

Chapter 110 ZONING¹

ARTICLE I. IN GENERAL

Sec. 110-1. Purpose of chapter.

The purpose of this chapter is to promote the public health, safety and general welfare of the community and a wholesome, serviceable and attractive municipality, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that facilitate adequate provisions for increased safety in traffic and transportation; that provide for vehicular parking, parks, parkways, recreation, schools, public buildings, housing, light, air, water supply, sewage, sanitation and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated municipal development; that prevent overcrowding of land and undue concentration of population; that assist in carrying out a master plan of the municipality; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends. In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the municipality is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

(Ord. of 11-1-1967, § 1.2)

Sec. 110-2. Rules of construction and definitions.

(a) *Rules of construction.* The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.

¹Charter reference(s)—Zoning, § 4.26.

Cross reference(s)—Any ordinance adopting or amending a comprehensive plan saved from repeal, § 1-13(a)(9); any ordinance pertaining to rezoning property saved from repeal, § 1-13(a)(15); buildings and building regulations, ch. 18; community development, ch. 26; downtown development authority, § 26-56 et seq.; environment, ch. 42; floods, ch. 50; land divisions and other subdivisions of land, ch. 58; design and improvements for land divisions and other subdivisions of land, § 58-141 et seq.; subdivision and site plan review fees, § 58-291 et seq.; planning, ch. 74; public improvements, ch. 78; streets, sidewalks and other public places, ch. 94; telecommunications, ch. 96.

State law reference(s)—City and village zoning act, MCL 125.581 et seq.

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- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
 - (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 - (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - (5) A "building" or "structure" includes any of its parts.
 - (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
 - (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - a. The term "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. The term "either...or" indicates that the connected items, conditions, provisions or events shall apply but not in combination.
 - (9) Terms not defined in this section shall have the meaning customarily assigned to them.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory use or accessory means a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified as the principal use to which it is related. When the term "accessory" is used in this text, it shall have the same meaning as "accessory use." An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence, or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such a building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (8) Uses clearly incidental to main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

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- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
 - (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

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

Alterations means any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this chapter as "altered" or "reconstructed."

Apartments means the dwelling units in a multiple dwelling as defined in this definition:

- (1) *Efficiency apartment.* The term "efficiency apartment" shall mean a dwelling unit containing not over 350 square feet of net floor area, and consisting of not more than one room in addition to kitchen and necessary sanitary facilities.
- (2) *One-bedroom unit.* The term "one-bedroom unit" shall mean a dwelling unit containing a minimum net floor area of at least 500 square feet per unit, consisting of not more than two rooms in addition to kitchen and necessary sanitary facilities.
- (3) *Two-bedroom unit.* The term "two-bedroom unit" shall mean a dwelling unit containing a minimum net floor area of at least 700 square feet per unit, consisting of not more than three rooms in addition to kitchen and necessary sanitary facilities.
- (4) *Three- or more bedroom unit.* The term "three- or more bedroom unit" shall mean a dwelling unit wherein for each room, in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum net floor area of 700 square feet.

Arcade means any premises open to the public wherein are assembled six or more mechanical or electronic amusement devices operated for use as a game, amusement, for information, or contest of any description.

Auto repair station means a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Auto service station means a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and minor repair of automobiles.

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

Berms means earth mound used to cause transition between residential and nonresidential development, and between residential development and major or secondary thoroughfares. Such berm shall be constructed at a slope of not more than three to one.

Billboard means any construction or portion of a construction upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.

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

Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building line means a line formed by the face of the building and for the purpose of this chapter, a building line is the same as a front setback line.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Convalescent or nursing home means a structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

Council means the duly elected legislative body of the municipality.

Court means an open, unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an outer court. Any other court is an inner court.

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

District means a portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations apply under the provisions of the chapter.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or at eating space provided outside the building, rather than within a building or structure, or to provide self-service for patrons and food carryout.

Dwelling, multiple-family, means a building, or a portion of a building, designed exclusively for occupancy by three or more families, living independently of each other.

Dwelling, one-family, means a building designed exclusively for and occupied exclusively by one family.

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

Dwelling unit means a building, or a portion of a building, designed for occupancy by one family for residential purposes and having cooking facilities.

