8. Ford Road Overlay District (FROD).**

9.8.1 *Overlay district established.* The FROD is a mapped overlay zoning district with boundaries as shown on the zoning map. Parcels that are located within the FROD will have two zoning designations - the underlying zoning designation and the FROD zoning designation.

The FROD district's legal description shall be as follows:

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A parcel of land being a part of the northeast ¼ of section 17 and part of the southeast ¼ of section 8 of town 2 south, range 8 east, Nankin Township, City of Westland, Wayne County, Michigan and being more particularly described as: Beginning at the northeast corner of said section 17 and proceeding thence S.00°09'58"E., 1,127.97 feet; thence N.89°57'20"W., 343.00 feet; thence due north 77.69 feet; thence due west 966.96 feet; thence N.00°11'02"W., 741.03 feet; thence due west 990.00 feet; thence S.00°11'02"E., 60.00 feet; thence due west 330.00 feet; thence N.00°11'02"W., 369.00 feet to the north ¼ corner of said section 17 being also the south ¼ corner of said section 8 and proceeding thence N.32°17'25"W., 69.99 feet; thence N.01°20'06"W., 380.84 feet; thence due east 189.02 feet; thence N.01°20'06"W., 60.00 feet; thence due east 183.00 feet; thence S.01°20'06"E., 240.00 feet; thence due east 983.78 feet; thence N.01°20'06"W., 120.07 feet; thence due east 658.21 feet; thence N.00°07'07"W., 40.00 feet; thence due east 330.00 feet; thence N.00°07'07"W., 252.82 feet; thence due east 484.91 feet; thence S.12°50'32"W., 690.10 feet to the point of beginning. Said parcel containing 67.044 acres more or less.

The intent of this overlay district is to create a pedestrian friendly, viable, and attractive mixed-use corridor along Ford Road by utilizing higher design standards and flexibility from underlying zoning regulations.

#### 9.8.2 *Applicability.*

- a. *Parcels with single-family residential underlying zoning designation.* The standards of the FROD overlay zone shall be optional for any parcel that has a single family underlying zoning designation.
- b. *Parcels with other than single-family residential underlying zoning designation.* The standards of the FROD zoning district shall be mandatory whenever any activity that requires site plan approval is proposed. Site maintenance and improvement activities and changes in use that do not require site plan approval may be conducted in accordance with the standards of the underlying zoning district.
- c. *Standards of section 110-9.2*The general requirements applicable to business districts listed in section 110-9.2 shall apply to any project developed in the FROD standards, unless specifically noted otherwise in this section.

9.8.3 *Permitted principal uses.* Buildings in the FROD district may contain more than one use. If a building contains both residential and nonresidential uses, the residential uses shall be located on upper stories and nonresidential uses shall be located on lower stories. In no case may a nonresidential use be located on the same floor as or above a residential use, with the exception of home occupations. Where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.

The following uses are permitted by right in the FROD district:

- a. Convenience commercial uses (see section 110-9.4.1 for a listing of uses).
- b. Personal service uses (see section 110-9.4.1 for a listing of uses).
- c. Comparison commercial uses (see section 110-9.4.1 for a listing of uses).
- d. General commercial uses and repair services (see section 110-9.4.1 for a listing of uses).
- e. Clothing stores.
- f. Offices, medical and professional.
- g. Restaurants and/or establishment serving alcoholic beverages for consumption on the premises.
- h. Studios (art, dance, sculptor, composer, etc.).
- i. Theatres, indoor.
- j. Essential services for which special land use approval is not required in accordance with section 110-6.3.

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- k. Attached residential dwelling units (i.e. row houses or town houses) that have a direct ground-level entrance into each unit from the exterior of the building.
  - l. Upper-story residential dwelling units located above a nonresidential use.

9.8.4 *Special land uses.* The following uses may be permitted as special land uses in the FROD district:

- a. Drive through windows.
- b. Drug stores and pharmacies.
- c. Hotel or motel.
- d. Institutional uses (see section 110-9.5.2 for a listing of uses, excluding recreation and social facilities).
- e. Marijuana provisioning centers/retailers, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.
- f. Marijuana safety compliance facilities, subject to the provisions and regulations of Chapter 27 of the Westland Code of Ordinances.

9.8.5 *Lot size requirements.*

- a. Minimum lot area: 10,000 square feet.
- b. Minimum lot width: 80 feet.

9.8.6 *Yard requirements.*

- a. Setback requirements for principal structures:

Front: The front façade of all buildings shall be set back a minimum of zero feet and a maximum of ten feet from the front property line, except that the maximum front setback may be increased to 40 feet if a front yard parking modification is granted per subsection 110-9.8.10(b).

Side: Zero feet minimum, no maximum.

Rear: 20 feet minimum, no maximum.

- b. Buildings should be grouped towards the street to form "streetwalls" and located in such a manner to create public spaces that have direct physical and visual connections to the street.

9.8.7 *Building height.*

- a. The maximum building height shall be three stories or 46 feet, whichever is lower.
- b. Height exceptions: Special architectural features (e.g. corner towers cupolas, entry treatments, chimneys, steeples, belfries, turrets, flagpoles, parapet walls, etc.) will be allowed to exceed the above height requirements if:
  - i. The feature is located at a corner (the intersection of two public right(s)-of-way); or
  - ii. The building is located at a designated "gateway"; or
  - iii. The feature is deemed to be necessary to the type, use, or style of the building in question.
  - iv. Special architectural features shall not exceed the height of the remainder of the building by more than 35 percent.
  - v. The height of any new building shall not exceed the height of the immediately adjacent new or existing two story or three story building by more than 15 percent unless the building is on a

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significant corner property and is approved by the city council upon recommendation by the city council upon recommendation by the planning commission.

#### 9.8.8 Architectural guidelines.

a. *Building entrances:*

- i. All buildings shall have at least one public, pedestrian entrance that faces Ford Road or the main street on the frontage line and is accessible (see American with Disabilities ACT, ADA) from the public sidewalk system.
- ii. All existing buildings shall retain the original building entrance, if historically accurate.
- iii. Rear and side entrances are permitted, only if there is a primary entrance from Ford Road frontage or the main street.
- iv. Entrances with recessed doors are encouraged for protection from the elements and from doors swinging out into the sidewalk area.
- v. Front entrance doors shall be constructed out of wood, glass, steel, or fiberglass or as approved by the city council upon recommendation by the planning commission, provided it is compatible with the character of the district.

b. *Façade design:* All building facades shall conform to the following design criteria:

- i. *Street face:* Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building such as awnings, cornice work, edge detail or decorative finish materials. Blank walls shall not face a public street. Significant protrusions (more than six inches) such as awnings, cornice lines, or details at the top of windows and sills are encouraged to create shadow lines or bands on the façade.

Any building located at a corner site shall provide distinct and prominent architectural features of enhanced character and visibility to reflect the importance of the building's location.

- ii. *Façade pattern:* Large, long facades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings. The maximum wall length without modulation shall be 30 feet. The bay width shall be 16 feet to 30 feet.
- iii. *Façade height to width ratio:*
  - (a) One story buildings: Single bay façades or individual bays of multiple bay facades, are not to exceed two feet of width for each one foot of building height unless otherwise approved by the city council upon recommendation of the planning commission.
  - (b) *Two-story buildings:* Single bay facades or individual bays of multiple bay facades, are not to exceed one foot of width for each one foot of height unless otherwise approved by the city council upon recommendation by the planning commission.
- iv. *Roof type:* Many of the commercial roof configurations in the corridor are "flat" (less than 3:1 roof slope) with parapets that conceal the roof itself. In order to maintain and create a distinct visual character for the district, roofs shall comply with the following requirements;
  - (a) Existing flat roofs and parapets shall be maintained.
  - (b) All new retail/office buildings shall have flat roofs and parapets.
  - (c) Sloping roofs, gabled (6:12) or hipped may be allowed as special architectural features, particularly for residential townhouse development subject to review and approval by the city council upon recommendation by the planning commission.



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- (d) Parapets may be stepped.
  - (e) Mansard roofs, geodesic domes and A-frames are prohibited.
  - (f) All rooftop mechanical equipment and HVAC systems shall be screened from ground view.
- v. *Fenestration or window and door openings:* All facades visible from the street must be glazed with transparent glass. Opaque glass applications are prohibited. Glazing on the first floor (retail space) to occur generally one foot to two feet, six inches above the finished floor. Thus, a minimum one foot to two feet, six inches bulkhead is required beneath a storefront display window. Façade glass areas shall meet the following requirements:
- (a) First floor window area: Minimum 60 percent and maximum 70 percent of façade area.
  - (b) Second floor window area: minimum 25 percent and maximum 60 percent of façade area.
  - (c) Butt joint glazing, where panes of glass are glazed together using glue or other adhesive material and without a structural element of the window frame, is prohibited.
  - (d) The use of shutters is discouraged on commercial buildings.
  - (e) Façade openings such as windows and doors shall be vertical in proportion.
  - (f) Sliding doors and windows are prohibited along frontage lines. Roll up windows may be allowed subject to approval by the city council upon recommendation by the planning commission.
- c. *Building materials:*
- i. *[Exterior materials:]* Exterior materials used on buildings in the FROD district shall fall into two categories, primary and accent building materials. The building material requirement is based on the exterior wall surface area, excluding windows and doors. Primary building materials shall cover a minimum of 60 percent of the exterior wall surface area, while accent materials may be used on up to 40 percent of the exterior wall surface area.  
  
Primary building materials include:
    - (a) Durable natural building materials such as brick, stone, and other similar materials.
    - (b) Exposed logs, timbers, or wood trim.
    - (c) Any material that convincingly matches the appearance of the above natural building materials.  
Accent building materials include:
    - (a) Decorative precast concrete block.
    - (b) Metal panels and trim.
    - (c) Glass.
    - (d) Vinyl siding and non-durable materials such as EIFS may be used as accent materials, but may cover a maximum of ten percent of any exterior building façade's wall area.
    - (e) Any other material except those specifically prohibited by the following subsection.  
Prohibited building materials include:
    - (a) Paint concrete block (both painted and unpainted).
    - (b) Plywood or T-III panels.

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- (c) Aluminum siding.

Compliance with green building rating systems. LEED-NC certification (published and administered by the United States Green Building Council) or an equivalent green building rating qualification such as EnergyStar is encouraged for new buildings. If a building is not certified according to a green building rating system, compliance with the following LEED-NC building material credits is encouraged: MR 4.1 or MR 4.2, MR 5.1 or MR 5.2, MR6 and MR7.

- ii. *Parapet cap:*

- (a) *Brick:* The brick shall be standard modular brick with common tooled mortar joints. Untooled joints or irregular shaped brick are prohibited. Brick color (commonly red or tan) and texture (smooth or glazed to rough) shall be subject to review and approval by the city council upon recommendation by the planning commission.
- (b) *Stone:* The stone shall be smooth finish (limestone or sandstone). The stone shall be light to medium buff color. Pre-cast limestone to simulate traditional limestone or sandstone may be used with the planning commission's approval.
- (c) *Metal:* Metal shall be aluminum or painted sheet steel if permitted after review and approval by the city council upon recommendation by the planning commission. The color and finish shall match that of the window framing system.

- iii. *Canopies:*

- (a) *Fascia trim:* Fascia trim shall be natural finish aluminum, bronze or painted metal.
- (b) *Soffit:* The soffit shall be metal or cement plaster.
- (c) *Support rods:* The support rods shall be metal.
- (d) *Design:* Canopies shall be narrow in elevation, six inches to 12 inches and flat or slightly angled. Typically, the canopies shall be flat or slightly angled so that the overall height dimension does not exceed 18 inches. Canopies shall be self-supporting or supported by tension rods. Canopy projections shall be limited to 48 inches.

- iv. *Awnings:*

- (a) *Design:* Awnings shall be traditional in design and must be made from fabric or similar material, rather than metal, plastic or rigid fiberglass. Awnings shall not be made of high gloss, shiny or translucent materials.
- (b) *Size:* Awnings shall be proportional to the window opening and compatible in height, length, depth and bulk with the building façade. Awnings shall not obscure the architectural features of the building but rather the awnings shall respect the overall building façade.
- (c) *Shape:* An awning that is triangular in section sloping outward and down from the top of the awning or half round is generally preferred. The city council may approve other awning shapes, such as round top, box or other unusual shapes, where such shape is appropriate to the integral architectural design of the façade.
- (d) *Fabric:* Fabric shall be standard cloth fabrics in either solid, strip or patterns that complement the design and materials on the principal building.
- (e) *Location:* Awnings shall not cover distinctive architectural features of the building façade. All awnings shall be attached directly to the building, rather than supported by columns or poles. First floor awnings shall not be located higher than the midpoint between the highest level of the first floor and the window sill of the second floor. First floor awnings

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area exempt from the setback requirements, and may extend up to six feet from the face of the building. Such awnings may encroach into a right-of-way area.

- (f) *Ground clearance:* Awnings must provide a minimum of eight feet of vertical clearance from the sidewalk surface grade to the lowest support or awning structure.
- (g) *Upper story awnings:* Upper story awnings shall be permitted only on vertically proportioned windows with a height to width ratio of 2:1 or greater, provided the awning does not exceed the width of the window by more than six inches and extends no more than three feet from the face of the building. Awnings shall not extend above the roof line.
- (h) *Lighting:* Internally illuminated or back-lit awnings are prohibited.
- (i) *Awning signage:* Awnings with lettering, symbols and/or other graphics shall be considered to be signs and shall be subject to the sign regulations in article XV.

v. *Windows:*

- (a) Glass shall be clear. Reflective, mirrored, heavily tinted or unusually colored glass is prohibited.
- (b) Side and rear facing windows may be faux, to break up long building facades if appropriate, after review and approval by the city council upon recommendation by the planning commission.
- (c) Window muntins (which physically or visually divide the glass in a window sash into separate, smaller units of glass) shall be wood or metal and shall be painted or bronzed. Window muntins are sometimes referred to as "colonial bars."
- (d) First floor window openings shall not be blocked or covered with a solid material.

- vi. *Waiver:* These building material requirements may be waived if the city council, upon recommendation by the planning commission, finds that alternate materials are high quality in nature and will result in an architecturally significant building.

9.8.9 *Landscaping requirements.* The following landscaping standards apply to all development in the FROD:

- a. *Single-family residential buffer:* Wherever development in the FROD abuts a parcel or parcels that are zoned single-family residential and that are located outside of the FROD, a buffer consisting of a six-foot decorative masonry screen wall with a six- to eight-foot wide planting strip located on the commercial side of the screen wall shall be provided. The planting area shall include one canopy tree for each 35 lineal feet or fraction thereof.
- b. *Interior parking lot landscaping:* One deciduous tree shall be planted within the limits of the parking lot, or in planting area directly adjacent to the parking lot for every ten parking spaces.
- c. *Parking lot buffering:* Parking lots shall be buffered from any street right-of-way according to the DDA streetscape standards. Those standards require a six-foot buffer area, including a 36-inch tall ornamental fence with masonry piers, one ornamental deciduous tree for each section of fence, and a continuous hedge of shrubs planted not more than three feet on center. All plant materials shall comply with the DDA streetscape plant material standards.
- d. *Side street landscaping:* The DDA streetscape treatment shall be provided along the property line of parcels abutting a side street except where the building is set back ten feet or less from the side street property line.

9.8.10 *Off-street parking and loading.*

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- a. *Off-street parking and loading requirements in the FROD:* Off-street parking shall comply with the dimension and construction requirements of article XVI. Instead of the minimum parking requirements listed in article XVI, the following minimum parking requirements shall apply in the FROD:
    - i. Minimum parking requirement for all nonresidential uses: Three spaces per 1,000 square feet of gross leasable area (gla).
    - ii. Minimum parking requirement for all residential uses: 1.25 parking spaces per unit.
  - b. *Shared parking:* Shared parking is required between adjacent properties. Blanket cross-access easements shall be granted between properties to allow the connection of parking lots between parcels with separate ownership.
  - c. *Parking location:* New parking lots shall be located at the side or in the rear of the building. Parking in front of a building is not permitted unless the city council, upon recommendation by the planning commission determines that parking in front of the building would be acceptable for any of the following reasons:
    - i. Marketability of the site would be greatly impaired by parking in the rear of the building;
    - ii. Front yard parking is required to maintain the continuity of front building setbacks in the block while making efficient use of the site; or
    - iii. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

(Ord. No. 248-A-65, §§ 1—10, 2-1-10; Ord. No. 248-A-93, § 1, 10-21-19)

## **ARTICLE X. INDUSTRIAL DISTRICTS**

### **Sec. 110-10.1. Intent.**

This article provides for development of a full range of industrial use in two districts, the I-1 light industrial district and the I-2 general industrial district. In addition to industrial uses, these two districts also provide for fringe commercial uses which are compatible with industrial uses, and are often incompatible with other commercial uses. The I-1 and I-2 districts are restricted to industrial and fringe commercial uses in order to ensure adequate area to meet the long-range demand for such uses. The I-1 light industrial district is intended to provide for light industrial activities which do not create an appreciable nuisance or hazard, and uses that require a pleasant, hazard- and nuisance-free environment. The I-2 general industrial district permits heavy industrial uses in addition to a full range of light industrial and fringe commercial uses.

### **Sec. 110-10.2. General requirements: industrial districts.**

10.2.1 *Permitted uses.* Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No buildings or zoning lot shall be devoted to any use other than a use permitted hereinunder in the zoning district in which such building or zoning lot shall be located, except in accordance with the provisions of section 110-4.9.

10.2.2 *Prohibited uses.* It is the intent of this ordinance to specifically prohibit uses which are not listed as permitted uses, or which are not approved for addition to the list of permitted uses in accordance with section 110-4.9. Establishments which have more than 20 percent of their floor area devoted to other uses or to accessory uses shall be deemed in violation of this ordinance.

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10.2.3 *Site plan requirements.* All uses in the I-1 and I-2 districts shall be subject to the site plan requirements set forth in article XI and shall meet the following additional site design requirements:

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by engineering standards duly adopted by the city council.

10.2.4 *Site plan review requirements: industrial districts.* All uses shall be subject to the site design review requirements of article XII.

10.2.5 *Signs.* Signs shall be permitted in accordance with the regulations established in article XV.

10.2.6 *Off-street parking and loading.* Off-street parking and loading facilities, accessory to uses permitted shall be provided in accordance with the regulations established in article XVI.

10.2.7 *Performance standards.*

- a. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- b. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- c. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- d. Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U.S. Bureau of Mines except for once hourly blow-off periods of ten minutes duration when a density of not more than No. 2 is permitted.
- e. No malodorous gas or matter shall be permitted which is offensive or which produces a public nuisance or hazard on any adjoining lot or property.
- f. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of three-tenth grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed 50 percent excess air.
- g. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway. In particular, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one footcandle when measured at any residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.
- h. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Department of Natural Resources, the Wayne County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
  - (1) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.

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- (2) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - (3) Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - (4) Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half inch.
  - (5) Wastes shall not have chlorine demand greater than 15 p.p.m.
  - (6) Wastes shall not contain phenols in excess of .005 p.p.m.
  - (7) Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- i. *Interior uses.* The measurable noise emanating from the interior premises and as measured at the street or property line, may not exceed 65 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American National Standards Institute, unless otherwise stated in the specifications for the sound level meter. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
  - j. *Exterior uses.* The measurable noise emanating from exterior uses and as measured at the street or property line, may not exceed 105 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American National Standards Institute, unless otherwise stated in the specifications for the sound level meter. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

### **Sec. 110-10.3. I-1 light industrial district.**

10.3.1 *Conditions.* Uses allowed in the I-1 light industrial district are subject to the following conditions:

- a. Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted.
- b. No building shall be erected or altered, and no land shall be used for any of the following:
  - Basic or semi-finished chemicals manufacturing including, but not limited to, cellulose products; resins; dye stuffs; glue; vegetables, animal and mineral fats or oils, explosives, combustible gasses, soap, detergents, fertilizer derived from animal origins, asphaltic and tar products, including asphaltic paving materials.
  - Cement manufacturing.
  - Drop forging.
  - Heavy chemicals manufacturing including, but not limited to, mineral acids or other corrosives, ammonia, caustic soap and sulfuric acid.
  - Leather curing and tanning.
  - Metal or alloy ingot manufacturing.
  - Oil refineries.

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Open hearths and blast furnaces.

Petroleum bulk storage.

Processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage.

Slaughtering or processing of animals.

Stock yards.

- c. All business, servicing, or processing—except for off-street loading—shall be conducted within enclosed buildings, unless otherwise indicated hereinafter.
- d. All storage—except for licensed motor vehicles in operable condition—shall be within completely enclosed buildings or effectively screened by a solid wall or wooden fence, as determined by city council (including solid entrance and exit gates), not less than six feet nor more than eight feet in height.
- e. The following machines and equipment shall not be used: punch presses, steam hammers, drop hammers, stamping machines, forging equipment, and automobile screw machines.
- f. Glare and heat from arc welding or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.
- g. The measurable noise emanating from the premises used for the activities permitted under this article shall not exceed 70 decibels, as measured from the outside of the walls or roof of the building occupies for such uses.
- h. No storage or construction equipment materials nor construction materials shall exceed the eight feet in height, except for construction vehicles. Any toxic or liquid materials shall be stored in closed containers. All buffering of the site shall be determined by the building director and approved by city council.

10.3.2 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the 1-1 light industrial district:

- a. Light industrial uses. Such uses shall be limited to:
  - Cabinet and furniture manufacturing.
  - Carpet manufacturing.
  - Cloth products manufacturing from finished cloth.
  - Communications equipment manufacturing.
  - Contractors shops, and yards.
  - Dry cleaning establishments, including those serving pick-up stations located off the premises.
  - Electronic and scientific precision instruments manufacturing.
  - Electroplating. Glass products production and sales.
  - Greenhouses - wholesale.
  - Insulating materials manufacturing.
  - Jewelry manufacturing engraving.
  - Laboratories - research and testing.
  - Laundries.

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Leather products manufacturing from finished leather.

Light machinery production - household appliances, business machines, hand tools, electrical components and subassemblies, electric motors.

Mattress manufacturing.

Musical instruments manufacture.

Optical goods manufacturing.

Orthopedic and medical appliance manufacturing

Paper products manufacturing from finished paper.

Pottery and ceramics manufacturing.

Recreation vehicles assembly.

Rope, cord, and twine manufacturing.

Secondary food processing and packaging or food products initially processed off the premises.

Sporting goods manufacturing.

Sign manufacturing.

Trade schools.

Upholstering shops.

Warehousing and storage facilities.

b. Essential services as set forth in section 110-6.3.

c. On-site signs as regulated in article XV.

10.3.3 *Special land uses.* The following land and/or structure uses are permitted as special land uses in the I-1 light industrial district subject to the standards and approval requirements set forth in article XIII and provided such uses are not in conflict with the provisions of subsection 10.3.1:

a. *Fringe commercial uses.* Such commercial uses shall be limited to:

Amusement establishments, including bowling alleys, dance hall, gymnasiums, pool halls, skating rinks and swimming pools.

Art, sculptor, and composer studios.

Auction rooms.

Auto, truck and recreation vehicle repair.

Automobile accessory stores.

Automobile and light truck sales establishments.

Automobile service stations.

Automobile washing establishments.

Bicycle sale, rental, and repair shops.

Blueprinting and photostating establishments.

Boat showrooms, sales and repair establishments.



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Building materials and products sales and storage establishments.

Catering establishments.

Clubs and lodges, private.

Drive-in facilities for uses permitted.

Dry cleaning and laundry establishments.

Educational services, commercial, including trade and vocational schools.

Electrical showrooms and shops.

Exterminating shops.

Farm implement stores.

Food storage lockers.

Fuel and ice sales establishments.

Garden supply, tool, seed and feed stores.

Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding as regulated by article X, subsection 10.3.1(d) and article XI.

Greenhouses and nurseries.

Ice sales.

Kennels machinery sales.

Locksmith shops.

Mail order and catalog stores.

Meeting halls.

Milk distributing stations excluding bottling.

Mobile home sales and rentals.

Model homes and garage displays.

Motor vehicle sales, new and used.

Mortuaries and funeral homes.

Newspaper distributing agencies.

Parking lots and garages.

Parks and playgrounds.

Physical culture and health services including gymnasiums, and public baths.

Massage establishments with state-certified massage therapists or practitioners subject to the rules and regulations in article VII, entitled massage establishments.

Plumbing showrooms and shops.

Printing and publishing shops.

Recreational vehicle storage as regulated by article IX, subsection 110-9.7.7.

Rental of automobiles, trucks, trailers or recreation vehicles.

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Restaurants serving food and alcoholic beverages for consumption within the building, but not having the character of a carry-out, drive-in, or drive-through facility.

Secondhand stores and rummage shops.

Taxidermists.

Theaters, indoor and outdoor.

Trailer and camper sales and rental — for uses with private passenger motor vehicles.

Veterinary establishments.

Warehouses for families and small businesses.

- b. Chemical processing and production.
- c. Cosmetics production.
- d. Food manufacture, packaging, and processing.
- e. Freight terminals.
- f. Sewage treatment plants, municipal.
- g. Shooting ranges, including, but not limited to, the firing of guns and/or bows and arrows, provided that such a facility is completely enclosed and sound proofed.
- h. Marijuana secure transporters, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.
- i. Marijuana microbusinesses, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.
- j. Marijuana collocated facilities, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.
- k. Marijuana safety compliance facilities, subject to the provisions and regulations of chapter 27 of the Westland Code of Ordinances.

10.3.4 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side yard area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

10.3.5 *Minimum lot size requirements.*

- a. Minimum lot area: 10,000 square feet.
- b. Minimum lot width: 100 feet.

10.3.6 *Minimum yard requirements.*

- a. Minimum setback requirements for principal and accessory structures:  
Front: 35 feet, plus an additional 15 feet where adjacent to a residential district.  
Side: 18 feet, plus an additional 15 feet where adjacent to a residential district.

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Rear: 20 feet, plus an additional 15 feet where adjacent to a residential district.

- b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article XI, and in paragraph "d" below.
- c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- d. Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 110-11.6.1.
- e. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
- f. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

10.3.7 *Maximum building bulk requirements.*

- a. Maximum building height: 35 feet.

(Ord. No. 248-A-93, § 1, 10-21-19; Ord. No. 248-A-97, 7-6-20)

**Sec. 110-10.4. I-2 general industrial district.**

10.4.1 *Permitted principal uses.* The following land and/or structure uses are permitted by right in the I-2 general industrial district:

- a. Any principal use permitted in the I-1 light industrial district.
- b. Heavy industrial uses. Such uses shall be limited to:
  - Manufacture of nonalcoholic beverages, bottling of alcoholic and/or nonalcoholic beverages.
  - Manufacture of light component parts of products.
  - Milk processing; bottling, and manufacturing of milk products.
  - Airports and heliports.
  - Manufacture and assembly of major electrical equipment.
  - Manufacture of colors, dye, paint, and other coatings excluding tar products.
  - Manufacturing of machinery and machinery components.
  - Stamping and fabricating metal shops using press, brakes, and rolls.
  - Manufacture of malt products, brewings, and distillation of liquors and spirits.
  - Machine, welding, tool and die shops.
  - Thermal, electric, steam, solar, and/or atomic power plants.
  - Manufacture of glass and glass products.

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Motor truck terminals.

Paper manufacturing.

Can and container manufacturing.

- c. Cosmetic production.
- d. Food manufacture, packaging and processing.

10.4.2 *Special land uses.* The following land and/or structure uses are permitted as special land uses in the I-2 general industrial district subject to the standards and approval requirements set forth in article XIII, and provided they are completely surrounded by other industrial uses:

- a. Basic or semi-finished chemicals manufacturing including, but not limited to, cellulose products; resins; glue; vegetables, animal and mineral fats or oils, explosives, combustible gasses, soap, detergents, fertilizer derived from animal origins, asphaltic and tar products, including asphaltic paving materials.
- b. Cement manufacturing.
- c. Drop forging.
- d. Heavy chemicals manufacturing including, but not limited to, mineral acids or other corrosives, ammonia, caustic soap and sulfuric acid.
- e. Leather curing and tanning.
- f. Metal or alloy ingot manufacturing.
- g. Oil refineries.
- h. Open hearths and blast furnaces.
- i. Petroleum bulk storage.
- j. Processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage.
- k. Slaughtering or processing of animals.
- l. Stock yards.
- m. Sewage treatment plant - municipal.
- n. Motor vehicle and trailer storage as regulated by subsection 110-10.3.1(d).

In addition, the special land uses permitted in the I-1 light industrial district are permitted as special land uses in the I-2 general industrial district subject to the standards and approval requirements set forth in article XIII.

10.4.3 *Accessory structures.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use or a principal use permitted as part of a planned unit development shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

10.4.4 *Minimum lot size requirements.*

- a. Minimum lot area: 43,560 square feet.
- b. Minimum lot width: 122 feet.

10.4.5 *Minimum yard requirements.*

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- a. Minimum setback requirements for principal and accessory structures:  
Front: 75 feet, plus an additional 25 feet where adjacent to a residential district.  
Side: 25 feet, plus an additional 25 feet where adjacent to a residential district.  
Rear: 25 feet, plus an additional 25 feet where adjacent to: a residential district.
  - b. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 110-4.6.5, in article IV.
  - c. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.

10.4.6 *Maximum building bulk requirements.*

- a. Maximum building height: 35 feet.

## **ARTICLE XI. SITE PLAN REGULATIONS**

### **Sec. 110-11.1. Purpose.**

It is the purpose of this article to set minimum standards for the protection and enhancement of the environment by requiring site plan review and the use of landscape materials.

### **Sec. 110-11.2. Application.**

The requirements set forth in this article shall apply to all uses, lots, sites, and parcels which are developed or expanded. No site plan shall be approved unless said site plan shall show landscaping consistent with the provisions of this article. In cases where the use of an existing building changes or an existing building is expanded or otherwise altered, all of the site plan standards set forth herein shall be met. In cases where the existing structure or its site present practical difficulties to meeting all of the site plan standards, the zoning board of appeals may approve variances from the site plan standards based on the standards for variances set forth in article III.

### **Sec. 110-11.3. Landscape buffer and open-space standards.**

11.3.1 *Buffering of nonresidential uses adjacent to residential property.* The owner of property which is used for nonresidential purposes shall install and maintain in good condition along the entire edge of said property adjacent to property which is used or zoned for residential purposes either a protective screen wall or, in the discretion of city council and in compliance with the requirements set forth below, a landscape buffer strip or a wood privacy fence. Protective screen walls, buffer strips and wood privacy fences shall be installed prior to construction of the principal use and shall have the following specifications and requirements:

- a. *Protective screen wall:*
  - (1) The wall shall be of brick, decorative poured concrete, removable concrete panel or other decorative masonry construction at least six feet high and eight inches thick, and it shall be reinforced with steel pilasters, or the equivalent. A six-foot high wooden frame fence, removable panel concrete fence or a vinyl fence may be substituted for the wall over utility lines or easements, provided posts are sunk in the soil to a depth of at least three feet.
  - (2) It shall contain no openings whatsoever except for such gates as may be approved by the city council in the course of site plan review.

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- (3) It shall extend the full length of the nonresidential property where such property is also adjacent to a residential district or property used for residential purposes, except as provided for in subsection 110-11.3.7.

b. *Landscape buffer strip:*

- (1) The buffer strip shall be a minimum of 20 feet in depth.
- (2) The buffer strip shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise. A three-foot-high brick or other decorative masonry screen wall be substituted for the berm, or used as retaining wall in conjunction with a half-berm.
- (3) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable live plant material.
- (4) A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Required deciduous trees may be planted at approximately 30-foot intervals, or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (5) A minimum of one evergreen tree shall be planted for each eight lineal feet or portion thereof of required buffer strip length. Required evergreen trees may be planted at eight-foot intervals or can be planted in staggered rows at five-foot centers, or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (6) A minimum of one intermediate shrub shall be planted for each eight lineal feet or portion thereof of required buffer strip length. Required intermediate shrubs may be planted at eight-foot intervals or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (7) For the purpose of determining required plant material, required buffer strip length shall be measured along the exterior periphery of the buffer strip.

c. *Wood privacy fence:*

- (1) A wood privacy fence shall only be allowed in the discretion of city council, and only where the adjacent property is used for residential purposes and is zoned for nonresidential use.
- (2) Such fence shall be six feet above the highest grade on either side of the fence, and shall be constructed with posts sunk in the soil at least three feet.

11.3.2 *Buffering of nonresidential uses adjacent to a public thoroughfare.* The owner of property used for business, semipublic, public, or other nonresidential uses shall install and maintain in good condition a landscape buffer strip along the entire edge of said property adjacent to a public thoroughfare right-of-way. The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip shall be a minimum of 20 feet in depth or the applicable setback for the zoning district. It shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise. A

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three-foot high brick or other decorative masonry screen wall may be substituted for the berm, or used as a retaining wall in conjunction with a half-berm.

- b. Grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area except that paving may be used in areas of intensive pedestrian circulation.
- c. A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees. Trees need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner.
- d. A minimum of one evergreen tree and one intermediate shrub shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Trees and shrubs need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner and approved by the city council.
- e. For the purpose of determining required plant material, required buffer strip length shall be measured along the exterior periphery of the buffer strip.

11.3.3 *Screening and landscaping of parking areas adjacent to or visible from public thoroughfares or residential districts.* The owner of an off-street parking area adjacent to or visible from a public right-of-way or residential area shall install and maintain in good condition the following landscaping:

- a. Off-street parking areas shall be screened from public thoroughfares and residential districts by a 36-inch high brick or other decorative masonry wall around the periphery of the parking area. The wall may be interrupted at not more than 20 percent of its required length if necessary to provide for vehicular access, except that the wall may be interrupted at more than 20 percent of its required length if necessary to provide for one vehicular access and one egress lane. A 36-inch berm planted with grass, ground cover, or other suitable material may be substituted for the wall. It shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise and planted in accordance with subsection 110-11.3.1(b). The plant materials may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property. The wall (or berm) shall not be required along the portion of parking and vehicular use area periphery which lies adjacent to a protective screen wall of the type required in subsection 110-11.3.1(a) of this article, or along the portion of the parking and vehicular-use area periphery which lies adjacent to a building on the same lot as the parking area. In multiple-family districts the wall (or berm) shall not be required along the portion of an off-street parking area which lies adjacent to an off-street parking area in an adjoining multiple-family development. In industrial districts, said wall shall not be required for parking areas which are adjacent to or visible from a public thoroughfare which functions primarily to carry local industrial traffic provided said parking areas are at least 25 feet from the thoroughfare and not adjacent to or visible from a residential area.
- b. Off-street parking areas shall have a minimum of one deciduous tree for every ten parking spaces. Trees may be located in landscape areas within parking areas or on the periphery of parking areas, but trees counted for meeting this requirement shall not be counted toward meeting other buffer strip or landscape area requirements.

11.3.4 *Buffering of multiple dwellings from streets.* The owner of property used for multiple-dwellings shall install and maintain in good condition a landscape buffer at least 20 feet in depth along the entire edge of

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said property adjacent to a public right-of-way line. The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip may be interrupted at not more than 20 percent of its required length to provide for vehicular access, except that it may be interrupted at more than 20 percent of its required length if necessary to provide for one vehicular access and one egress lane.
- b. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.
- c. A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length, and a minimum of one evergreen tree shall be planted for every 15 lineal feet of required buffer strip length. Required trees need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner.
- d. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees and shrubs. Areas devoted to other buffer strip encroachments, whether specifically permitted by an approved variance, shall be counted in measuring buffer strip length.

11.3.5 *Landscape open-space area.* Whenever in this ordinance a landscaped open-space area is required, it shall be landscaped according with the following standards:

- a. All portions of the landscaped open-space area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the city council.

Drain courses, lakes, and water retention areas may be counted as a portion of the required landscaped open-space area upon approval of the city council, provided that:

- (1) Such drainage courses, lakes, and water retention areas shall not occupy more than 25 percent of the total required open space area; and
  - (2) Drainage courses, lakes, and water retention areas counted as part of the required open space area shall not be fenced.
- b. A minimum of one deciduous tree shall be planted for each 3,000 square feet or portion thereof of required landscaped open-space area. Required trees may be planted at uniform intervals, at random, or in groupings.
  - c. A minimum of one evergreen tree and one intermediate shrub shall be planted for each 1,000 square feet or portion thereof of required landscape open-space area. Required evergreen trees and intermediate shrubs may be planted at uniform intervals, at random, or in groupings.
  - d. The total landscaped open-space area requires shall be the basis for determining the number of trees, evergreens, and shrubs, irrespective of the portion of the required landscaped open-area which is devoted to active recreational purposes or pedestrian circulation, but not including hard surfaces or water area. Allowances for existing healthy plant material may be given by the city council.

11.3.6 *Landscaping of rights-of-way and other adjacent public open-space areas.* Public rights-of-way and other public open-space areas adjacent to required buffer strips and landscaped open-space areas shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required buffer strips and landscaped open-space areas.

11.3.7 *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located



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in the triangular areas shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Required protective screen walls must be installed outside sight distance triangular areas. Portions of required berms located within sight distance triangular areas shall not exceed a height of 30 inches above the pavement grade at the edge of the pavement. Trees may be planted and 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. Landscaping except grass or ground cover shall not be located closer than three feet from the edge of an access-way pavement.

The triangular areas referred to above are:

- a. The area formed at a corner intersection of a public right-of-way and a driveway, two sides of the triangle 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.
- b. The area formed at a corner intersection of two public rights-of-way lines, the two sides of the triangular area being 30 feet in length measured along the abutting public right-of-way line and the third side being a line connecting these two sides.

### **Sec. 110-11.4. Material standards and specifications.**

All plant and nonplant material shall be installed in accordance with the following standards:

- 11.4.1 *Maintenance-free/nonplant material.* All nonplant material shall be durable and as maintenance-free as reasonably practical.
- 11.4.2 *Plant quality.* Plant and grass materials used in compliance with provisions of this ordinance shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections or retain certifications required under state regulations. Grass shall be clean and free of noxious weeds, pests and diseases.
- 11.4.3 *Plastic plant material prohibited.* Plastic and other nonorganic plant materials shall not be used to meet the requirements of this ordinance.
- 11.4.4 *Required plant material specifications.* The following specifications shall apply to all plant material required by this article:
  - a. *Deciduous shade trees (for parking lots and buffer strips).* All tree plantings shall be a minimum of two to two and one-half inches in caliper at a point on the trunk six inches above the ground.  
Ash (Marshall seedless).  
Linden (varieties).  
Locust (thornless, seedless varieties only).  
Maple (varieties including red, sugar, and Norway).  
Oak (varieties).  
Sweet gum.  
Pear (Bradford, redspire, aristocrat and chanticleer).
  - b. *Deciduous ornamental trees (for buffer strips).* All single stem plantings shall be a minimum of one and one-half- to two-inch caliper when installed.  
Flowering crabapple (varieties).  
Hawthorn (varieties).

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Flowering dogwood (varieties).

Eastern redbud.

Serviceberry (varieties).

- c. *Evergreen trees.* All plantings shall be a minimum of five to six feet in height with an average spread of 21 to 30 inches with the exception of Pine and Spruce trees, which shall be a minimum eight feet in height.

Upright Juniper (varieties).

Arborvitae (varieties).

Pine (varieties).

Spruce (varieties).

Note: Pine or Spruce trees shall be planted at 15-foot intervals at a minimum. height.

- d. *Intermediate shrubs.* All plantings shall be a minimum height of two and one-half to three feet in height when installed.

Dwarf Forsythia.

Honeysuckle (varieties).

Mockorange (varieties).

Ninebark.

Spirea (varieties).

Juniper (varieties).

Tall Hedge Buckthorn.

Viburnum (varieties).

Winged Euonymus.

Yew (varieties).