Dwelling unit, manufactured, means a dwelling unit which is substantially built, constructed, assembled and finished off the premises upon which it is intended to be located and shall include a mobile home.

Dwelling unit, site-built, means a dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

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

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead, gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including, buildings, towers or substations, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation means any breaking of ground, except common household gardening and ground care.

Exception means a use permitted only after review of an application by the board of appeals or commission other than the administrative official (building inspector), such review being necessary because the provisions of the chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this chapter.

Family means one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees of such persons) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

Farm means all of the contiguous neighboring or associated land operated as a single unit on which bona fide normal and traditional farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm shall include the active use of ten acres or more in area. Farms may be considered as including establishments operated as bona fide greenhouses; truck farms; nurseries; orchards; dairies; and raising of crops, traditional farm animals and farm produce. The term "normal and traditional farming" is not intended, nor implied, to include forms of animal feed lots, animal confinement facilities, intensive farming or other types of activities which emit offensive odors and/or are obnoxious, detrimental or dangerous to the public health, safety or welfare, or interfere with the peaceful enjoyment of property. Any such use shall only be permitted after it has been fully documented and demonstrated that the use does not conflict with, or constitute a likely impairment or infringement upon, any of the foregoing concerns. A bona fide traditional farm includes those farm buildings, activities and equipment essential to such farming activities; it is not intended, nor implied, to permit trucking, equipment and/or vehicle repairs and/or sales, storage, contractors' yards or any similar activities other than those clearly incidental to the bona fide farm operation.

Filling means depositing or dumping of any matter onto, or into the ground, except common household gardening and ground care.

Floor area means, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Garage, private, means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service, means any premises used for the storage or care of motor-driven vehicles or where any such vehicles are equipped for operation, repairs or kept for remuneration, hire or sale.

Grade means that the established grade is the mean elevation of the centerline of the existing street or road along the front of the lot, or as established by the municipality. The reference level for any building within ten feet of the front lot line is the official established grade opposite the center of the front of such building. For any

building more than ten feet from the front lot line, or where no grade is established, the reference level is the mean level of the finished grade of the ground across the front of such building. When the mean finished grade about any portion of a building varies five feet or more from that at the front, such mean may be taken as the reference level for such portion of such building.

Junkyard means an open area where waste or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, commercial, means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded.

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

Lot means a parcel of land occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

Lot area means the total horizontal area within the lot lines of the lot.

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

Lot coverage means that part or percent of the lot occupied by buildings, including accessory buildings.

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

Lot, double frontage, means any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined in this definition:

- (1) *Front lot line*. In the case of an interior lot: that line separating such lot from the street. In the case of a through lot: that line separating such lot from either street.
- (2) *Rear lot line*. The term "rear lot line" shall mean that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line*. The term "side lot line" shall mean any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a recorded plat on file with the county register of deeds, at the time of inception of this chapter, or in common use by municipal or county

officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of its remainder.

Lot width (and the method of measuring minimum lot width) means as follows: For those lots whose side lot lines are parallel or where distance between side lot lines is less at the front lot line than at the rear lot line, the lot width shall be a straight line (chord) measurement between the two points where the minimum required front yard setback is located on the side lot lines. On those lots where the distance between side lot lines is less at the rear lot line than at the front lot line, the lot width shall be a straight line (chord) measurement between points on the side lot lines which are 50 feet back from the front lot lines.

Lot, zoning, means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

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

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 120 feet shall be considered a major thoroughfare.

Marginal access drive means a public or private street or drive parallel to a major or secondary thoroughfare, which provides access to abutting property.

Master plan means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts of such plan. Such plan may or may not be adopted by the planning commission and/or council.

Mezzanine means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

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

Mobile home park means any parcel or tract of land under the control of any person upon which provision is made for 75 or more mobile homes to be harbored or occupied, and not including sales or service.

Motel, hotel and residence inns means a series of attached, semidetached or detached rental units which provide temporary living accommodations. Any such temporary living facilities are generally developed at higher densities and are located in nonresidential areas; permanent living quarters are limited to those necessary for management purposes only. Permissible accessory uses include those deriving a majority of their use by resident guest. Within this context, hotels, motels and residence inns may include the following types of facilities:

- (1) Hotels (including motor hotels) which provide guestrooms together with doorman, porter and/or bellboy services and accessory facilities. Food and beverage services are provided primarily in centralized facilities as opposed to rooms and/or suites containing individual kitchen and dining facilities.