- 11.4.5 *Ground covers.* Ground covers used in planting beds in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

## **Sec. 110-11.5. Installation and maintenance of landscape materials.**

In the cases where an owner of property is required to install and maintain landscape materials, said owner shall observe the following standards:

- 11.5.1 *Installation.* Landscaping shall be installed in a sound workmanlike manner and according to accepted planning procedures with the quality of plant materials as hereinafter described. Landscaped areas must be protected from vehicular encroachment, by such means as, but not limited to, wheel stops. Landscape areas shall be elevated above the pavement to a height adequate to protect plant materials from snow removal operations, salt and other hazards. If building or paving construction is completed in an off-planting season, the temporary certificates of occupancy will be issued only after the owner provides cash, irrevocable letter of credit or other acceptable financial guarantees to ensure installation of required landscaping in the next planting season. A specific listing of plant materials shall be provided by the owner of the development which shall include a cost estimate for the landscaping

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to be installed. The minimum estimate shall be in accordance with the provisions of the planning commission fee schedule as adopted by the city council.

- 11.5.2 *Maintenance.* The owner of landscaping required by this ordinance shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, which ever comes first. All required landscape areas shall be provided with a sprinkling system. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.

### **Sec. 110-11.6. Outdoor storage in nonresidential areas and in multiple- family residential areas.**

11.6.1 *Screening of certain equipment.* No incinerator, garbage, or trash receptacle, oil or propane tank, or storage rack, shall be exposed on the grounds outside the building, except when enclosed on the three sides by a solid concrete or masonry wall and a solid gate on the access opening. Adequate height of the screening shall be provided to completely obscure all stored material. The screening structure must be located at least 15 feet from any building.

11.6.2 *Screening of goods, merchandise and other materials.* No storage of goods, merchandise, or materials outside the building shall be permitted, except when enclosed on all sides by a solid masonry wall or wooden fence of adequate height to completely obscure all stored material. The solid concrete or masonry wall must be located greater than 20 feet from any building. Openings in such wall or fence shall be approved by the city council through the site plan review process. The city council may waive or modify the wall or fence requirements upon recommendation of the planning commission that the screening would not serve a useful purpose or would not be practical to install. The solid concrete or masonry wall must be located greater than 20 feet from any building.

### **Sec. 110-11.7. Regulations pertaining to existing plant material.**

11.7.1 *Consideration of existing plant material.* In instances where healthy plant material exists on a site prior to its development, the city council, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this ordinance.

11.7.2 *Preservation of existing plant material.* Site plans shall show all existing trees six inches in diameter, or greater located within the proposed developments contract limits. Any tree to be removed shall be labeled as such on the site plan. All trees to be removed must be approved by the city council. The city council shall not approve the removal of any tree larger than six inches in diameter unless said removal is required to provide for structures and necessary parking.

### **Sec. 110-11.8. Fences and walls.**

11.8.1 *Residential fence standard.* All fences must comply with the fence provisions of the Westland City Code.

11.8.2 *Nonresidential fence height limit.* No fence or wall shall be erected, placed, or maintained along a lot line on any nonresidentially zoned property, to a height exceeding eight feet.

## **ARTICLE XII. SITE PLAN REVIEW PROCEDURES AND STANDARDS**

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### **Sec. 110-12.1. Intent and applicability.**

These site plan review procedures are instituted to provide for planning commission review and recommendation and city council review and approval of site plans to ensure full compliance with all applicable requirements of this ordinance. It is hereby recognized that peculiarities of lot contour, existing and potential adjacent development, existing and potential vehicular and pedestrian circulation and other determinants may require special regulation of the location and external design of buildings, open spaces, parking areas and driveways that cannot be achieved by detailed specifications. Therefore, city council approval is required for every nonresidential site plan, including industrial developments which are contiguous or adjacent to existing or zoned residential property, and excluding industrial developments which are located in platted industrial subdivisions and are not contiguous or adjacent to any existing or zoned residential property. Planning commission and city council review and city council approval is also required for every single-family and every multi-family residential site design site plan containing five or more dwelling units. The site plan review process should provide an opportunity for consultation and cooperation between the applicant, the planning commission and city council so that maximum utilization of land consistent with minimum adverse effects on adjoining areas can be achieved. Site plan review and approval is an integral part of the special land use approval process.

### **Sec. 110-12.2. Procedures.**

- 12.2.1 *Applicant.* The owner of an interest in land for which site plan approval is sought, or the designated agent of the owner, shall file the application for site plan approval with the planning director.
- 12.2.2 *Issuance of zoning certificate.* The city council shall approve site plans in accordance with the procedures and standards set forth herein before a zoning certificate is issued.
- 12.2.3 *Occupancy certificate.* No occupancy certificate shall be issued until the site plan as approved by the city council has been completed including the installation of all landscaping materials. A temporary occupancy certificate may be issued as provided in subsection 110-3.9.3 before the site plan has been completed.
- 12.2.4 *Application forms and documentation.* The application for site plan approval shall be made on such forms as shall be prescribed by the city council and provided by the planning director and shall be accompanied by the necessary fees and documents as provided herein.
- 12.2.5 *Submission to planning director and report.* The application for site plan approval shall be submitted to the planning director who shall prepare a report on whether the site plan meets all applicable requirements of this ordinance and any additional requirements recommended by the planning director based on the standards set forth in this ordinance. The planning director shall forward the report to the planning commission together with the application within 45 days of receiving the completed application.
- 12.2.6 *Date and notification of planning commission consideration.* The planning director shall set a date for planning commission consideration of the site plan within 45 days of receiving the completed application and shall provide notice of such date as provided below:
- a. Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.
  - b. The notice shall be given not less than 15 days before the date the application will be considered by approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

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- (i) Describe the nature of the request;
  - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used;
  - (iii) State when and where the request will be considered; and
  - (iv) Indicate when and where written comments will be received concerning the request.

12.2.7 *Planning commission recommendation.* The planning commission shall, within a reasonable time after its next regularly scheduled meeting following the date at which the application for site plan approval was considered, pass a resolution setting forth its findings regarding the general and specific standards set forth herein, and shall recommend to the city council, approval, approval with conditions, or disapproval, with its reasons.

12.2.8 *City council review and determination.* The city council shall review the application for site plan approval, together with the planning director's report and the planning commission's recommendations thereon and shall make the final determination on the application for site plan approval. Such determination shall be based solely on the requirements and standards of this ordinance and state and federal regulations. Approval, approval with conditions, or disapproval, shall be made by resolution setting forth the city council's findings regarding the pertinent requirements and standards.

If the site plan is approved by the city council, the applicant may then submit the written approval to the zoning enforcement officer who will then sign the zoning certificate if all other zoning certificate requirements have been met, and all required signatures have been obtained. If site plan approval is denied, the city council may by resolution require that a revised site plan be resubmitted for review and approval in accordance with the process outlined above. If in the judgment of the city council, the site plan can be approved if minor modifications are made, the city council may by resolution issue a conditional site plan approval in writing and provide for resubmission of a revised site plan to the enforcement officer who shall sign the zoning certificate upon determination that all appropriate site plan modifications have been made in accordance with city council stipulations, and that all other zoning certificate requirements have been met.

12.2.9 *Recording of planning commission and city council action.* Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and city council and the grounds for the action taken upon each site plan submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.

12.2.10 *Period of validity.* An approved site plan shall be valid for a period of one year. If, after one year, a building permit has not been issued, the city council may extend the approval for a maximum of one-additional year upon request of the applicant. Any such extension shall be granted only if existing site conditions have not been substantially changed, and provided further that there are no revisions to the site plan. If, after the one-year extension, a building permit still has not been issued, the applicant must submit to site plan for normal review as outlined in section 110-12.2 herein.

12.2.11 *Maintenance of site plan.* It shall be the responsibility of the owner of property for which site plan approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the site plan approval was granted, or until a new site plan approval has been obtained as a basis for modifying the site plan. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such a use violation.

12.2.12 *Minor amendments to approved site plans.* A minor change to a site plan may be approved by city council after the plan has been reviewed by the planning director, fire chief, building director and city engineer, and

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they certify in writing to the city council that the change meets all requirements of this ordinance and will not significantly alter or will not conflict with the condition of site plan approval and is one of the following:

- a. New fire escape.
- b. Change in building height that does not create new floor area.
- c. Relocation of sidewalks.
- d. Rearrangement of parking lot and drives.
- e. Decrease in building size.
- f. Moving a building no more than 20 feet or 20 percent of the distance to the closest property line, whichever is smaller.
- g. Other proposed amendments to approved site plans must be submitted to city council for approval.

### **Sec. 110-12.3. Application data requirements.**

The following data shall be included with and as a part of the site plan submitted for final review and approval by the planning commission and city council:

12.3.1 *Site plan.* The application shall include a site plan drawn to a scale of one inch equals 20 feet, or to another scale as determined by the planning director and adequate to determine compliance with the requirements of this ordinance and provide the planning commission and city council with any other information needed to evaluate the overall site plan on the basis of the criteria set forth herein.

12.3.2 *Building elevations.* The application shall include elevation drawings, exterior wall materials to be used and floor plans of all existing and proposed buildings on the site, drawn to a scale not less than one-eighth inch equals one foot, or to another scale determined by the planning director and adequate to determine compliance with the requirements of this ordinance and provide the planning commission and city council with any other information needed to evaluate the overall site plan on the basis of the criteria set forth herein.

12.3.3 *Detailed information.* The following detailed information shall be submitted to the planning director with the necessary number of copies of the site plan building elevations, and building floor plans:

- a. The existing and proposed zoning.
- b. The location and size of all structures including location of entrances and loading points.
- c. All outside dimensions of each structure, its distance from the property lines, its area and its height.
- d. Floor plans with dimensions of each delineated space by type of intended use by square footage in include tenant space and owner occupied space. In the case of residential units, the number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.) with typical floor plans for each type of unit and the square footage of floor area by unit type.
- e. The description of the whole property, or that portion to be developed and the area of the site in square feet, excluding all existing rights-of-way.
- f. A certified survey completed by a State of Michigan Licensed Land Surveyor, which indicates the recorded and measured dimensions of the property lines and other pertinent data as prescribed in Act No. 132 of Public Acts of 1970, as amended, prior to final approval of the engineering site plan. The survey plot plan shall not exceed eight and one-half inches by 14 inches in size.

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- g. Structures, uses, zoning and other significant features of immediately adjacent property.
  - h. The location of all existing and proposed drives, parking area and pedestrian circulation ways, including types of surfacing, parking layout dimensions, required and proposed number of parking spaces as outlined in article XVI of this ordinance.
  - i. The dimensions of public and private road widths and public rights-of-way.
  - j. All existing easements and vacated easements and rights-of-way.
  - k. All required minimum setbacks from the existing or proposed rights-of-way, and property lines.
  - l. The locations of existing and proposed lawns, landscaped areas and outdoor recreation areas, and how the landscaping is to be accomplished.
  - m. The locations, sizes and types of all existing natural features and trees over six inches in diameter. All natural areas that are to be preserved during construction and the proposed protection measures shall be shown on the site plan.
  - n. The design and materials of construction of all free-standing architectural walls, including typical cross-sections and the heights above ground on both sides of free-standing walls.
  - o. The location, intensity and orientation of all exterior lighting.
  - p. The location, dimensions and lighting of all signs.
  - q. The location and capacity of existing or proposed water, sewers, and other utilities serving the site with approximate rim elevations, inverts, size and lengths.
  - r. The location of refuse collection and storage stations, number of receptacles, and screening. Adequate pedestrian litter containers shall be shown on the site plan.
  - s. Existing and proposed grades referenced to a U.S.G.S. benchmark.
  - t. All plans must be sealed by appropriate registrant as prescribed in Act 299, P.A. of 1980, State of Michigan.
  - u. The location, size and capacity of a stormwater management plan and attendant facilities shall be provided in accordance with the City of Westland Best Management Practices standards for the management of stormwater runoff.
  - v. All finalized site plan, surveys, drawings and correspondence shall be submitted in digital format.

#### **Sec. 110-12.4. Standards for site plan approval.**

The city council shall grant site plan approval only if the site plan fully meets all applicable standards set forth in this ordinance, and only upon a finding that the site plan will not, on the basis of the facts known at the time of submission of the site plan, have an unduly harmful external impact on surrounding property owners or the residents of the city as a whole. The city council may, as a basis for making such a finding, require whatever site plan modifications it deems necessary including the provision of additional site plan amenities not specifically required by this ordinance.

12.4.1 All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

12.4.2 The existing trees and landscape elements shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal. All natural features that are to be preserved shall be

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shown on the approved site plan. Protective barriers, composed of wood or other suitable materials, shall be constructed around the areas to be protected and shall be shown on the approved site plan.

- 12.4.3 The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- 12.4.4 All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- 12.4.5 All structures, dwelling units and dwellings, as defined by this ordinance, in residential design site plans shall front a street that is constructed in accordance with city engineering standards for public streets and may be dedicated to the city.
- 12.4.6 There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic. All components of the pedestrian circulation system shall be free from any mechanical equipment such as vending machines, storage coolers and similar devices.
- 12.4.7 Public street access points shall be located and designed to minimize disruption of through traffic flow. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- 12.4.8 Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of sewer facilities including grading, gutters, piping, and the treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.
- 12.4.9 Exterior lighting shall be of a type and design and so arranged that light is deflected away from adjacent properties and shall not exceed one footcandle of intensity as measured at the property line. The light shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. All parking lot lighting shall be turned on at sunset and remain illuminated during the hours of operation of the principal use of the premise and remain illuminated for one hour after the business closes for the day.
- 12.4.10 Adequate services and utilities and improvements shall be provided, located and constructed with sufficient capacity to adequately serve the development.

### **Sec. 110-12.5. Site condominium subdivision review procedures.**

- 12.5.1 The intent of this section is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This procedure is required because of the different design terms which are used for site condominium subdivisions.
- 12.5.2 Site condominium subdivision projects and construction plans shall include the required information for site plan review as identified in this ordinance. In addition, a copy of the proposed master deed and any other restrictive covenants shall be submitted. The site condominium subdivision site plan shall show all proposed site condominium building sites and building envelopes together with all proposed public and private utility improvements. The site plan review procedures of this article shall be followed for the approval of a site condominium subdivision.



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- 12.5.3 The following terms shall be used in applying ordinance standards to a site condominium subdivision:
- a. All regulations pertaining to a lot shall apply to the site condominium building site.
  - b. All regulations pertaining to dwelling or building height, width, or size shall apply to a condominium structure.
  - c. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:
    1. The front yard setback shall be measured from nearest road right-of-way line to the site condominium building envelope.
    2. The side yard setback shall be measured from the side of the site condominium building envelope to the side building site line.
    3. The rear yard shall be measured from the rear line of the site condominium building envelope to the rear line of the building site.
    4. Regulations for building-to-building spacing shall be measured from building envelope to building envelope.
  - d. Issuance of temporary certificates of occupancy is permitted for not more than 75 percent of the dwelling units within the limits of the approved site plan. Once this point of occupancy is reached, all site improvements as depicted upon the approved site plan must be completely installed.

### **ARTICLE XIII. SPECIAL LAND USE PROCEDURES AND STANDARDS**

#### **Sec. 110-13.1. Purpose.**

This section sets forth review procedures and standards for planning commission review and recommendation and city council review and approval of special land uses. These procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances could be detrimental to other permitted land uses and cannot be permitted within the same district, but which can be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses. These procedures are adopted to provide guidelines for the city council to follow in arriving at any special land use decision over which it has jurisdiction, and to provide for the public health, safety and general welfare.

#### **Sec. 110-13.2. Procedures.**

- 13.2.1 *Applicant.* The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall file the application for special land use with the planning director.
- 13.2.2 *Issuance of zoning certificate.* The city council shall approve all special land use applications in accordance with the procedures and standards set forth herein before a zoning certificate is issued.
- 13.2.3 *Occupancy certificate.* No occupancy certificate shall be issued until the special land use site plan as approved by the city council has been completed including the installation of landscaping materials. A temporary occupancy certificate may be issued as provided in subsection 110-3.9.3 before the site plan improvements have been completed.
- 13.2.4 *Application forms and documentation.* The application for special land use approval shall be made on such forms as shall be prescribed by the city council and provided by the planning director and shall be accompanied by the necessary fees and documents as provided herein.

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13.2.5 *Submission to planning director and planning director report.* The application for special land use approval shall be submitted to the planning director who shall prepare a report on whether the proposal meets all applicable requirements of this ordinance and any additional requirements recommended by the planning director based on the standards set forth in this ordinance. The planning director shall forward the report to the planning commission together with the application and site plan within 45 days of receiving the completed site plan.

13.2.6 *Data and notification of planning commission public meeting.*

- (a) Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.
- (b) The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - (i) Describe the nature of the request;
  - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
  - (iii) State when and where the request will be considered.
  - (iv) Indicate when and where written comments will be received concerning the request.

13.2.7 *Planning commission recommendation.* The planning commission shall, within a reasonable time following the date at which the application for special land use approval was considered, pass a resolution setting forth its findings regarding the general and specific standards set forth herein, and shall recommend to the city council, approval, approval with conditions, or disapproval, with its reasons.

13.2.8 *Review of recommendations and public hearing.* The city council shall review the application for special land use approval, together with the planning director's report and planning commission's recommendations thereon. At the initiative of the body or official responsible for approving the special land use or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the special land use request. The body or official designated to review and approve special land uses may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

- a. Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.

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- b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
    - (i) Describe the nature of the request;
    - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
    - (iii) State when and where the request will be considered.
    - (iv) Indicate when and where written comments will be received concerning the request.

13.2.9 *City council determination.* The city council shall make the final determination on the application for special land use approval. Such determination shall be based solely on the requirements and standards of this ordinance. Approval, approval with conditions, or disapproval shall be made by resolution setting forth the city council's findings regarding the pertinent requirements and standards. If the special land use is approved by the city council, the applicant may then submit the written approval to the zoning enforcement officer who will then sign the zoning certificate if all other zoning certificate requirements have been met, and all required signatures have been obtained.

If site special land use approval is denied, the city council may by resolution require that a revised special land use application be resubmitted for review and approval in accordance with the process outlined above. If in the judgment of the city council, the special land use application can be approved if minor modifications are made, the city council may by resolution issue a conditional approval in writing and provide for resubmission of a revised special land use application to the enforcement officer who shall sign the zoning certificate upon determination that all appropriate modifications have been made in accordance with city council stipulations, and that all other zoning certificate requirements have been met.

13.2.10 *Recording of planning commission and city council action.* Each action taken with reference to special land use review and approval shall be duly recorded in the minutes of the planning commission and city council and the grounds for the action taken upon each special land use submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.

13.2.11 *Maintenance of site plan.* It shall be the responsibility of the owner of a property for which special land use approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the special land use approval was granted, or until a new special land use approval has been obtained as a basis for modifying the use or site plan. Any property owner who fails to so maintain a special land use as approved shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such a use violation. All plans, specifications, and statements submitted with the application for a special land use approval shall become, with any changes ordered by the city council, a part of the conditions of any approval issued by the city council pursuant thereto.

### **Sec. 110-13.3. Application data requirements.**

The application and data requirements for special land use approval shall be the same as set forth in section 110-12.3 for site plan review, plus such other data as may be required by the planning director, the planning commission, and the city council to make the determination required herein.

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## Sec. 110-13.4. General standards for granting special land use approval.

The city council shall approve special land uses upon determination that the proposed use will comply with all requirements of this ordinance including site plan regulations in article XI and the site plan standards, in article XII applicable standards for specific uses, and the following general standards:

- 13.4.1 The location of the proposed special land use within the zoning district will minimize the impact of the traffic generated by the proposed use on surrounding uses. It shall be presumed that this standard has not been met if the proposed use is not located immediately adjacent to or within 200 feet from an arterial street. This presumption may be set aside by the presentation of substantial evidence indicating that the traffic generated by the proposed use will have a minimal impact despite the failure to meet this locational standard.
- 13.4.2 The site plan of the proposed special land use will minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
  - a. The location and screening of outdoor storage or activity areas and mechanical equipment in relationship to surrounding development.
  - b. The location and screening of vehicular circulation and parking areas in relationship to surrounding development.
  - c. The hours of operation of the proposed use. In granting the approval for a special land use, restrictions may be set upon the hours of operation as appropriate to ensure minimal impact on surrounding uses.
  - d. The bulk, placement, and materials of construction of the proposed use in relationship to surrounding uses.
  - e. The impact on the existing natural environment.
  - f. The exterior lighting and drainage shall not negatively impact on adjacent property or the surrounding neighborhood (see subsection 110-12.4.9).
- 13.4.3 The site plan of the proposed special land use will be such as to provide the maximum feasible enhancement of the neighborhood environment of the surrounding area. In determining whether this requirement has been met, consideration shall be given to:
  - a. The provision of landscaping or other site amenities over and above those required by specific stipulations of this ordinance. Provision of additional landscaping amenities over and above the requirements of article XI of this ordinance may be required.
  - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
  - c. The location of the proposed special land use will not be detrimental to the orderly development of surrounding areas and will not have a detrimental effect on the natural environment.
  - d. The traffic and parking impact on existing streets and intersections.
- 13.4.4 The location of the proposed special land use will not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use will not result in a small nonresidential area being substantially surrounded by incompatible uses.
- 13.4.5 The proposed special land use will be consistent with the general objectives of the city master plan.

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13.4.6 The proposed special land use will be compatible with adjacent uses of land in terms of location, size and character, and will have no negative impact on adjacent property or the surrounding neighborhood.

13.4.7 Reasonable conditions may be imposed by the city council upon approval of a special land use to reduce to a minimum any detrimental effect. Conditions imposed shall become part of the site plan and shall remain unchanged unless a change in conditions is approved by the city council.

## **ARTICLE XIV. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**

### **Sec. 110-14.1. Intent.**

The intent of the planned unit development district (PUD), is to permit flexibility in the regulation of land development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and city desire to preserve. The standards of this article are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts. The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

### **Sec. 110-14.2. Permitted uses.**

14.2.1 *Permitted principal uses.* Any combination of uses permitted in any residential, office, business or industrial classifications pursuant to this ordinance.

14.2.2 *Permitted accessory uses.* Any use which is accessory to the uses allowed as permitted principal uses.

### **Sec. 110-14.3. Eligibility.**

Planned unit developments may be allowed by the city council, following a recommendation by the planning commission that the following criteria are applicable:

- a. The subject site shall be a minimum size of one acre of contiguous land under the control of one owner, or a group of owners, or the application must be made with the written authorization of all property owners.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the planning commission, or the PUD will provide a complementary mixture of uses or housing types within a unique, high quality design.
- c. The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the city, where such benefit would otherwise be unfeasible or unlikely to be achieved. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, integration of various site features into a unified development, provision of useful open space, expand the supply of affordable housing for lower income households, or provision of employment and shopping opportunities.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and the development shall not place an unreasonable burden upon surrounding land or land owners.

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- e. The proposed development shall be consistent with the city master plan.
  - f. Usable open space and off-street parking shall be provided, at least equal to the total of the minimum required for each of the component uses of the development. The city council may, if deemed appropriate, require for planned unit developments more or less usable open space or parking than that required by this ordinance, or may require no usable open space or parking.
  - g. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of this ordinance. The city council may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this ordinance.
  - h. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district, shall be provided.

#### **Sec. 110-14.4. Approval procedure.**

- a. The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan to determine its suitability for inclusion in the land use and zoning plans of the city and adoption by the city council as part of the zoning ordinance. The final phase shall require detailed site plans for any part of the conceptual PUD development plan prior to the issuance of building permits. The two phases may be combined and considered for approval as a preliminary and final phase PUD development plan.
- b. The planning commission may hold an informational meeting where the petitioner presents the proposed PUD development plan and the planning commission provides the petitioner with its comments within 30 days after holding such a meeting. Notice of the meeting shall be given to the mayor and city council. No fees shall be charged for said informational meeting.
- c. The petitioner shall next submit to the planning director sufficient copies of the PUD development plans together with appropriate review fees. Copies of the plan as submitted shall be distributed to the appropriate city agencies for review to determine if the development concept can be accommodated by the existing public utility, street and general city service facilities, or if any addition to, or extensions of facilities are necessary for the project.
- d. The planning director shall notify the petitioner of any questions raised by the city agencies during said review and shall submit like information to the planning commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of the city.
- e. The planning commission shall, after holding public hearings on said PUD development plans and reviewing said reports, make its recommendation to the city council on said plan within 60 days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the planning commission may extend this time for periods not to exceed 30 days each if such extensions are necessary for adequate review. The public hearing notice shall be in accordance with the provisions of subsection 110-3.12.5 of this ordinance.
- f. If the preliminary phase or final phase PUD development plan is rejected by the planning commission, its reasons therefor shall be specified in writing and those reasons approved by the planning commission.
- g. The planning commission's recommendations and all related reports shall be submitted to the city council for its consideration. The council shall, after holding a public hearing on the preliminary phase and final phase PUD development plan, take final action on said plan and petition within 90 days of the date it receives a report from the planning commission or such reasonable extension of time as may be necessary for adequate review.

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- h. Any conditions of approval required by the city council shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The city clerk shall keep a special record of all approved PUD development plans and approval conditions.
  - i. Approval of the preliminary phase PUD development plan by the city council shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of the council's approval for a period not-to-exceed one year from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase PUD development plans have not been submitted for approval before the termination of said one-year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted. The city council may extend the approval for a maximum of one additional year upon request of applicant. Any such extension shall be granted only if existing site conditions have not been substantially changed, and provided further that there are no revisions to the plan. If, after the one-year extension a building permit still has not been issued, the applicant must submit the plan for normal review as outlined in section 110-14.4 herein.
  - j. An approved PUD development plan runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD development plan shall remain in effect unless an applicant submits a request to amend or terminate the PUD development plan.

#### **Sec. 110-14.5. Preliminary phase PUD development plan.**

The applicant shall prepare and submit the following to the planning director:

- a. All information, in a preliminary form, that is required for a site plan in article XI of this ordinance.
- b. A list of anticipated deviations from the standard zoning ordinance regulations which would otherwise be applicable.
- c. The applicant shall present material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the city; market needs; impact on public schools, utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.
- d. Any other information which the planning commission or city council require to determine if the proposed preliminary phase PUD development plan meets the eligibility criteria. This may include, but is not limited to: preliminary building elevations, floor plans and sign plans. For large projects an impact assessment may be required.

#### **Sec. 110-14.6. Final phase PUD development plan.**

For each final phase PUD development plan area, the application shall prepare and submit the following to the planning director:

- a. All information that is required for a site plan in article XI of this ordinance.
- b. A detailed list of existing and/or proposed exterior materials shall be provided and will become part of the PUD development plan.
- c. A detailed scale model indicating the three dimensional character of the proposal shall be required if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written

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materials requested by the planning commission or the city council to assist the city in visualizing and understanding the proposal shall be submitted.

- d. Approval of the final phase PUD development plan shall be conditioned upon execution of a development agreement which secures completion of all public and private improvements shown on the PUD development plan and describes how conditions required as part of the PUD approval are to be met.
- e. Approval of the final phase PUD development plan shall entitle the owner to apply for building permits.
- f. The proposed planned unit development district and all proposed buildings, parking spaces, landscaping, open space and amenities must be started within three years of the establishment of the district and work must be continued in a reasonably diligent manner and completed within five years of the establishment of the district. Said five-year period may be extended if applied for by the petitioner and granted by the city council in writing following public notices and a public hearing. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.
- g. PUD development plan.

### **Sec. 110-14.7. Minor amendments to approved final PUD development plan.**

Minor changes to a previously approved final phase PUD development plan may be approved by city council after the plan has been reviewed by the planning director, fire chief, building director and city engineer and they certify in writing that the proposed revision meets all requirements of this ordinance and constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by the planning commission and the city council. The planning director shall record all such changes on the original final phase PUD development plan and shall advise the planning commission of all said minor revisions. Minor alterations or revisions under this section shall include, but not be limited to:

- a. New fire escape.
- b. Change in building height that does not create new floor area.
- c. Relocation of sidewalks.
- d. Rearrangement of parking lot and drives.
- e. Decrease in building size.
- f. Moving a building no more than 20 feet or 20 percent of the distance to the closest property line, whichever is smaller.
- g. Other proposed amendments must follow the approval procedures for a new planned unit development.

## ***ARTICLE XV. SIGNS***

### **Sec. 110-15.1. Purpose.**

The regulations contained herein are instituted to provide for the establishment of signs that will promote viable commercial and industrial activity, but will not, by reason of their size, location, construction, or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety. Furthermore, it is the intent of these regulations to preserve and improve the appearance of the city by preventing placement of:



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- (1) Oversized signs that are out-of-scale with surrounding buildings and structures; and
  - (2) An excessive accumulation of signs that would cause visual clutter.

These regulations are further intended to regulate permitted signs in such a way as to create land use patterns that are compatible with other major land use objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the city.

### **Sec. 110-15.2. Scope of requirements.**

The regulations herein set forth shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, except when specifically provided for by a variance. Any sign already established on the effective date of this ordinance, and which sign is rendered nonconforming by the provisions herein, and any sign which as a result of subsequent amendments hereto shall be rendered nonconforming, shall be subject to the regulations concerning nonconformities set forth in subsection 110-15.3.6 of this ordinance.

### **Sec. 110-15.3. General limitations.**

15.3.1 *Exceptions.* The provisions of this ordinance shall not apply to the following:

- a. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
- b. Miscellaneous traffic and other official signs of any public or governmental agency such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety.
- c. Any identification of any official court or public office, notices thereof, parks, playgrounds, and community recreation facilities, or any flag, emblem or insignia of the nation, a political unit, or school.
- d. Any sign which is located completely within an enclosed building, and which sign is not visible from outside the building.
- e. Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature.
- f. Works of fine art when not displayed in conjunction with a commercial enterprise which may receive direct commercial gain from such displays.
- g. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays, and special municipal and public school activities.
- h. Signs on a truck, bus, trailer, or other vehicle while operated in the normal course of a business which is not primarily the display of such sign.

15.3.2 *Prohibited signs.* The following signs shall not be permitted, erected, or maintained in any district:

- a. Signs which incorporate any flashing or moving lights, or exposed incandescent light bulbs, except as specifically permitted. This prohibition shall not apply to LED or electronic display signs with static messages or images, as specifically authorized in this ordinance, provided that they meet the rate of change and maximum luminescence requirements of this ordinance.
- b. Banners, pennants, spinners, streamers, inflatable balloons, and benches with advertisements (except as authorized by subsection 110-15.6.10 of this article).
- c. String lights used in connection with commercial premises for commercial purposes, other than holiday decorations.

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- d. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current. This prohibition shall not apply to LED or electronic display signs with static messages or images, as specifically authorized in this ordinance, provided that they meet the rate of change and maximum luminescence requirements of this ordinance.
  - e. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
  - f. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
  - g. Any sign which makes use of words such as "stop", "look", "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
  - h. Any sign or other advertising structure containing any obscene, indecent or immoral matter.
  - i. Any sign unlawfully installed, erected or maintained.
  - j. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
  - k. Portable or temporary signs, except as authorized herein or as approved pursuant to a variance from the zoning board of appeals.
  - l. Any sign attached to a standpipe, cutter drain, or fire escape, or any sign erected so as to impair access to a roof.
  - m. Any outdoor advertising sign or billboard; however, this section shall not apply to billboards or outdoor advertising signs lawfully in existence at the time this ordinance becomes effective, as such signs may be maintained and repaired to continue their useful life, nor to those specific signs which are expressly allowed by the district regulations contained in this ordinance. The maintenance and repair of an existing billboard may include upgrade to an LED or electronic display sign provided that:
    - (1) The sign shall contain only static messages or images;
    - (2) The rate of change between two static messages or images shall not exceed more than one change per six seconds;
    - (3) Each change shall be complete in one second or less;
    - (4) The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet; and
    - (5) The sign shall be configured to default to a static display in the event of mechanical failure.
  - n. Any sign which would project above the parapet line of any roof.
  - o. Any sign which would project into any public right-of-way or other access way.
  - p. Any sign which is attached to a tree, fence, or utility pole.
  - q. Any for sale sign displayed on any vehicle parked on a commercial or business parking lot.

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- r. Any other sign not specifically authorized by this ordinance.
  - s. High intensity search lights used for the attraction of business patrons and customers but not including any emergency lighting as may be required by police, fire or other emergency personnel.

15.3.3 *Marquee signs, awnings and canopies.*

- a. Where limitations are imposed by this ordinance on the projection of signs from the face of the wall of any building or structure such limitations shall not apply to on-premises canopy or marquee signs, provided that any such on-premises sign located on a marquee or canopy shall be affixed flat to the vertical face thereof, and provided further that all marquee signs and canopies shall maintain the following clearances:
  - (1) *Height:* All marquee signs shall maintain a vertical clearance of not less than ten feet above grade. All identification canopies shall maintain a vertical clearance of not less than seven feet and six inches above grade.
  - (2) *Projection:* No marquee or canopy sign shall project into a public right-of-way.
- b. On-premises signs on awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs from the face of the wall of any building or structure, provided that any such sign located on the awning shall be affixed flat to the surface thereof, and shall be non-illuminated; provided, no such sign shall extend vertically or horizontally beyond the limits of said awning, and provided further that all awnings shall maintain the following clearances:
  - (1) *Height:* All awnings shall maintain a vertical clearance of not less than seven feet and six inches above grade.
  - (2) *Projection:* No awning shall project into a public right-of-way.

15.3.4 *"For sale" and "For rent" sign.* Temporary, freestanding and wall-mounted signs offering the premises on which they are located "for sale," "for lease," or "for rent" shall be permitted in any district subject to the following controls:

- a. *Area and number:* There shall be not more than one such sign per zoning lot, except that on a corner zoning lot two signs, one facing each street, shall be permitted. One sign shall be permitted for every 300 feet of frontage on an individual vacant unplatted lot or on contiguous vacant unplatted lots which are being offered as a single parcel, provided that the total frontage on the lot or lots exceeds 300 feet. No sign shall exceed six square feet that is placed on a zoned lot or acreage with a frontage of less than 300 feet and shall not exceed 16 square feet on a zoned lot or acreage with a frontage greater than 300 feet.
- b. *Height:* No freestanding sign shall project higher than five feet above the curb level.
- c. *Duration:* Temporary directional signs that indicate the location of a building or structure that is for sale, lease, or rent and open for public viewing shall be erected and removed in the same day that the building or structure is open for public viewing. All signs "for sale," "for lease," or "for rent," shall be removed within ten days of the sale, lease or rent of such land or building.

15.3.5 *Temporary election signs.*

- a. *Maximum sign size:* Temporary election signs with a total area not to exceed eight square feet shall be permitted on private property.
- b. *Placement:* Permitted signs shall not be located in the public rights-of-way and shall be set back at least three feet from the property line. No temporary election sign shall block clear vision areas as set forth in subsection 110-11.3.7.
- c. *Maximum height:* Permitted signs shall have a maximum height of eight feet.

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- d. *Duration:* Temporary election signs shall be permitted for no more than 60 days and shall be taken down no later than five days after the election event to which it pertains to is completed.

15.3.6 *Obsolete and nonconforming signs.*

- a. Obsolete signs which do not comply with the requirements of this ordinance, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such copy or message may be found, within 30 days after written notification from the enforcement officer, and upon failure to comply with such notice within the time specified in such notice, the enforcement officer is hereby authorized to issue a citation and/or to cause removal of such copy or message, and any expense incident thereto shall be paid by the owner of the building, sign, or structure upon which such copy or message is displayed. Upon vacating a commercial establishment, the property owner shall be responsible for the removal of all non-conforming signs in conjunction with the business.
- b. It is the intent of this section to recognize that the existence of nonconforming signs is contrary to the best interests of the community. It is considered as much a subject of public health, safety and welfare as is the prohibition of the establishment of new signs in violation of the requirements of this ordinance. It is hereby declared to be the policy of the City of Westland, as expressed in this ordinance, to remove nonconforming signs as expeditiously as is reasonable and as circumstances permit, having due regard for the rights of the parties concerned.

Any existing sign lawfully erected prior to the effective date of this ordinance, which does not comply with all of the requirements and provisions hereof, may be maintained, but such a nonconforming sign shall not be:

1. Replaced by or changed to another nonconforming sign;
2. Structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the sign is brought into conformance with the requirements of this ordinance;
3. Repaired or reestablished after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the cost of an identical new sign;
4. Reestablished or maintained after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer. In the case where the activity, business or usage which is discontinued occupies a portion of a nonconforming multi-tenant wall or ground sign, that portion of the sign identifying the previous use shall be painted out or replaced with a blank panel of the same color as the background color that it replaces until such time as 50 percent or more of the total sign area is blank, at which time the entire sign structure is to be removed or replaced with a conforming sign; or
5. Changed to any extent, including changing the face or faces when such sign is of a type of construction which permits such a complete change of face; or any changes made in colors, words, letters or symbols used or the message displayed on the sign.

15.3.7 *Garage, yard and basement sale signs.* Temporary, freestanding garage, yard and basement sale signs shall be permitted in any district subject to the following restrictions:

- a. *Area and number:* There shall not be more than one such sign per zoning lot, nor more than three per sale. Each sign shall not exceed six square feet in area.
- b. *Location:* Each sign shall be located on a separate zoning lot and shall be placed on a lot only after the permission of the property owner has been obtained. No garage, yard or basement sale sign shall be permitted in any public right-of-way nor within three feet of any property line. No wall-mounted signs shall be permitted.

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- c. *Height:* No such sign shall project more than five feet above curb level.
  - d. *Duration and frequency of use:* Garage sale signs shall not be located on any zoning lot for more than four consecutive days nor for more than a total of six days during any 90-day period.

15.3.8 *Construction and maintenance.* The construction, installation, erection, anchorage and maintenance of all signs shall be subject to the regulations of the building code. All electrical wiring associated with freestanding signs shall be installed underground.

15.3.9 *Mounting of signs.* All signs shall be mounted on one of the following manners:

- a. Flat against a building or wall;
- b. Back to back in pairs, so that the backs of signs will be screened from public view;
- c. Clustered in an arrangement which will screen the backs of the signs from public view; or
- d. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

15.3.10 *Limitation on number of signs.* In those districts within which a reduction in total sign area is applied as the number of signs increases, the following exemption is offered. If more than four establishments occupy a single zoning lot, the 20 percent reduction in total sign area shall not apply if all signs are grouped in a single location or are part of a common sign for the entire zoning lot. In such instances, each establishment shall be permitted an additional wall-mounted sign of not more than 16 square feet in area and projecting not more than 12 inches from the face of the wall or structure of the building.

15.3.11 *Measurement.* Except as noted, the area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structures to which the letters and/or logo are attached. In the case of a wall sign attached to the building, the envelope shall be around the letters. The sign support shall not be considered when measuring the area of a ground or freestanding sign.

The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that:

- (1) The outline and dimensions of both faces are identical; and
- (2) The faces are back-to-back so that only one face is visible at any given location.

The distance between two signs shall be measured along a straight line that represents the shortest distance between the two signs. The distance between a sign and a building, parking lot or storage or processing area shall be measured along a straight line that represents the shortest distance between the sign and the outer edge of the building, parking lot, or storage or processing area. The distance between a sign and the building or property line shall be measured along a straight line that represents the shortest distance between the sign and the building or property line.

(Ord. No. 248-A-91, § 1, 8-5-19)

## **Sec. 110-15.4. Residence districts.**

The following signs shall be permitted in all residence districts:

15.4.1 *Nameplate and identification sign.* Nameplate and identification signs shall be permitted in residence districts subject to the following controls:

- a. *Area and location for one- and two-family residential uses:* There shall be not more than one nameplate or identification which shall be attached to the structure or freestanding, but not closer than three feet to the property line. Said nameplate shall not exceed one square foot in area, for each dwelling unit. On a corner lot, two such nameplates shall be permitted for each

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dwelling unit, one facing each street. No such sign shall project higher than five feet above the curb line.