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- (2) Motels providing rooms and services similar to those of a hotel with the exception that guests are primarily responsible for doorman and bellboy functions.
 - (3) Residence inns provide guestrooms and/or suites with most units featuring individual kitchens and dining facilities. Since such units are more self-sufficient in nature, the size and scale of accessory uses is less than the other transient facilities indicated in subsections (1) and (2) of this definition.

Municipality means the city.

Nonconforming building means a building or portion of a building existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

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

Nursery, plant material, means a space, building or structure, or combination, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

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

Parking space means a minimum area of nine feet by 20 feet. Such area shall be exclusive of drive aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

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

Recognizable and substantial benefit means a clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; creation of valuable open space, and elimination of or reduction in the degree of nonconformity of a nonconforming use or structure.

Room means, for the purposes of determining lot area requirements and density in a multiple-family district, a living room, dining room or bedroom, equal to at least 70 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-bedroom, two-bedroom or three-bedroom units, and including a den library or other extra room shall count such extra room as a bedroom, for the purpose of computing density.

Row house means a two-story row of three or more attached, one-family dwellings, not more than two rooms deep, each unit of which extends from the basement to the roof.

Setback means the distance required to obtain minimum front, side or rear yard open space provisions of this chapter.

Sign means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known (other than billboards) such as are used to show an individual firm, profession or business and are visible to the general public.

Stable, private, means a stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding.

Story means that part of a building, except a mezzanine included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half, means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet, six inches.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Temporary use or building means a use or building permitted by the board of appeals to exist during periods of construction of the main building or use or for special events.

Terrace means a one-story or two-story row of three or more attached, one-family dwellings, not more than two rooms deep and having the total dwelling space on one floor.

Townhome means an attached dwelling unit extending from the foundation upwards to its roof as would a row house, units are not stacked over one another. The purpose of such dwellings is to provide for residential family living units in two to four unit structures.

Transition or transitional means a zoning district, a landscaped area, lotting arrangement, wall or other means which may serve as a district or area transition, i.e., a buffer zone between various land use districts and/or land use types or thoroughfares.

Usable floor area means, for the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

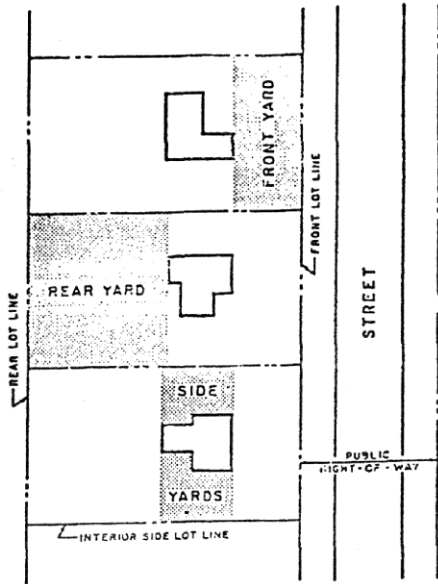
Use means the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, unique circumstances and applying to property. A variance is not justified unless all three elements are present in the case.

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

- (1) *Front yard*. The term "front yard" shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- (2) *Rear yard*. The term "rear yard" shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

- (3) *Side yard.* The term "side yard" shall mean an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



Yards

Generally. The term "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense. The singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory, and the word "may" is permissive. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." The word "lot" includes the words "plot" or "parcel."

(Ord. of 11-1-1967, § 2.0; Ord. No. 20-19, § 1, 3-20-1971; Ord. No. 20-34, § 1, 12-28-1973; Ord. of 8-6-1977, § 1; Ord. of 10-18-1977, §§ 3—18; Ord. of 5-3-1983, §§ 1—3; Ord. of 6-20-1989, § 1; Ord. No. 08-169, 10-7-2008; Ord. No. 16-082, § 1, 7-5-2016)

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

Secs. 110-3—110-30. Reserved.

ARTICLE II. ADMINISTRATION²

DIVISION 1. GENERALLY

²Cross reference(s)—Administration, ch. 2.