- b. *Area and location for nonresidential uses:* There shall be not more than one identification sign, which shall be attached to the structure, not to exceed 12 square feet in area. On a corner lot, two such signs, one facing each street, shall be permitted. No such sign shall project higher than one story or 15 feet above curb level, whichever is lower.
- 15.4.2 *Signs accessory to parking areas.* Signs accessory to parking areas shall be permitted in residence districts subject to the following controls:
- a. *Area and number:* Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted. On a corner lot, two such signs, one facing each street, shall be permitted. Directional signs, no parking signs, and signs identifying parking spaces for the handicapped shall be permitted as needed within parking area.
- 15.4.3 *Temporary signs accessory to residential developments or other permitted improvements.* Temporary signs accessory to residential developments and other permitted improvements shall be permitted in residence districts subject to the following controls:
- a. *[Purpose:]* The signs shall be only for the purpose of identification of homes, condominiums, apartments, or mobile home sites for sale or rent in the residential development under construction, or for the identification of other nonresidential uses under construction.
  - b. *Area, number and setback:* Such signs shall not exceed two in number for each development, or one for each entrance to a subdivision, nor 100 square feet each in area. They shall observe the front yard requirements of the principal use and shall be located at least 50 feet from all other boundaries of the site.
  - c. *Height:* No sign shall project higher than 14 feet above curb level.
  - d. *Time limitation:* The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of the zoning certificate.
- 15.4.4 *Residential development permanent identification signs.* Residential development permanent identification signs shall be permitted in residence districts subject to the following controls:
- a. *Area and number:* There shall be not more than one sign located at each entrance to the subdivision or estate. No such sign shall exceed 85 square feet in area.
  - b. *Height:* No sign shall project higher than six feet above curb level.
- 15.4.5 *Church bulletin boards.* Church bulletin boards shall be permitted on lots occupied by churches in residence districts subject to the following controls:
- a. *Area and number:* There shall be not more than one sign per lot, except that on a lot exceeding 100 feet of frontage, one sign shall be permitted for each 100 feet of frontage or portion thereof, and on a corner lot, two signs, one facing each street shall be permitted even if total frontage is less than 100 feet. No sign shall exceed 32 square feet in area.
  - b. *Location:* No sign shall be located less than ten feet from any property line.
  - c. *Height:* No sign shall project higher than six feet above the curb level.
- 15.4.6 *Signs for nonconforming uses.* Each nonconforming nonresidential use in a residential district shall be permitted one accessory sign which shall conform to the requirements of subsection 110-15.5.2.

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## **Sec. 110-15.5. Office district signs.**

- 15.5.1 *Signs for residential district uses in office business district.* Signs for residential district uses in the office business district shall be governed by the sign regulations for residential district uses set forth in section 110-15.4.
- 15.5.2 *Wall-mounted identification signs for office and other nonresidential permitted uses.* Wall-mounted identification signs shall be permitted in office districts subject to the following controls:
- a. *Area, size and number:* A single identification sign, not exceeding 64 square feet in area may be displayed. On a corner zoning lot two such signs, one facing each street, shall be permitted.
  - b. *Location and height:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
    - (1) Twenty-five feet above grade;
    - (2) The top of the sills of the first level of windows above the first story; and
    - (3) The height of the building at the eaves facing the street on which the sign is located.
- 15.5.3 *Freestanding identification signs for office and other nonresidential permitted uses.* Freestanding identification signs shall be permitted in office districts subject to the following controls:
- a. *Area, size and number:* A single freestanding on-premises sign, not exceeding 32 square feet in area for buildings up to two stories in height, and not exceeding 50 square feet in area for buildings exceeding two stories in height may be displayed. On a corner zoning lot two such signs, one facing each street, shall be permitted.
  - b. *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such building or individual use. No sign shall be located less than ten feet from any side or rear property line.
  - c. *Height:* No sign shall project higher than ten feet above curb level.
  - d. *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any other permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.
- 15.5.4 *Signs for nonconforming uses.* Signs for nonconforming nonresidential district uses shall conform to the requirements of subsection 15.5.2.
- 15.5.5 *Time, temperature and stock market signs.* (As provided in subsection 110-15.6.8.)

## **Sec. 110-15.6. Commercial district signs.**

- 15.6.1 *Signs for residential district uses in commercial districts.* Signs for residential district uses in commercial districts shall be governed by the sign regulations for residential district uses set forth in section 110-15.4. Signs accessory to parking areas shall conform to the requirements in subsection 15.4.2.
- 15.6.2 *Wall-mounted identification and business signs.* Wall-mounted on-premises signs shall be permitted in commercial districts subject to the following controls:
- a. *Area and number:* The gross area in square feet of all signs on a zoned lot shall not exceed one and one-half square feet for each lineal foot of building frontage, or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area; however, the maximum total of all permitted signs for any establishments shall not exceed 200 square feet.

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- b. *Location:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
    - (1) Twenty-five feet above grade;
    - (2) The top of the sills of the first level of windows above the first story; and
    - (3) The height of the building at the eaves facing the street on which the sign is located.

15.6.3 *Ground signs.*

- a. For shopping centers in single ownership or under unified control, or individual uses with a minimum frontage of 200 feet, one additional on-premises ground sign on each street frontage, other than those regulated in subsection 15.6.2 above, shall be permitted, subject to the following controls:
  - (1) *Area:* The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-half square foot for each lineal foot of frontage of such zoning lot, or a total of 100 square feet, whichever is less. Up to 75 percent of the allowable gross area of the sign may be used for an LED or electronic display, provided such display complies with subsection c, below.
  - (2) *Setback:* Such sign shall be set back a minimum of ten feet from the front lot line of such center or individual use. For each five feet of sign setback in excess of the ten-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
  - (3) *Height:* Signs shall have a two-foot brick or masonry base, and no sign shall project higher than 14 feet above curb level.
  - (4) *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any other permitted sign on the zoning lot and 50 feet from any existing freestanding or ground sign on an adjacent zoning lot.
- b. For individual uses, one additional on-premises ground sign on each street frontage, other than those regulated in subsection 110-15.6.2 above will be permitted, subject to the following controls:
  - (1) *Area:* The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-third square foot for each lineal foot of frontage of such zoning lot, or a total of 48 square feet, whichever is less. Up to 75 percent of the allowable gross area of the sign may be used for an LED or electronic display, provided such display complies with subsection c, below.
  - (2) *Setback:* Such signs shall be set back a minimum of ten feet from the front lot line of such individual use. For each five feet of sign setbacks in excess of the ten-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
  - (3) *Height:* Signs shall have a two-foot brick or masonry base, and no sign shall project higher than eight feet above curb level.
  - (4) *Distance from other permitted signs:* Such sign shall be located at least 35 feet from any other permitted sign on the zoning lot and 35 feet from any existing freestanding or ground sign on an adjacent zoning lot.
- c. The LED or electronic display portion of a sign authorized in this section shall meet the following requirements:
  - (1) The sign shall contain only static messages or images;
  - (2) The rate of change between two static messages or to exceed more than one change per six seconds;



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- (3) Each change shall be complete in one second or less;
  - (4) The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths foot candle over ambient light levels measured at a distance of 150 feet; and
  - (5) The sign shall be configured to default to a static display in the event of mechanical failure.
- 15.6.4 *Permanent window signs.* Permanent non-illuminated on-premise signs shall be permitted on the inside of the glass of windows, provided that the total area of such sign does not exceed 30 percent of the area of the window in which it is located and provided that the area of the sign be counted in determining the total area of the signs on the zoning lot.
- 15.6.5 *Temporary window signs.* Temporary non-illuminated on-premises window signs shall be permitted only for uses less than 10,000 square feet in total area and subject to the restriction that the total area of temporary and permanent window signs shall not exceed 30 percent of the area of the window in which they are located.
- 15.6.6 *Temporary window signs advertising sales.* Temporary on-premises signs pertaining to special sales or events lasting no more than 15 days may be affixed to windows provided that their total area does not exceed 30 percent of the window area. Such signs shall not be counted in determining the total area of signs on the zoning lot.
- 15.6.7 *Signs for nonconforming uses.* Signs for nonconforming nonresidential district uses shall conform to all the provisions of this section (section 110-15.6).
- 15.6.8 *Time, temperature, and stock market signs.* Time, temperature, or stock market signs shall be permitted provided the following conditions are met:
- a. The message change shall not be more frequent than once every ten seconds.
  - b. The area of these types of signs shall be included within the maximum sign area permitted on the site.
  - c. One time, temperature, or stock market sign shall be permitted per street frontage.
- 15.6.9 *Gasoline service station signs.* Gasoline service stations may only display the following special signs which are deemed customary and necessary to their respective business:
- a. *Numbers:* One customary lettering or other insignia on a gasoline pump containing the brand of gasoline sold, lead warning sign, and any other sign required by law. Two non-illuminated double-faced signs per gasoline pump island may be placed for the purpose of displaying gasoline or other commodity prices and for designating "attendant served" or "self served." One double-face combination identification sign and gasoline price sign shall be permitted in front facing the street. The number of wall-mounted on-premises signs on the building shall be determined by the planning director, in accordance with the maximum allowable gross area of these signs. No portable or temporary signs are permitted.
  - b. *Areas:* The signs on the pump shall not exceed three square feet on each pump. The non-illuminated double-faced signs on the pump island shall not exceed four square feet for each sign. The combined identification sign and gasoline price sign shall not exceed a total of 48 square feet, which includes the border map, background frame, etc., as a regular shaped envelope. Up to 50 percent of the allowable gross area of the combined identification sign and gasoline price sign may be used for an LED or electronic display, provided such display complies with subsection c of subsection 110-15.6.3 of this ordinance. The total gross area of the wall-mounted identification or business signs on the building cannot exceed one-half square foot for each lineal foot of lot frontage, the maximum total area not to exceed 70 square feet as a regular shaped envelope.

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- c. *Location:* The pump signs and the pump island signs shall be placed at or on their respective locations. The double-faced front combined identification sign and gasoline price sign shall be placed back from the property line so the edge of both signs will not encroach over the street right-of-way line. The wall-mounted identification or business signs shall not project more than 18 inches from the face of the wall of the building.
  - d. *Height:* The bottom of the pump island signs shall not exceed a maximum height of two feet above the pumps. The combined identification and gasoline price sign shall have a two-foot brick or masonry base, and such sign shall project no higher than eight feet above curb level. The top of the wall-mounted identification or business sign on the building shall not exceed the requirements for any other wall-mounted signs, as indicated under commercial district signs of this article of this ordinance.
  - e. *Setback:* The combined identification and gasoline price sign shall be set back a minimum of ten feet from the front lot line of the parcel or lot of the individual use.
  - f. *Secondary uses:* In the event that a gasoline service station also contains a secondary use within the structure, a second ground sign is allowed on the zoning lot. This second ground sign may not exceed 24 square feet in size. In height, this sign shall have a two-foot brick or masonry base, and such sign shall project no higher than eight feet above curb level. This sign shall be set back a minimum of ten feet from the front lot line of the parcel or zoning lot.

15.6.10 *Temporary signs or banners advertising a grand opening or special event.*

- a. A business shall be allowed up to three temporary signs or banners for a grand opening or special event for a period of not more than seven consecutive days, and no more than two separate occurrences per calendar year.
- b. The signs or banners may be wall mounted or mounted to the ground. If the temporary signs or banners are mounted on the ground, they shall be set back a minimum of ten feet from the front lot line of the zoning lot of the business.
- c. The size of any temporary sign or banner shall not exceed 32 square feet.
- d. All temporary signs and banners shall be professionally constructed and shall be securely attached to the ground or the building.
- e. A fee in the amount provided for in the Westland City Code, Chapter 46, subsection 46-1(7) shall apply.

15.6.11 *Super-regional shopping center sign regulation.* The following sign regulations shall apply to shopping centers which contain a minimum of 900,000 square feet of floor area in one contiguous building:

*Wall-mounted identification and business signs.* Wall-mounted on-premise signs shall be permitted in commercial districts subject to the:

- a. *Area and number:* The gross area in square feet of all signs on a zoned lot shall not exceed one and one-half square feet for each lineal foot of building frontage, or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area; however, the maximum total of all permitted signs for any single establishment shall not exceed 400 square feet.
- b. *Location:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
  - (1) Twenty-five feet above grade;
  - (2) The top of the sills of the first level of windows above the first story; and
  - (3) The height of the building at the eaves facing the street on which the sign is located.

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*Freestanding signs.* For shopping centers in single ownership or under unified control, or individual uses with a minimum frontage of 200 feet, one additional on-premise sign on each street frontage, other than those regulated, shall be permitted, subject to the following controls:

- (1) *Area:* The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-half square foot for each lineal foot of frontage of such zoning lot, or a total of 100 square feet, whichever is less.
- (2) *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such center or individual use. For each five feet of sign setback in excess of the 15-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
- (3) *Height:* No sign shall project higher than 14 feet above curb level.
- (4) *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.

### **Sec. 110-15.7. Industrial district signs.**

15.7.1 *Signs for residential district uses in industrial districts.* Signs for residential district uses in industrial districts shall be governed by the sign regulations for residential district uses set forth in section 110-15.4. Signs accessory to parking areas shall conform to the requirements of subsection 110-15.4.2.

15.7.2 *Signs for office district uses and commercial district uses in industrial districts.* Signs for office district uses and commercial district uses in industrial districts shall be governed by the sign regulations for office district and commercial district uses set forth in section 110-15.5 and section 110-15.6, respectively.

15.7.3 *Wall-mounted identification and business signs.* Wall-mounted on-premises signs shall be permitted in industrial districts subject to the following controls:

- a. *Area:* The gross area in square feet of all signs on a zoning lot shall not exceed one square foot for each lineal foot of lot frontage. Where more than two signs are located on any zoning lot, the third such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent.
- b. *Location:* No such signs shall exceed the dimensions regulated in subsection 110-15.6.2(b).

15.7.4 *Freestanding industrial park signs.* For industrial parks and for individual industrial uses with more than 500 linear feet of frontage, other than those signs regulated in section 15.7 above, an on-premises freestanding sign shall be permitted, subject to the following controls:

- a. *Area:* The gross area in square feet of the additional sign on a zoning lot shall exceed one-half times the lineal feet of frontage of such zoning lot; however, the gross surface area of such additional sign shall in no case exceed 200 square feet.
- b. *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such industrial park or use. For each five feet of sign setback in excess of the 15-foot minimum, the allowable sign height may be increased by ten percent of the maximum permitted below.
- c. *Height:* No sign shall project higher than 14 feet above curb level.
- d. *[Freestanding or ground signs.]* For individual uses with less than 500 lineal feet of frontage, freestanding signs or ground signs will be regulated under subsection 110-15.5.3.

15.7.5 *Freestanding and wall-mounted advertising signs.* Freestanding and wall-mounted advertising signs shall be allowed in the industrial districts subject to the following controls:

- a. Advertising signs shall be counted in determining the total sign area permitted on the zoning lot.

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- b. Freestanding advertising signs shall not be permitted on zoning lots with another freestanding sign.
  - c. Advertising signs shall not exceed 14 feet in height.

## **ARTICLE XVI. OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **Sec. 110-16.1. Scope and application.**

16.1.1 *Scope of regulations.* The off-street parking and loading provisions of this ordinance shall apply as follows:

- a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- b. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for 100 percent of any existing building, structure, or premises even if less than 100 percent of the required parking and loading facilities was provided before the increase in intensity. For the purpose of this section, required parking and loading facilities shall be as set forth in this ordinance unless modified by a variance granted subsequent to the enactment of this ordinance. When additional parking and loading areas are provided said additional parking and loading areas and all existing parking and loading areas shall be made to conform to the appropriate site plan regulations set forth in article XI of this ordinance.
- c. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required by this ordinance for such new use without regard to any variance which might have been in effect prior to the change of use.

16.1.2 *Existing parking and loading facilities.* Accessory off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.

16.1.3 *Permissive parking and loading facilities.* Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

16.1.4 *Damage or destruction.* For any conforming or legally nonconforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction. Nothing in this section shall be deemed to permit the reconstruction, reestablishment, or repair of any nonconforming use except in accordance with the provisions of article V.

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16.1.5 *Submission of plot plan.* Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan—drawn to scale and fully dimensioned—showing any off street parking or loading facilities, as well as all structures, to be provided in compliance with this ordinance. Whenever a site plan is required in accordance with the provisions of article XII of this ordinance, said site plan shall meet the requirements of this section.

## **Sec. 110-16.2. Off-street parking.**

### 16.2.1 *General requirements.*

- a. *Location.* All parking spaces required to serve building or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve commercial or industrial buildings or uses may be located within 100 feet of the zoning lot on which such use is located if said spaces and uses are located in a commercial or industrial district, and if said spaces are not required to meet the needs of handicapped persons. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located provided such facilities are within 100 feet walking distance of a main entrance to the use served. Owners of property, nonconforming as to parking who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.
- b. *[Additional requirements.]* Off-street parking spaces, open to the sky, may be located in any yard, except the required front yards in a residence district. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements. Said off-street parking shall be hard surfaced in accordance with the engineering standards of the city and shall not exceed 33 percent of the required front yard.
- c. *Control of off-site parking.* In cases where parking facilities are permitted on land other than the zoning lot on which the principal building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession shall be filed with the department of planning of the City of Westland. If possession is by lease, said lease shall be for a term extending not less than 20 years beyond the date on which the property receives final approval for meeting the parking requirements of this ordinance. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
- d. *Size.* Except for parallel parking spaces, each required off-street parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet. For parallel parking, the length of the parking space shall be increased to 24 feet. All other requirements as to size shall be as hereinafter set forth in the attached off-street parking chart.
- e. *Access.* Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 20 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- f. *Collective provision.* No parking space or portion thereof shall serve as a required space for more than one use. Off-street parking facilities for separate uses may be provided collectively. If parking facilities

for separate uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately, except that the total number of spaces may be reduced by up to 25 percent if such a reduction is specifically approved as part of required site plan review approval. Such an approval shall be granted only on a showing that the parking demands of the two uses do not overlap in time.

- g. *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. Unless otherwise stated, for the purposes of computing parking requirements, floor area shall be measured in accordance with the definition of "floor area" as set forth in article XVIII.
- h. *Parking spaces for physically handicapped.*
  - (1) *Number:* A parking lot servicing each entrance of a building, excepting single- or two-family residential or temporary structures, shall have a number of level parking spaces as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

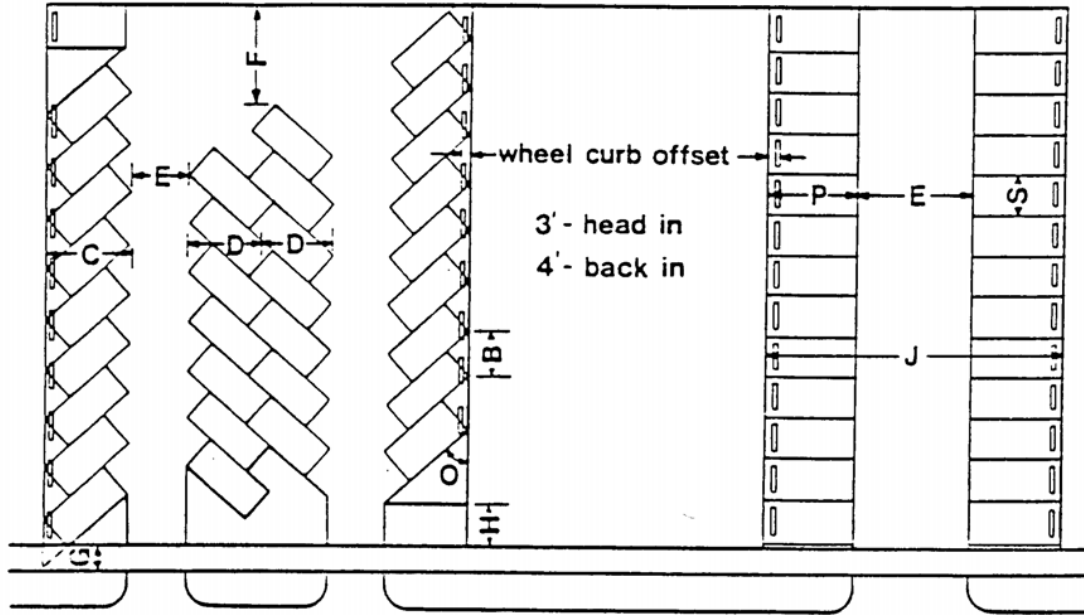
Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	100 plus 1 for each 100 over 1,000

- (2) *Size:* Parking spaces reserved for the physically handicapped shall not be less than 12 feet wide and must meet all other applicable requirements as to size as set forth in article XVI of this ordinance.
- (3) *Location:* Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators.
- (4) *Curbs:* Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access.

- i. *Design and maintenance.*
  - (1) *Plan:* The design of parking lots or areas shall be subject to the approval of the city engineer, in accordance with parking lot Ordinance No. 189 and handicappers parking Ordinance No. 228.
  - (2) *Character:* Accessory parking spaces may be open to the sky, or enclosed in a building.

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- (3) *Surfacing*: All open off-street parking areas, access lanes, and driveways, including those accessory to single-family and two-family residences shall be surfaced with a dustless all-weather material. All parking areas except those serving one- and two-family residences shall be surfaced as required by Ordinance No. 189 of the City of Westland.
  - (4) *Screening and landscaping*: Except for those serving one- and two-family dwellings, all open vehicle parking areas containing more than three parking spaces shall be screened and landscaped as required in article XI of this ordinance.
  - (5) *Lighting*: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed one footcandle power measured at the lot line.
  - (6) *Wheel stops*: Except for those serving one- and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or over any sidewalks whether private or public.
  - (7) *Shelter building*: No parking lot for accessory off-street parking shall have more than one attendant shelter building. All shelter buildings shall conform to all setback requirements for structures in the district.
  - (8) *Signs*: Accessory signs shall be permitted on parking areas in accordance with the provisions specified in article XV of this ordinance.
  - (9) *Repair and service*: No commercial motor vehicle repair work or service of any kind shall be permitted in association with accessory parking facilities except that emergency service required to start vehicles shall be permitted.
  - (10) *Loud speakers prohibited*: The use of loud speakers shall be prohibited in all parking areas, except between the hours of 7:00 a.m. and 7:00 p.m. The restriction on the use of loud speakers shall not apply to parking areas serving single- or two-family residences or when loud speakers are used for municipally sponsored civic functions.
  - (11) *[Additional parking provisions.]* Provisions for bicycle racks, and motorcycle and scooter parking may be provided.

16.2.2 *Specific requirements*. All off-street parking spaces hereinafter required by this ordinance, except those required for one- and two-family dwellings, shall be designed in accordance with one of the formulae set forth in the off-street parking chart, which chart is attached hereto and made a part hereof. Off-street parking spaces shall be provided in accordance with the specific parking classes as hereinafter set forth in the off-street parking table (parking classes). Whenever any building, structure, or zoning lot contains more than one use listed in the off-street parking chart then each use shall be considered in determining total parking needs. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special land) use requirement. If, for any reason, the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces provided by such use is not readily determinable hereunder, the parking class of such use shall be fixed by the zoning board of appeals.



OFF-STREET PARKING CHART  
OFF-STREET PARKING TABLE OF DIMENSIONS (IN FEET)

O	S*	P	B	C	D	E	F	G	H	J	
0°	9	18	24.0	9.0	9.0	20		—	0.0	25	36.0
30°	9	18	18.0	17.0	13.0	20	20	13.5	25	52.0	
45°	9	18	12.7	19.1	15.9	20	20	6.4	25	56.2	
60°	9	18	10.4	20.1	17.8	20	20	2.6	25	60.2	
90°	9	18	9.0	18.0	18.0	22	22	0.0	25	58.0	
* Provisions for small car parking spaces may be permitted in shopping centers at the discretion of the Planning Commission at the time of site plan review.											
NOTE:	O	=	PARKING ANGLE								
	S	=	PARKING SPACE WIDTH								
	P	=	PARKING SPACE LENGTH								
	B	=	CURB LENGTH OF PARKING SPACE WIDTH								
	C	=	PERPENDICULAR LENGTH OF STALL (AGAINST WALL)								
	D	=	PERPENDICULAR LENGTH OF STALL (OVERLAP)								
	E	=	AISLE WIDTH								
	F	=	TURN AROUND AISLE WIDTH								
	G	=	OVERHANG OF CURB LENGTH AT PERIPHERY								
	H	=	MINIMUM SETBACK, EXCEPT FOR CB-1 (15 FEET)								
	J	=	WALL-TO-WALL DIMENSION								

OFF-STREET PARKING TABLE (PARKING CLASSES)

**RESIDENTIAL**

1 One-family, duplex units

2 parking spaces for each dwelling unit



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2	Residential, multiple family (apartments, condominiums, and cooperatives)	
	(a) Efficiency and one-bedroom units	1.5 parking spaces for each dwelling unit
	(b) Two-bedroom units or more	2 parking spaces for each dwelling unit
	(c) Accessory uses—Maintenance facilities	One space for each employee
	(d) Accessory uses—Community buildings	One space for each 300 square feet of floor area
	(e) Guest parking required	One space for each five dwelling units.
3	Boarding, rooming, lodging establishments and/or tourist homes	1.1 parking space for each occupancy unit plus 1 parking space for each employee
4	Senior citizen housing	1 parking space for each dwelling unit plus 1 parking space for each employee. Should units revert to general occupancy, then parking spaces shall be provided as indicated in No. 2 above
5	Mobile homes	As set forth in article VIII
<b>INSTITUTIONAL</b>		
6	Church, chapel, synagogue, temple, or other place of worship	1 parking space for each 3 seats or 6 lineal feet of pews in the main unit of worship
7	Colleges, junior college, or university	1 parking space for each 4 students based on design capacity in addition to the requirements for the assembly hall, stadium, or sports arena
8	Industrial or vocational school, including commercial schools, business schools, business machine schools, and computer technology schools	1 parking space for every teacher, employee and administrator, and one parking space for each 2 students. Additional parking shall be provided to accommodate any retail sales or service activities conducted
9	Elementary, junior high schools, and intermediate schools	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capacity of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee
10	Fraternities or sororities, dormitories, or other residence halls	1 parking space for each 4 beds or 1 for each 1,000 square feet of floor space, whichever is greater
11	Homes for aged, nursing facilities, convalescent homes, convents, children's homes and orphanages	1 parking space for each 4 beds plus 1 space for each employee on the premises, based on largest number of employees on the premises at one time
12	Hospitals and sanitariums	1 parking space for every 2 beds plus 1 for each 5 outpatients plus 1 additional space for each employee, computed on the basis of the greatest number in the largest working shift. In hospitals, bassinets shall not be counted as beds
13	Library	1 parking space for each 300 square feet of floor space, plus 1 parking space per employee on the largest shift
14	Museum, cultural center, or similar facility	1 parking space for each 300 square feet of floor space, plus 1 parking space per employee on the largest shift

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15	Post office	1 parking space for every 300 square feet of floor area over 4,000 square feet, plus one space for each person employed on the largest shift
16	Private civic, fraternal club or lodge	1 parking space for every 50 square feet of floor area, or 1 per 3 persons of maximum occupancy as established by the fire marshal, whichever is greater
17	Private golf clubs, country clubs	1 parking space for every 2-member family or individual member
18	Private swimming pool clubs	1 parking space for every 2-member family or individual member
19	Public golf courses	6 parking spaces per golf hole plus 1 parking space per employee
20	Swimming pools (community)	1 parking space for every 4 persons lawfully permitted plus 1 per employee
21	Senior high schools	1 parking space for every teacher, employee, or administrator, plus 1 parking space for every 10 students in addition to the requirements for the assembly hall, stadium, or sports arena
22	Stadium, sports arena, or similar place of assembly	1 parking space for each 3 seats or similar of assembly vantage accommodation provided or 1 parking space for each 6 lineal feet of benches
23	Theaters, auditoriums, assembly halls	(a) With fixed seating: 1 parking space for each 3 seats and similar vantage accommodation, or 1 parking space for each 6 lineal feet of benches, or 1 parking space per 3 persons based on the occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee (b) Without fixed seating: 1 parking space for every 3 persons who may legally be admitted therein at one time under occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee

**COMMERCIAL**

24	Ambulance service and rescue squad	Adequate space to accommodate all motor vehicle operated in connection with such use and 1 additional parking space for each employee
25	Athletic clubs, physical exercise establishments, health studios, sauna baths, judo clubs	1 parking space per patron based on the occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee on a major shift
26	Automobile service and filling stations	1 parking space for each lubrication stall, rack, or pit, plus 1 space for each service vehicle, plus either 1 space for each fuel pump, plus 1 space for each employee on the largest shift, whichever is greater
27	Automatic laundries, wash racks	1 space for each 2 employees. In addition, reservoir parking space equal in number to 30 spaces for the first car each lane and 20 spaces for each additional lane

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28	Automobile washes (self-service or coin operated)	5 stacking spaces for each washing stall in addition to the stall itself, plus 2 drying spaces for each washing stall
29	Auto repair, buffing, and/or collision	1 parking space per bay plus 1 space per each employee on the largest shift. The area used to store damaged or inoperative vehicles shall be screened as required for outdoor storage areas in article XI and shall not be counted as off-street parking. Adequate area shall be provided to store 2 vehicles for every service bay
30	Banks, financial institutions	1 parking space for every 200 square feet of floor area, plus 1 for each employee
31	Banks, financial institutions with drive-in windows	1 parking space for every 200 square feet of floor area plus 8 stacking spaces for the first drive-in window and 6 stacking spaces per each additional window
32	Beauty parlor, barber shop or tanning salon	3 parking spaces per beauty, barber chair or bed
33	Bowling alleys	5 parking spaces for each bowling lane in addition to the requirements for a place serving food or beverages on the site, plus 1 parking space per employee on the largest shift
34	Dance halls, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	Either 1 parking space for each 50 square feet of floor area, or 1 parking space for every 3 persons based on the occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 space per employee on the largest shift
35	Day care center, child care centers, nursery school, school of special education, and schools for the mentally and physically disadvantaged	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capability of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee
36	Eating establishments/prepared food pickup	
	(a) Drive-thru restaurant	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, whichever is larger, plus sufficient area for 8 stacking spaces for the first drive-in window and 6 stacking spaces per each window
	(b) Drive-in restaurant (eating only allowed in vehicle with no seating facilities)	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, in addition to the spaces provided for customer service
	(c) Drive-in restaurant with seating facilities (eating allowed in vehicles)	1 parking space per 50 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or 1 parking space per employee on the largest shift, whichever is larger, in addition to the spaces provided for drive-in service

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(d)	Fast-food restaurant serving portions over a counter or at a cafeteria line	1 parking space for 50 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or one parking space per employee on the largest shift, whichever is greater
(e)	Snack bar serving food over a counter to patrons who eat in their cars or in the open air	10 parking spaces per service station, plus 1 space for each employee on the largest shift
(f)	Restaurant serving prepared-to-order meals brought to patrons' tables by waiters or waitresses	1 parking space per 100 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or 1 parking space per employee on the largest shift, whichever is greater
(g)	Restaurant serving prepared-to-order meals brought to patrons' tables by waitresses with entertainment and/or dance license	1 parking space per 75 square feet of gross floor area, plus 1 space for each employee on the largest shift
37	Furniture and appliance household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	1 parking space for every 500 feet of floor area
38	Hotel and motel or other [similar uses]	1 parking space per rental unit, plus either 1 parking space for each employee on the largest shift, or 1 parking space for each 10 rental units, whichever is greater, plus such spaces as are required for restaurants, bars, taverns, assembly rooms and affiliated facilities
39	Laundromats and coin-operated dry [cleaning machines]	1 parking space per each 2 washing and/or dry cleaning machines
40	Miniature or "Par 3" golf courses and golf driving ranges	2 parking spaces for each hole, or tee, plus 1 parking space for each employee
41	Mortuary establishments, funeral homes and funeral chapels	1 parking space for each 50 square feet of area used for services, parlors, and slumber rooms
42	(New) motor vehicle sales, rental, and service establishments	1 parking space for each 200 square feet of floor area exclusive of the service area, plus 1 parking space for each auto service stall in the service room, plus 1 space per employee on the largest shift
43	(Used) motor vehicle sales	1 parking space for every 500 square feet of outdoor sales area plus 1 space for each auto service stall, plus 1 space per employee on the largest shift
44	Pool room, billiard parlor, and table game establishments	Either 1 parking space per pool table, billiard table, or game, plus 1 space for every 20 square feet of floor area or 1 parking space per 3 persons based on occupancy load as established by local, county, and state fire, building, and health codes, whichever is greater
45	Open air businesses, including nurseries	1 space per 500 square feet of land area being utilized for retail purposes, plus 1 space per employee
46	Public utility facilities, such as communications equipment buildings, and electrical substations not open to the public	1 parking space per employee. This shall apply to the maximum number of employees on duty at any one time
47	Retail stores, including hardware and sporting goods store, except as otherwise specified herein	1 parking space for every 200 square feet of gross floor area, plus either 1 parking space per each

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		employee working on the premises on the largest shift, or 1 space per 1,000 square feet of gross floor area, whichever is greater
48	Retail lumber yards	2.5 parking spaces for each employee on the largest shift, plus spaces as required above for enclosed retail sales areas
49	Roadside vegetable and fruit stands	4 parking spaces
50	Shopping centers	
	Gross leasable floor area (G.L.A.)	Spaces per 1,000 square feet of G.L.A.
	25,000 to 400,000 square feet	4 spaces
	Over 400,000 [square feet]	4.5 spaces
51	Supermarkets, self-service food stores, and convenience food stores	1 parking space for every 200 square feet of gross floor area or fraction thereof
52	Tennis clubs and court-type recreation types	1 parking space per each person permitted by the capacity of the courts, plus such additional spaces as may be required herein for affiliated uses such as bars, restaurants, or assembly space, plus 1 space per employee
53>	Taxi terminals	1 parking space for each employee on the largest working shift, plus 1 space per company vehicle, screened as required in article XI for outdoor storage area, plus sufficient spaces to accommodate the largest number of visitors may be expected at any one time
<b>OFFICE</b>		
54	Business and professional offices of architects, engineers, landscape architects, lawyers or similar or allied professionals	1 parking space for each 250 square feet of floor area
55	Professional offices of medical or dental practitioner's or similar professionals	1 parking space for each 200 square feet of floor area
<b>INDUSTRIAL</b>		
56	Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, or storage of materials, goods or products, and business offices accessory thereto	5 parking spaces, plus 2 for every employee in the largest working shift or 1 per 2,000 square feet of gross floor area, plus 1 for each 250 square feet of office floor area
57	Wholesale and warehouse establishments	1 parking space per employee on the largest shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area
58	Heavy equipment storage yard, nonretail lumber and building	1 parking space per employee on the largest shift, plus 1 space per company vehicle and piece of mobile equipment plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area

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59	Uses under construction	Space on site shall be provided for all construction workers during periods of construction
60	Drive-up windows or pick-up stations	8 stacking spaces for the first drive-up window or station and 6 additional stacking spaces per each additional window or pick-up station

(Ord. No. 248-A-99, § 1, 8-3-20)

**Sec. 110-16.3. Off-street loading.**

16.3.1 *General requirements.*

- a. *Location.* All permitted and required loading berths shall be located as provided herein, and loading berths not so located shall be prohibited. Except as provided in subsection g. below, all required loading berths shall be located on the same zoning lot as the use served. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. Any permitted or required loading berth may be located in a rear yard including a required rear yard setback area. Any permitted or required loading berth may be located in a non-required front or side yard, but not in a required front or side yard setback area.
- b. *Size.* Unless otherwise specified, a required off-street loading berth shall be at least ten feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- c. *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard is met shall be made during site plan approval.
- d. *Surfacing.* All open off-street loading berths shall be surfaced with a dustless all-weather material as required by Ordinance 189 of the City of Westland.
- e. *Repair and service.*
  - (1) *Residence and business districts:* No commercial motor vehicle repair work or service of any kind shall be permitted in association with loading facilities in any residential or business district. Emergency service required to start vehicles shall be permitted.
  - (2) *Industrial districts:* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in an industrial district if such loading facilities are within 500 feet of a residence or business district. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- f. *Utilization.* Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g. *Central loading.* Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
  - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.

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- (2) Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served. Area of types of uses may be totaled before computing number of loading berths.
  - (3) No zoning lot served shall be more than 500 feet removed from the central loading area.
  - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.
- h. *Minimum facilities.* Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

16.3.2 *Specific requirements.*

- a. *Residence districts.* Off-street loading facilities accessory to uses allowed in the several residence districts shall be provided in accordance with the following minimum requirements:
  - (1) *Health and medical institutions:* One loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 200,000 square feet in gross floor area shall be not less than ten feet in width by 55 feet in length.
  - (2) *For the uses listed hereunder:* One loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof:
    - (a) Apartment hotels.
    - (b) Educational and cultural institutions.
    - (c) Philanthropic and charitable institutions.
    - (d) Religious institutions.
  - (3) *Planned unit development:* Loading berths shall be provided on the basis of the required berths for each individual use.
  - (4) *Recreational and social facilities:* For buildings containing 10,000 to 100,000 square feet of gross floor area, one loading berth shall be provided, and for each additional 100,000 square feet of gross floor area.
  - (5) *For all other nonresidential uses:* Loading facilities shall be provided in accordance with the following requirements:
    - (a) For buildings containing less than 10,000 square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities (accessible by motor vehicle) off any adjacent alley, service drive, or open space.
    - (b) For buildings containing 10,000 to 100,000 square feet of gross floor area, one off-street loading berth shall be provided.
    - (c) For buildings containing over 100,000 square feet of gross floor area, there shall be provided one loading berth for each 100,000 square feet of gross floor area or fraction thereof.
  - (6) *Multiple-family dwellings and rooming houses:* Parking space shall be set aside for delivery trucks and moving vans as near as possible to the entrance of each multiple-family structure or rooming

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house, in a location where there will be minimal disruption to traffic circulation and no blockage of tenant parking.

- b. *Business districts.* Off-street loading spaces accessory to uses permitted in the several business districts shall be provided in accordance with the following minimum requirements:
- (1) Any use listed in residence district that also is permitted in any of the several business districts shall provide loading spaces as established for that use in the preceding section for residence districts.
  - (2) Establishments containing less than 7,000 square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.
  - (3) For the uses listed hereunder, one loading berth shall be provided for buildings containing 7,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of gross floor area shall not be less than ten feet in width by 55 feet in length:
    - (a) Cartage and express facilities.
    - (b) Mail order houses.
    - (c) Printing and publishing.
    - (d) Restricted production and repair.
    - (e) Warehousing, storage and wholesale establishments.
  - (4) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; one additional loading berth shall be provided for each additional 100,000 square feet of gross floor area:
    - (a) Banks and financial institutions.
    - (b) Medical and dental clinics.
    - (c) Offices, business, professional and governmental.
    - (d) Recreation buildings and community centers, noncommercial.
  - (5) For the uses listed hereunder, one ten-foot by 50-foot space shall be provided for buildings containing up to 30,000 square feet; one additional loading berth shall be provided for each additional 20,000 square feet of gross floor area.
    - (a) Specialty food and beverage stores.
    - (b) Grocery stores and supermarkets.
  - (6) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 150,000 square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length:
    - (a) Clubs and lodges (not-for-profit) containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory).
    - (b) Convention halls.



- (c) Exhibition halls.
- (d) Radio and television stations and studios.
- (e) Recording studios.
- (f) Hotels and motels containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
- (g) Stadiums, auditoriums and arenas.

(7) For all other uses, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
7 to 60	One (10 ft. x 30 ft.)
61 to 100	Two (10 ft. x 30 ft. each)

For each additional 200,000 square feet in gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional berth to be at least ten feet in width by 55 feet in length.

c. *Industrial districts.* Off-street loading facilities accessory to uses allowed in the several industrial districts shall not be located in a required front yard setback area, but shall be provided in accordance with the following minimum requirements:

- (1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products: For buildings containing 7,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length.
- (2) For uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; one additional loading berth shall be provided for each additional 100,000 square feet of gross floor area:
  - (a) Medical and dental clinics.
  - (b) Recreation buildings or community centers.
- (3) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length:
  - (a) Airports and commercial heliports.
  - (b) Air and railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
  - (c) Radio and television stations and studios.
  - (d) Municipal sewage treatment plants.