Sec. 110-31. Establishing of administrative official.

Except where otherwise stated in this chapter, the provisions of this chapter shall be administered by the building inspector or such other officials as may be designated by the council. The building inspector shall have the power to:

- (1) Issue building permits;
- (2) Grant certificates of occupancy permits;
- (3) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this chapter; and
- (4) Perform such other further functions necessary and proper to enforce and administer the provisions of this chapter.

(Ord. of 11-1-1967, § 17.1)

Sec. 110-32. Building and zoning permits.

No building or structure within the municipality regulated by the Michigan State Construction Code shall hereafter be erected, moved, repaired, altered or razed; nor shall any work be started to erect, move, repair or raze until a building permit shall have been obtained from the building inspector, nor shall any change be made in the use of any building or land without a building permit having been obtained from the building inspector. However, no building permit shall be required by public utilities and municipal departments for maintenance of any of their facilities, or temporary emergency construction of facilities which are necessary for the furnishing of adequate service for the general health, safety or welfare. The term "altered" and "repaired" shall include changes in structural parts, stairways, type of construction, light or ventilation, means of ingress and egress, but does not include nonstructural changes involved in the normal maintenance and upkeep of a structure. No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this chapter, and all amendments hereto. Unless construction is started within six months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The building inspector may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion. For those buildings and structures that are not regulated by the Michigan Construction Code but are subject to the provisions of this Zoning Ordinance, a zoning permit shall be required. Such permits shall be obtained from the building inspector. Any such improvements shall be in compliance with the requirements set forth herein. The zoning permit shall be valid for six months from the date of issuance and if work is not commenced on the project during that time the permit shall become null and void and all fees forfeited. The permit may be reinstated at the discretion of the building inspector without payment of further fees. Fees for inspection and the issuance of permits or certificates or copies required or issued under the provisions of this chapter shall be collected by the building inspector in advance of issuance. The amount of such fees shall be established by the resolution of the council.

(Ord. of 11-1-1967, § 17.2; Ord. of 10-2-2001)

Sec. 110-33. Record of nonconforming uses.

The building inspector shall record all nonconforming uses existing at the date of this chapter for the purposes of carrying out the provisions of section 110-571.

(Ord. of 11-1-1967, § 17.3)

Sec. 110-34. Plans and specifications required.

The building inspector shall require that all applications for building and/or zoning permits be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

- (1) The actual shape, location and dimensions of the lot drawn to scale.
- (2) The shape, size and location of all buildings or other structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (3) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (4) One copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such copy either as approved or disapproved. The second copy shall be retained in the office of the building inspector.

(Ord. of 11-1-1967, § 17.4; Ord. of 10-2-2001)

Sec. 110-35. Inspection.

Upon the completion of the work authorized by a building permit, the holder of such permit shall seek final inspection by notifying the building inspector. The building inspector shall make such final inspection promptly.

(Ord. of 11-1-1967, § 17.5)

Sec. 110-36. Certificate of occupancy.

No land, building, structure, or its part shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such new use.

(Ord. of 11-1-1967, § 17.6)

Sec. 110-37. Certificates not to be issued.

No certificates of occupancy pursuant to the building code of the municipality shall be issued for any building, structure or its part, or for the use of any land, which is not in accordance with all the provisions of this chapter.

(Ord. of 11-1-1967, § 17.7)

Sec. 110-38. Certificates required.

No building or structure, or its parts, which is hereafter erected or altered, shall be occupied or used or the building or structure caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

(Ord. of 11-1-1967, § 17.8)

Sec. 110-39. Certificates including zoning.

Certificates of occupancy as required by the building code for new buildings or structures, or its parts, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

(Ord. of 11-1-1967, § 17.9)

Sec. 110-40. Certificates for existing buildings.

Certificates of occupancy will be issued for existing buildings, structures, or its parts, or existing uses of land if, after inspection, it is found that such buildings, structures, or its parts, or such use of land are in conformity with the provisions of this chapter.

(Ord. of 11-1-1967, § 17.10)

Sec. 110-41. Temporary occupancy; time restriction thereon; compliance or completion bond.