- (e) Stadiums, auditoriums and arenas.
- (4) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional 200,000 square feet of gross floor area or fraction thereof:
  - (a) Trade schools.
- (5) For the uses listed hereunder, there shall be no requirements for off- street loading:
  - (a) Parking lots.
  - (b) Weighing stations.
- (6) Motor freight terminals: For buildings containing 5,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length.
- (7) Planned industrial developments, manufacturing: Loading berths shall be provided on the basis of the required berths for each individual use.
- (8) For all other uses, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
7 to 40	One (12 ft. x 30 ft.)
41 to 100	Two (12 ft. x 30 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional berth to be at least ten feet in width by 55 feet in length.

**Sec. 110-16.4. Access management.**

- 16.4.1 *Intent.* The intent of access management is to improve traffic operations; reduce potential for crashes; improve pedestrian and transit environments; and preserve the vehicular carrying capacity of roads through regulations on the number, spacing, placement and design of access points (driveways and intersections).
- 16.4.2 *Applicability.* The following applications, except those for single-family homes, duplexes or essential service facility structures, must comply with the standards in this section:
  - a. *Land division, subdivision or site condominium.* Any land division or subdivision or site condominium development, including residential developments.
  - b. *Site plan review.* Site changes subject to site plan review in accordance with section 110-12.1, intent and applicability, changes in or expansions on sites where any of the following will result:
    - (i) Any increase in intensity of use of any building, structure, or lot through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means.
    - (ii) The amount of parking required by section 110-16.2, off-street parking will increase by 20 spaces or by more than ten percent, whichever is less.

- (iii) The existing driveway(s) does not meet current geometric engineering design standards enforced by the appropriate governing jurisdiction, as applicable.
- (iv) The site is located along a segment that experiences congestion.
- (v) The site is located along a segment that has experienced high crash rates.
- (vi) Any access that is within 250 feet of a signalized intersection (measured at the edge of the right-of-way).
- (vii) The change will increase auto trips into and out of the site by more than 25 percent or 50 total trips in the peak hour, as estimated using the most recent edition of the ITE Trip Generation Manual.
- (viii) Any access that does or is expected to exceed 100 total trips per peak hour, or 1,000 total trips daily.

16.4.3 *Standards.* The following regulations of this section shall be considered by the planning commission and city council:

- a. *Compliance with sub-plans.* Where specific sub-plans have been adopted, such as the Ford Road Access Management Plan, access shall generally adhere to the recommendations and standards contained therein. Where conflicts arise, the standards and specific recommendations of the plan shall prevail.
- b. *Number of driveways.* The number of resulting driveways shall be the fewest necessary to provide reasonable access to the site. Each lot shall be permitted reasonable access, which may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
- c. *Offsets and spacing from intersections.* Driveways shall be either directly aligned or spaced/offset as far from intersections as practical, especially signalized intersections. A minimum spacing or offset of 150 feet is preferred.
- d. *Driveway spacing.* Access points shall be spaced as far as practical from other driveways on the same side of the road, considering the posted speed limit along the road segment. The spacing listed in Table 1 is preferred.

Table 1 Minimum Driveway Spacing* - Same Side		
Posted Speed (mph)	Driveway Spacing (in feet)	
	Arterial Road	Other Roads
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50 +	455	275

\* Unless greater spacing is required by MDOT or Wayne County.

- e. *Driveway offsets on undivided roads.* Driveways shall be either aligned with driveways on the opposite side of the road or offset to the greatest distance practical. Consideration for weaving across travel lanes shall be given, especially where signalized intersections are present. The offsets listed in Table 2 are preferred.

Table 2 Minimum Driveway Offset - Opposing Side	
Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50 +	750

- f. *Driveway locations on divided roads.* Access points along divided roads shall be located in consideration of median crossovers. Access points shall directly align with or be offset a sufficient distance from median crossovers to allow for weaving across travel lanes and storage within the median. A minimum offset of 250 feet is preferred.
- g. *Consideration of adjacent sites.* Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- h. *Shared driveways.* Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive.
- i. *Access design.* Where practical given right-of-way constraints, driveways shall be designed with radii, tapers and other geometrics as determined by the appropriate governing jurisdictions that are required to minimize the impacts of inbound right turns on traffic flow.

16.4.4 *Administration.* Applications subject to review shall be processed according to the following:

- a. *Submittal information.* Along with any other information required in section 110-12.3.3, detailed information, the planning commission and the city council may require developments subject to review according to this section to submit a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional driveways or to justify a modification.
- b. *Allowed modifications.* It is recognized that certain existing site conditions may prohibit full compliance with this section. The city council may, after considering the criteria in (iii) below, modify the standards of this section in the following situations:
  - (i) The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
  - (ii) The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
  - (iii) Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
  - (iv) Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
- c. *Modification criteria.* The city council may waive certain requirements of this section upon consideration of the following:

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- (i) The proposed modification is consistent with the general intent of the standards of this ordinance.
  - (ii) The appropriate governing jurisdiction endorses the proposed access design.
  - (iii) Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
  - (iv) Shared access has been provided, or the applicant has demonstrated it is not practical. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

## **ARTICLE XVII. TREE PRESERVATION REQUIREMENTS**

### **Sec. 110-17.1. Findings.**

The City of Westland finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, vegetation, natural resources and processes associated therewith, which, if preserved and maintained in an undisturbed and natural condition, constitute important physical aesthetic, recreational health and economic assets to existing and future residents of the city. Specifically, the city finds:

- (a) That trees and woodlands protect public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling effect in the summer months;
- (b) That trees and woodlands are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents;
- (c) That trees and woodlands play an important role in filtering waste water which passes through the ground from the surface to ground water tables and lower aquifers;
- (d) That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control and flood control;
- (e) That trees and woodlands appreciably reduce the carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air;
- (f) That the protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan and state law.

### **Sec. 110-17.2. Purposes.**

- (a) To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
- (b) To protect the trees and woodlands of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;
- (c) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this city.

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### **Sec. 110-17.3. Definition of terms.**

The following definitions shall apply in this article:

*Activity* shall mean any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structure; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operation.

*Agriculture/farming* shall mean any land in which the principal use is to derive income from the growing of plants and trees, including, but not limited to, land used principally for fruit and timber production.

*City* shall mean the City of Westland.

*Commercial nursery/tree farm* shall mean any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes.

*Planning department* shall mean the City of Westland Planning Department.

*Development* shall mean manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*D.B.H.* shall mean diameter at breast height or the diameter in inches of a tree measured at four feet above the existing grade.

*Planning director* shall mean the City of Westland Planning Director.

*Land clearing* shall mean those operations where trees and vegetation are removed and which occur previous to construction or building; e.g. road right-of-way excavation, utility excavation, grubbing and any other necessary clearing operation.

*Landmark tree* shall mean a tree of the genus and/or species and diameter listed in section 17.12 of this article, and any tree of 24 inches D.B.H. or greater.

*Person* shall mean any individual firm, partnership, association, corporation, company, organization or legal entity of any kind conducting operations within the City of Westland, including all tree removal companies and persons removing trees on behalf of others.

*Remove or removal* shall mean the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.

*Transplant* shall mean the digging up of a tree from one place on a property and the planting of the same tree in another place.

*Tree* shall mean any woody plant with at least one well-defined stem and having a minimum D.B.H. of three inches.

### **Sec. 110-17.4. Tree permit required.**

It shall be a violation of this article for any person, except as otherwise provided herein, to remove, cause to be removed, transplant or destroy a tree within the city without a tree permit issued in accordance with this section.

- (a) A tree permit shall be required for the following except as otherwise exempted under section 110-17.5:

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- (i) The removal, transplanting or destruction of any tree with a D.B.H. of six inches or greater on any property.
  - (ii) The removal transplanting or destruction of a landmark tree.

### **Sec. 110-17.5. Exceptions.**

Notwithstanding the requirements of section 17.4, the following activities are allowed without a tree permit, unless otherwise prohibited by statute or ordinance:

- (a) Tree removal on occupied, single family residential property of less than one acre, or which a valid certificate of occupancy has been issued;
- (b) All agricultural/farming operations or commercial nursery/tree farm operations;
- (c) Activities of utility companies or public tree trimming agencies;
- (d) The removal or transplanting of a pear (pyrus), apple (malus), cherry (prunus), peach (prunus) or plum (prunus) tree;
- (e) The removal of dead trees where the damage resulted from an accident or non-human cause;
- (f) The trimming or care of trees provided that the work is accomplished in accordance with standardized forestry and horticultural practices as established by the American Association of Nurserymen or the National Arborist Association;
- (g) Actions made necessary by an emergency such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation, or other manmade or natural disaster, in order to prevent injury or damage to persons or property;
- (h) Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services.
- (i) Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the city and are specifically intended to preserve natural resources. Such activities shall include, but not limited to:
  - (1) Removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush and debris;
  - (2) Bank stabilization projects which require minimal disturbance of existing conditions; and
  - (3) Wildlife and aquatic habitat improvement projects.

### **Sec. 110-17.6. Application for tree permit.**

Applications for a tree permit shall be filed with the planning department. When a site is proposed for development necessitating review and approval of a site plan, a special use approval, a planned unit development or a plat, said application for a tree permit shall be made at the same time as such other related application. The application for a tree permit shall consist of the following:

- (a) Three copies of the tree permit application;
- (b) A tree location survey in a form acceptable to the department which shall bear the following information and details:
  - (i) Minimum scale of one inch = 50 feet. The scale shall be the same as a related site plan;

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- (ii) The shape and dimensions of the lot or parcel together with the existing and proposed locations of structures and improvements, including existing and proposed utilities;
  - (iii) Locations and dimensions of all setbacks and existing or proposed easements;
  - (iv) All trees of six inches D.B.H. or greater on the project site shall be tagged in the field with identifying numbers, using non corrosive metal tags;
  - (v) Exact locations of all existing trees, determined by actual field survey, of six inches D.B.H. or greater, including trees within the adjoining street right-of-way and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated or to be removed, shall be so designated and the numbered trees shall be identified by size (D.B.H.), grade at the base of each tree and crown spread to scale. Such verified information shall be provided by a registered land surveyor. The survey shall be accompanied by a separate key identifying the numbered trees by size, common name/genus and condition. This information must be provided by a registered landscape architect, certified arborist or forester, through an on-site inspection, who must verify the contents by seal or signature, whichever applies;
  - (vi) If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be moved, protected and/or stored during land clearance and construction and how they are to be maintained after construction;
  - (vii) A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls;
  - (viii) The number of trees to be removed which are of six inches D.B.H. or greater;
  - (ix) The requirements for a tree location survey may be waived by the department for areas 50 feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area shall be required. The area to remain undisturbed shall be snow fenced prior to any activity.
- (c) An on-site examination shall be made by the department in lieu of the tree location survey under any of the following conditions:
- (i) Where a permit is requested to remove or transplant trees on a lot of more than one acre which is zoned for single-family purposes and upon which is located an occupied one-family dwelling; or
  - (ii) Where a permit is requested in connection with the construction of a one-family dwelling on a lot which is more than one acre, zoned for single family purposes and which is not located within a subdivision for which a final plat has been approved subsequent to the effective date of this section; or
  - (iii) Where a permit is required to remove three or fewer trees.

### **Sec. 110-17.7. Review of tree permit.**

The city shall process a tree permit application as follows:

- (a) The planning department shall review the tree permit application to verify that all required information has been provided. At the request of the applicant or the planning department, an administrative meeting may be held to review the proposed application in light of the purpose and review standards of this section.



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- (b) Upon receipt of a complete application, the planning department may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received. The receipt of a tree permit application shall constitute permission from the owner of the property to conduct such on-site investigation.
  - (c) If a tree permit application relates to a proposed development or activity on a site necessitating site plan review, or special land use, planned unit development or plat approval by the city council the council shall consider said application concurrent with its review of the related site plan or other approval. If council approves a site plan which conforms with the requirements of this article, that approval together with any additional terms and conditions attached thereto, will be considered to have fulfilled the requirements for a tree removal permit.
  - (d) When a tree permit application is not related to a development or activity necessitating review and approval of the city council, the planning director shall be responsible for granting or denying the application.
  - (e) Any person denied a tree permit by the planning director may appeal to the city council. An appeal must be filed in the city clerk's office, in writing, within ten days of the date of mailing of the decision being appealed. The city council upon review, shall determine, with findings, whether or not there has been compliance with the requirements and standards of this section and based upon its findings, it may a reverse or modify the decision rendered by the planning director.
  - (f) Whenever an application for a tree permit is granted, the city council or the planning director shall:
    - (i) Attach to the granting of the tree permit any reasonable conditions considered necessary to ensure that the intent of this article will be fulfilled;
    - (ii) Affix a reasonable time to carry out the activities approved in the permit; and
    - (iii) Require the permit grantee to file with the city a cash bond or irrevocable bank letter of credit in an amount determined necessary to ensure compliance with tree permit conditions and this article.

#### **Sec. 110-17.8. Applications which qualify for a mandatory permit.**

- (a) Where a permit has been requested with regard to nonresidential property for which a valid certificate of occupancy has been issued which is less than one acre in area for the removal or transplanting of three or less trees of six inches D.B.H. or more within a calendar year. This provision shall not apply to landmark trees.
- (b) Where a permit has been requested with regard to occupied property for which a valid certificate of occupancy has been issued which is one acre or more in area for the removal or transplanting of eight or less trees of six inches D.B.H. or more within a calendar year. This provision shall not apply to landmark trees.

#### **Sec. 110-17.9. Applications which do not qualify for a mandatory tree permit.**

The following standards shall govern the granting or denial of an application for a tree permit for property which does not qualify for a permit pursuant to section 110-17.8:

- (a) The preservation and conservation of trees, woodlands areas, wildlife and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings structures or other site improvements.

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- (b) Where the proposed activity consists of land clearing it shall be limited to designated street rights-of-way, drainage and utility areas; and areas necessary for the construction of buildings, structures or other site improvements.
  - (c) Where the proposed activity involves residential development, residential units shall to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
  - (d) The proposed activity shall comply with all applicable statutes and ordinances and shall be evaluated concerning its effect on adjacent properties, the scenic assets and regarding wind block and noise buffer factors.
  - (e) The proposed activity shall include necessary provisions for tree relocation or replacement in accordance with section 110-17.11 of this article.
  - (f) Tree removal or transplanting shall be limited to the following instances:
    - (i) When removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on-site for a proposed building, structure or other site improvement; or
    - (ii) The tree is dead, in decline, in danger of falling, is located too close to existing buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to other city ordinances or regulations.

**Sec. 110-17.10. Tree protection prior to and during construction.**

- (a) Prior to construction and/or land clearing the applicant shall do the following:
  - (i) All trees for which application is being made for removal shall be so identified on-site by red flagging tape prior to field inspection by the planning department. Trees selected for transplanting shall be flagged with a separate distinguishing color.
  - (ii) Construction limit fencing shall be erected which restricts access to protected areas and tree protection devices shall be installed where required over tree roots, branches and/or tree trunks. All tree protection fencing and tree protection devices shall be installed as approved by the planning department.
  - (iii) Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas.
- (b) During construction, the applicant shall do the following:
  - (i) Maintain all fences and tree protection devices as approved by the planning department and refrain from causing or permitting any activity near said trees, including, but not limited to, the storage of equipment, supplies, excavation materials, disposal of fuels, solvents or chemicals, or causing the disturbance of any soils or vegetation within protected areas without the prior approval of the planning department.
  - (ii) No damaging attachments, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this article.
- (c) The planning department shall conduct periodic inspections of the site during land clearing and/or construction in order to insure compliance with this article.

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**Sec. 110-17.11. Replacement or relocation of trees.**

Whenever a tree permit allows removal of trees of six inches D.B.H. or greater the permit grantee shall relocate or replace the trees, except as provided in subparagraph (e) below, on a one-to-one basis and all replacement trees must measure two and one-half-inch diameter or greater measured six inches above grade. In lieu thereof the city and the permit grantee may agree to replacement trees of varying diameters so long as the market value of said trees would approximate the value of the replacement trees which would be required in accordance with the above formula. In addition:

- (a) Replacement trees shall have shade potential and other characteristics comparable to the removed trees, and shall be state department of agriculture nursery grade No. 1 or better. All replacement trees, or transplanted trees must be approved by the prior to planting and must be planted in standards for planting and transplanting, including, but not limited to, staking, mulching and watering. All nursery stock and transplanted trees shall be guaranteed for one year.
- (b) The city shall approve tree relocation or replacement locations in order to provide optimum enhancement, preservation and protection of woodlands areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.
- (c) Where it is not feasible and desirable to relocate or replace trees on-site, relocation or replacement may be made at another approved location in the city.
- (d) Where it is not feasible and desirable to relocate or replace trees on-site or at another approved location in the city, the tree permit grantee shall pay into the city tree fund, which fund is hereby created, an amount of money approximating the current market value of the replacement trees that would otherwise be required. The city shall use the city tree fund for the purpose of maintaining and preserving wooded areas, for planting and maintaining trees within the city and for expenses related to the administration and enforcement of this article. Prior to the issuance of a tree permit, the applicant shall make a cash deposit with the City of Westland for the value of the trees proposed for removal in accordance with this section.
- (e) Replacement trees shall not be required for a tree which is removed pursuant to a tree permit granted pursuant to either section 110-17.8 or for a reason described in paragraph (f)(ii) of section 110-17.9.

**Sec. 110-17.12. Landmark trees.**

- (a) All trees within the city of 24 inches D.B.H. or greater and all trees listed below by genus and/or species of the listed minimum size D.B.H. shall be considered landmark trees, unless an applicant submits an affidavit from a registered landscape architect, certified arborist or forester that the tree is in such ill health that its anticipated life expectancy is less than five years:

COMMON NAME	BOTANICAL NAME	SIZE D.B.H.
Arborvitae	Thuja	18 inches
Beech	Fagus	18 inches
Birch	Betula	18 inches
Black Gum	Nyssa sylvatica	12 inches
Blue Beech	Carpinus caroliniana	8 inches
Cedar, Red	Juniperus virginiana	12 inches
Chestnut	Castanea	10 inches
Crabapple	Malus	12 inches
Dogwood	Comus	8 inches
Douglas Fir	Pseudotsuga meesii	18 inches

Fir	Abies	18 inches
Ginkgo	Ginkgo	18 inches
Hawthorn	Crataegus	12 inches
Hemlock	Tsuga	18 inches
Hickory	Carya	18 inches
Hornbeam	Astray	8 inches
Horse Chestnut/Buckeye	Aeschylus glabra came	18 inches
Kentucky Coffeetree	Gymnocladus dioicus	18 inches
Larch/Tamarack	Larix	12 inches
London Plane/Sycamore	Platanus	18 inches
Magnolia	Magnolia	8 inches
Maple, Red	Acer rubrum	18 inches
Maple, Norway	Acer platanoides	18 inches
Pine	Pinus	18 inches
Redbud	Cercis canadensis	8 inches
Sassafras	Sassafras albidum	15 inches
Serviceberry	Amelanchier	8 inches
Spruce	Picea	8 inches
Sweetgum	Liquidambar styaciflua	16 inches
Tulip Tree	Liriodendron tulipifera	18 inches
Walnut	Juglans	20 inches
Wild Cherry	Pnmus	18 inches
Witch Hazel	Hamamelis virginiana	8 inches

\* If a birch tree has multiple trunks, then its total D.B.H. shall be computed by adding the D.B.H. in inches of each of the trunks.

- (b) When landmark trees are permitted to be removed, in addition to compliance with the provisions of section 110-17.11, replacement trees shall be provided to a minimum of 30 percent of D.B.H. of the tree to be removed. Replacement trees, measured in D.B.H. or calipers, shall be provided either individually or on an accumulative basis to meet the 30-percent D.B.H. requirement, however, if on an accumulative basis all individual trees shall measure at least two and one-half-inch diameter.

**Sec. 110-17.13. Fees.**

Applications for a tree permit under this section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the city council. In addition, an applicant may be required to pay an additional escrow fee in an amount determined by the planning department to pay for the estimated cost of any needed outside consultant(s) who may be retained by the city in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the city prior to the issuance of a tree permit. A denial of an application for a tree permit shall not affect the applicant's obligation to pay the escrow fee provided for in this section.

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**Sec. 110-17.14. Civil fee for illegally removed trees.**

In addition to any penalty provided for in the event of a conviction for a violation of this article, and notwithstanding whether or not the city has commenced a civil suit for injunctive relief any person who removes or causes any tree to be removed except in accordance with this section shall forfeit and pay to the city a civil fee equal to the total value of trees illegally removed or damaged as computed from the International Society of Arboriculture shade tree value formula. The civil fee shall accrue to the city, and, if necessary, the city may file a civil action to recover such fee. The city shall place any sum collected in the city tree fund. Alternatively, the city may require replacement of illegally removed or damaged trees as restitution in lieu of such fee. Replacement will be on an inch-to-inch basis computed by adding the total diameter measured at D.B.H. in inches of the illegally removed or damaged trees. The city may use other reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. The city may also require a combination of civil fee payment and tree replacement.

**Sec. 110-17.15. Injunction.**

Any activity conducted in violation of this article is declared to be a nuisance per se, and the city may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.

**Sec. 110-17.16. Stop-work order.**

The city may also issue a stop-work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this section, including any conditions attached to a tree permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this section.

**Sec. 110-17.17. Approved site plans and plats.**

This article shall not apply to a site plan or plat which has received final approval prior to the effective date of this article so long as the site plan or plat remains in effect and in good standing pursuant to this ordinance.

***ARTICLE XVIII. RULES AND DEFINITIONS***

**Sec. 110-18.1. Construction of language.**

In the construction of this ordinance the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicated otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply:

- 18.1.1 Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- 18.1.2 The word "shall" is mandatory and not discretionary.
- 18.1.3 The word "may" is permissive.
- 18.1.4 The word "lot" shall include the words "piece", "parcel", and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

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18.1.5 All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or less, the full number next below shall be taken.

## **Sec. 110-18.2. Definitions.**

18.2.1 *Accessory building or use.* An accessory building or use is a building or use which is:

- a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;
- b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
- c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

18.2.2 *Adult foster care family home.* A private state licensed residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

18.2.3 *Adult foster care group home.* A state licensed facility approved to receive adults who are provided supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. An adult foster care facility does not include adult foster care family home, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

18.2.4 *Agriculture.* The use of land for agricultural purposes (with the exception of the raising of livestock), including farming, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of the normal agricultural activities.

18.2.5 *Alley.* A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

18.2.6 *Automobile laundries, wash racks.* A building, or portion thereof, containing facilities for washing more than one automobile at any one time, using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical devices.

18.2.7 *Automobile wash, custom.* Any use which includes the washing of automobiles or other motor vehicles primarily by hand without the use of large mechanical equipment such as chain conveyors, blowers, steam-cleaning devices, and similar mechanical devices.

18.2.8 *Automobile wash, self-service or coin operated.* Any building or structure, or portion thereof, containing facilities which provide space, water, equipment, or soap for the complete or partial hand washing of automobiles by the automobile owners.

18.2.9 *Basement.* That portion of a building which has less than one-half of its average height above lot grade.

18.2.10 *Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, municipal boundary lines, township lines, or county lines.

18.2.11 *Block face.* A block face is the portion of any block which fronts on the same street.

18.2.12 *Building.* Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land.

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- 18.2.13 *Building height, principal.* The vertical distance measured from the average ground level of the grade of the front building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, gambrel, or hip roof. For height of building used in determining building separations, use definition in article VIII.
- 18.2.14 *Building length.* The longer or longest dimension of a building. For length of building used in determining building separations, use definitions in article VIII.
- 18.2.15 *Bulk.* The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:
- a. Height and area of buildings.
  - b. Location of exterior walls in relation to lot lines, streets, or other buildings.
  - c. Gross floor area of buildings in relation to lot area (floor area ratio).
  - d. All open spaces allocated to buildings.
  - e. Amount of lot area required for each dwelling unit.
- 18.2.16 *Canopy.* A roof-like structure projection from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.
- 18.2.17 *Certificate, occupancy.* The written approval of the enforcement officer that authorizes a person or persons to occupy or use a premises, as established in section 110-3.8 of this ordinance. The "occupancy certificate" may consist of a standardized independent form bearing the signature of the enforcement officer or it may be represented as a part of the building permit application.
- 18.2.18 *Certificate, zoning.* The written approval of the enforcement officer certifying that the applicant's plans and drawings comply with all applicable provisions of this ordinance. The "zoning certificate" may consist of a standardized independent form bearing the signature of the enforcement officer, or it may be represented as a part of the building permit application.
- 18.2.19 *Child care center.* Any establishment which provides supplemental parental care and supervision, and/or educational instruction to two or more children during the whole or any portion of the day.
- 18.2.20 *Church.* A building owned by a religious organization which is principally used for public worship.
- 18.2.21 *Clinic, medical or dental.* An individual or organization offering medical and/or dental services. A clinic shall not include in-patient care.
- 18.2.22 *Club or lodge, private (nonprofit).* A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals, and beverages on such premises.
- 18.2.23 *Drive-in restaurant.* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food, so as to allow the consumption of foods, frozen desserts, or beverages in a motor vehicle on the premises or elsewhere on the premises, but outside any completely enclosed structure. An establishment may combine the functions and characteristics of a drive-in restaurant, a drive-through restaurant, a fast-food restaurant, and/or a standard restaurant if its method of operation also includes the method or methods of operation attributable to these uses. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.

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- 18.2.24 *Drive-through restaurant.* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer in a motor vehicle for consumption off the premises. An establishment may combine the functions and characteristics of a drive-through restaurant, a fast-food restaurant, and/or standard restaurant if its method of operation also includes the method or methods of operation attributable to these uses. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.
- 18.2.25 *Dwelling, attached.* A dwelling joined to another dwelling at one or more sides by party walls.
- 18.2.26 *Dwelling, detached.* A dwelling entirely surrounded by open space on the same lot.
- 18.2.27 *Dwelling unit.* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking and eating by one family as defined herein.
- 18.2.28 *Dwelling, single-family or one-family.* A building containing only one dwelling unit and no other uses except uses accessory thereto.
- 18.2.29 *Dwelling, two-family duplex.* A dwelling, two-family duplex, is a building containing two dwelling units and no other uses except uses accessory thereto. Each dwelling unit in a two-family duplex shall have direct access at grade to the exterior of the structure.
- 18.2.30 *Dwelling, multiple-family.* A building, or portion thereof, containing three or more dwelling units arranged either side by side or one above the other.
- 18.2.31 *Dwelling, townhouse.* A building, or portion thereof, containing three or more dwelling units arranged side-by-side, separated from each other by a fire wall and having separate direct means of egress and ingress to each dwelling unit from the outside.
- 18.2.32 *Elderly or handicapped persons.*
- a. Persons who are 55 years of age or over; or a family where either the husband or wife is 55 years of age or older, unless for special U.S. Federal or State of Michigan program, when the requirements of Section 202 of the Housing Act of 1959, or Title II of the Social Security Act may apply.
  - b. Handicapped persons under 55, if determined to have physical impairments which:
    1. Are expected to be of long, continued, and indefinite duration.
    2. Substantially impede the ability to live independently, and
    3. Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- 18.2.33 *Housing for the elderly or handicapped.* A building or buildings containing dwellings and related facilities such as dining, recreation services, or therapy areas, where the occupancy of the dwelling is restricted to elderly or handicapped persons as defined herein. Such use may include facilities for independent or semi-independent living, day care, personal care nursing facilities or services to the elderly of the community when it is an ancillary part of one of the above operations. Any combination of the foregoing uses may be allowed and still be considered as qualifying under this definition.
- 18.2.34 *Enforcement officer.* The building official and such duly appointed deputies or assistants of the building official designated as being responsible for enforcing and administering all requirements of this zoning ordinance.
- 18.2.35 *Establishment, business.* A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.



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- 18.2.36 *Extended medical care facilities.* Medical facilities designed to accommodate patients in need of lengthy recuperative periods requiring nursing attention and periodic medication.
- 18.2.37 *Family.* An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of section 110-4.12.
- 18.2.38 *Family day care home.* A private dwelling in which up to six minor children are received for care and supervision for periods of less than 24 hours a day.
- 18.2.39 *Fast-food restaurant.* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, but not in a motor vehicle on the site. An establishment may combine the functions and characteristics of a fast-food restaurant, a drive-through restaurant, a drive-in restaurant, and /or a standard restaurant. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.
- 18.2.40 *Floodplain.* That area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater. No building shall be constructed with a floodplain.
- 18.2.41 *Floor area.* Floor area (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or mechanical floor area.
- 18.2.42 *Garage residential.* Any structure which is enclosed on all sides, which has doors to permit the access and egress of motor vehicles, which is designed and intended primarily to protect parked motor vehicles from the elements, and which is accessory to a residential structure. Such a garage may be either attached to or detached from the principal structure.
- 18.2.43 *Gasoline filling and service station.* A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.
- 18.2.44 *Grade.* The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- 18.2.45 *Gross leasable floor area (GLA).* The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas. GLA does not include common areas and other parts of the building not designed for rental for tenants.
- 18.2.46 *Group day care home.* A private dwelling in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day.
- 18.2.47 *Guest, permanent.* A person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.
- 18.2.48 *Home occupation.* An accessory use of a nonresidential nature carried on within a dwelling by a member of the family residing in the dwelling (see section 110-4.12).
- 18.2.49 *Hotel or motel.* An establishment which is open to transient guests, in contradistinction to a boarding rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and

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which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and use and upkeep of furniture, and bellboy service.

- 18.2.50 *Industrial park.* A special or exclusive type of planned industrial area or building designed and equipped to accommodate a community of four or more industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
- 18.2.51 *Junk (or salvage) yard.* An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- 18.2.52 *Kennel.* Any lot or premise on which three or more dogs or cats four months or older are either permanently or temporarily boarded for remuneration or where such pets are kept for breeding purposes.
- 18.2.53 *Lot.* A parcel of land which is either a "lot of record" or a "zoning lot."
- 18.2.54 *Lot of record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Wayne County; or a parcel of land, the deed to which was recorded in the office of said register of deeds prior to the adoption of this ordinance.
- 18.2.55 *Lot, corner.* A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- 18.2.56 *Lot, interior.* A lot other than a corner lot.
- 18.2.57 *Lot, through.* A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- 18.2.58 *Lot, zoning.* 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. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
- 18.2.59 *Lot area, gross.* The area of a horizontal plan bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.
- 18.2.60 *Lot depth.* The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
- 18.2.61 *Lot line, front.* The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot.
- 18.2.62 *Lot line, rear.* The boundary of a lot which is most distant from, and is, or is mostly nearly, parallel to the front lot line.
- 18.2.63 *Lot line, side.* Any boundary of a lot which is not a front lot line or rear lot line.
- 18.2.64 *Lot width.* The horizontal distance between the side lot lines, measured at the two points where the rear of the required minimum front yard setback line (set forth in the schedule of regulations) intersects the side lot lines.
- 18.2.65 *Marquee.* A roof-like structure of a permanent nature which projects from the wall of a building.
- 18.2.66 *Mezzanine.* The story between the floor and ceiling of a main story and extending over only part of the main floor.

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- 18.2.67 *Mini- or self-storage warehouse.* A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.
- 18.2.68 *Mobile home.* A dwelling unit designed to be transported on streets and highways to the place where it is to be occupied as a dwelling unit complete and ready for year round and permanent occupancy; except for minor and incidental unpacking and assembly operations, such as anchoring, connection to the city water and sewer systems, and similar operations. A mobile home shall be construed to remain a mobile home subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- 18.2.69 *Mobile home park.* A parcel or tract of land developed with facilities for locating mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale. Mobile home parks shall comply with all requirements of the State of Michigan Mobile Home Commission Rules and approved amendments for the City of Westland.
- 18.2.70 *Motel.* (See hotel.)
- 18.2.71 *Motor freight terminal.* A building or area in which freight, shipped by motor truck or railroad, is received, assembled, sorted, and/or rerouted for local, intrastate, or interstate shipment by motor truck.
- 18.1.72 *Nursery.* A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sales on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- 18.2.73 *Nonconforming building or structure.* A lawfully established building or structure that does not conform to the regulations of this ordinance.
- 18.2.74 *Nonconforming use.* A lawfully established use of land or buildings which do not conform to the use regulations of this ordinance.
- 18.2.75 *Nursery school.* A daytime group facility which has as its main objective a developmental program for pre-school children and whose staff meets the educational qualifications as established by the State of Michigan.
- 18.2.76 *Occupant load.* The occupant load of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the building code.
- 18.2.77 *Open space area.* The difference between the whole site area and the ground area covered by structures, except the paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the city council.
- 18.2.78 *Parking lot.* An area for the parking of vehicles together with access aisles and drives which is located outside of street rights-of-way. Parking lots may also include loading areas and associated maneuvering space.
- 18.2.79 *Parking space.* An area of definite length and width which is fully accessible for the parking of permitted vehicles. Said area shall be exclusive of drives, aisles and entrances giving access thereto.
- 18.2.80 *Performance guarantee.* A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with this ordinance and other city ordinances, regulations and the approved plans and specifications of a development.
- 18.2.81 *Planned unit development (PUD).* An integrated and coordinated development of various land uses, comprehensively planned and approved through a rezoning and site plan review process which permits

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additional flexibility in building site plan design, usable open spaces and preservation of natural features meeting the intent of the planned unit development articles of this ordinance.

- 18.2.82 *Principal building.* A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.
- 18.2.83 *Property lines.* The lines bounding a zoning lot, as defined herein.
- 18.2.84 *Public way.* Any sidewalk, street, alley, highway, or other public thoroughfare.
- 18.2.85 *Reservoir parking.* Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.
- 18.2.86 *Rest home, nursing home, or convalescent home.* A rest home, nursing home, or convalescent home shall be defined as specified in State of Michigan Act 139, Public Acts of 1956, as amended.
- 18.2.87 *Roadside stand.* A structure for the display and sale of agricultural products, with no space for customers within the structure itself. All products displayed at a roadside stand shall be produced on the premises where the stand is located.
- 18.2.88 *Setback.* The minimum distance maintained between the property line and the nearest supported member of any structure on the lot excluding residential accessory structures.
- 18.2.89 *Shopping center.* A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of businesses to the trade area that the center serves.
- 18.2.90 *Sign.* A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, project, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court of public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building, which sign is not visible from outside the building, unless the context shall so indicate.
- 18.2.91 *Sign, advertising.* A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
- 18.2.92 *Sign, billboard.* An off-premises sign with an area in excess of 200 square feet.
- 18.2.93 *Sign, business.* A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed
- 18.2.94 *Sign, flashing.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a "flashing sign."
- 18.2.95 *Sign, gross area of.* The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. When two sides of a double-faced sign are located not more than 36 inches apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. Any additional side of a multifaced sign shall be considered as a separate sign for purposes of computing the total gross area of the sign. The gross area of a fascia shall be calculated by the total square footage encompassed by the fascia, including the area between letters.

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- 18.2.96 *Sign, monument.* An identification sign which is so designed and constructed as to complement the premises being identified. Ordinarily, the letters or numbers of such sign are engraved into or raised upon natural stone, heavy lumber, or masonry.
- 18.2.97 *Sign, obsolete.* Any sign which no longer correctly directs or exhorts any person; or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence.
- 18.2.98 *Sign, off-premises.* A sign other than an on-premises sign.
- 18.2.99 *Sign, on-premises.* A sign which advertises only goods, services, facilities, events, or attractions offered on the premises where the sign is located. Premises includes the contiguous land under single ownership or control, which is used, developed, or built upon as a unit, and which is not divided by a public street.
- 18.2.100 *Sign, portable/temporary.* A free-standing sign, not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shaped, including those mounted on wheeled trailers.
- 18.2.101 *Signs, political.* A sign whose message relates to a candidate to political office, or to a political party, or to a political issue or an ideological opinion.
- 18.2.102 *Sign, roof.* A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.
- 18.2.103 *Sign, window.* Any temporary sign affixed to the interior or exterior of a window, or any sign located inside a building within six feet of the interior side of a window and displayed so as to attract the attention of persons outside the building. Merchandise which is included in a window display shall not be considered as part of a window sign.
- 18.2.104 *Site condominium building envelope.* The ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory use.
- 18.2.105 *Site condominium building site.* Regardless of use, that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- 18.2.106 *Site condominium subdivision.* A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.
- 18.2.107 *Story.* That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is six feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.
- 18.2.108 *Standard restaurant.* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves only the serving of the prepared food to the customer at tables or booths inside the structure or out. An establishment may combine the functions and characteristics of a standard restaurant, fast-food restaurant, a drive-in restaurant, or a drive-through restaurant. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.
- 18.2.109 *Street.* A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.
- 18.2.110 *Structural alteration.* Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

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- 18.2.111 *Structure*. Anything which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.
- 18.2.112 *Structure temporary*. A building, trailer or other structure which is permitted in conjunction with a construction project upon approval of the building director (see section 110-4.10).
- [18.2.113 *Reserved*.]
- 18.2.114 *Use*. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- 18.2.115 *Use, principal*. The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be a "permitted" use or a "special use."
- 18.2.116 *Use, special land*. A use (either public or private) which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special land use" may or may not be granted, subject to the terms of this ordinance.
- 18.2.117 *Use, permitted*. A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- 18.2.118 *Veterinary clinic*. A building or any portion thereof used for the treatment of house pets as outpatients and in no event having exterior or interior kennels and overnight lodging appurtenant thereto or a part thereof.
- 18.2.119 *Warehouse*. A building used for short- and/or long-term storage in connection with manufacturing, freight handling, and retailing.
- 18.2.120 *Warehouses for families and small businesses (mini-warehouses)*. A building or a group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of family or small business goods or wares.
- 18.2.121 *Yard*. An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in article IV. A "yard" extends along a lot line, and to a depth or width specified in the setback requirements for the zoning district in which such zoning lot is located.
- 18.2.122 *Yard, front*. An unoccupied area extending the full width of the property on which a principal building is located and situated between the front lot line and a line parallel thereto passing through the nearest point of the principal building.
- 18.2.123 *Yard, rear*. An area extending the full width of the property on which a principal building is located and situated between the rear lot line and a line parallel thereto passing through the nearest point of the principal building.
- 18.2.124 *Yard, required*. A yard which is located between a front, side, or rear property line and the required front, side, or rear setback line.
- 18.2.125 *Yard, side*. An unoccupied area extending from the front yard to the rear yard on which a principal building is located and situated between the side lot line and a line parallel thereto passing through the nearest point of the principal building.
- 18.2.126 *Yard, corner side*. A side yard which adjoins a public street.
- 18.2.127 *Yard, interior side*. A yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

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18.2.128 *Yard, unrequired.* A yard which is located between the front, side or rear of the principal structure on a lot and the required front, side or rear setback line.

## **ARTICLE XIX. PROVISIONS REPEALED**

### **Sec. 110-19.1. Provisions repealed.**

The Zoning Ordinance of the City of Westland, being Ordinance No. 235, and all amendments thereto, are hereby repealed as of the effective date of this ordinance provided that such repeal shall not affect or impair any prosecution arising from a violation of such Ordinance No. 235, which violation occurred prior to the effective date of this ordinance.

## **ARTICLE XX. EFFECTIVE DATE, PUBLICATION AND ADOPTION**

### **Sec. 110-20.1. Effective date.**

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the peace, health, safety and welfare of the people of the City of Westland and shall be effective immediately upon adoption and publication in the manner prescribed by law.

### **Sec. 110-20.2. Publication.**

The city clerk shall, within 15 days following adoption of this ordinance, cause to be published a notice of adoption in accordance with the provisions of Act 638 of the Public Acts of Michigan, 1978.

### **Sec. 110-20.3. Adoption.**

This ordinance was adopted by the city council of the City of Westland by Authority of Act 207 of the Public Acts of Michigan, as amended, at a regular meeting thereof held on the 4th day of August, 1997.