- (a) The building official is authorized to issue a temporary certificate of occupancy, upon the written request of an applicant holding a duly issued building permit, before the completion of construction covered by the building permit, provided that such portion or portions of such construction to be occupied may be occupied safely, and subject also to the following provisions.
- (b) The building official shall set a time period during which the temporary certificate of occupancy is valid. The aforesaid time period shall be not to exceed one year, and otherwise be based upon the reasonable judgment of the building official, and reasonably based upon any professional advice the building official may seek from one or more qualified engineers, architects, builders, developers, or other persons with expertise in the area of construction deficiency or deficiencies which prohibit the issuance of a final certificate of occupancy.
- (c) As a condition of issuance of such a temporary certificate of occupancy the building official, in said building official's judgment, may require a cash bond to be posted with the city in an amount of 125 percent of the professionally estimated cost of the completion of the deficiency or deficiencies which prohibit the issuance of a final certificate of occupancy, or a cash bond to substantially assure compliance with the terms of the temporary certificate of occupancy.
- (d) The temporary certificate of occupancy shall list the construction activity which must be completed for the structure to qualify for a final certificate of occupancy, and it shall state the date upon which it shall terminate, and the amount of any bond posted.
- (e) Should the building official determine that the construction activity required in the temporary certificate of occupancy has not been satisfactorily completed within the duration of the temporary occupancy certificate, the city shall be and is authorized, at the direction of the building official, to either perform the construction activity necessary, or retain a company or companies engaged in the business of the work which must be completed to qualify the structure for a final certificate of occupancy, and the cost of such construction shall be paid from the money posted as the bond. In the event there has not been reasonable compliance, but no further construction work is feasible or practical, the city shall hold the bond amount until such time as there has been compliance in the judgment of the building official.
- (f) All terms and conditions of the temporary occupancy certificate shall be agreed to in writing by the applicant, and the applicant's signature shall be signed on the temporary occupancy certificate as accepting the terms of the said temporary occupancy certificate, including that any deficiency may be paid by the city

from the applicant's bond funds, but any shortage then added to the real property tax bill of the tax parcel(s) on which the applicant's construction is being constructed.

- (g) No temporary occupancy certificate shall be in effect until the applicant has (a) accepted the terms and conditions thereof as set forth herein; and (b) paid the required bond in cash or by an irrevocable letter of credit issued by a bank acceptable to the city.

(Ord. of 11-1-1967, § 17.11; Ord. of 10-1-2002)

Sec. 110-42. Records of certificates.

A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(Ord. of 11-1-1967, § 17.12)

Sec. 110-43. Certificates for dwelling accessory buildings.

Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

(Ord. of 11-1-1967, § 17.13)

Sec. 110-44. Application for certificates.

Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by the department, and such certificates shall be issued if, after final inspection, it is found that the building or structure, or its part, or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified in writing of such refusal and the cause of such refusal.

(Ord. of 11-1-1967, § 17.14)

Secs. 110-45—110-70. Reserved.

DIVISION 2. BOARD OF APPEALS³

Sec. 110-71. Creation and membership.

There shall be established and appointed by the council of the municipality, in accordance with Act 207 of the Public Acts of 1921, as amended, a zoning board of appeals. The board shall consist of five members; appointments shall be as follows: one member of the city planning commission whose term shall run concurrently with his or her term on said planning commission; four members, appointed to hold office for a term of three years. One member of council may serve on the board, however, that member shall not serve as chairperson. An employee or contractor of the city shall not serve on the board. Further, two alternate members may be appointed for the same term as regular members of the board. The two alternates shall be designated first alternate, if

³Cross reference(s)—Administration, ch. 2.

available and a vacancy, and second alternate when the first is unavailable and/or to serve when there are two vacancies. Any vacancies on the board shall be filled by the council for the unexpired term. The board shall annually elect one of its members to be its secretary. The secretary shall attend all meetings of the board and record the minutes of the proceedings of all such meetings. The city clerk shall give all notice of meetings; shall be the custodian of the official records of the board; shall cause to be maintained a record of the members of the board who are eligible to vote and the members and terms of office of each member of the board; and in general shape or form all of the duties incident to the office of city clerk and such additional duties as may be from time to time requested by the board. City council may remove a member for misfeasance, malfeasance or nonfeasance in office following a public hearing upon written charges.

(Ord. of 11-1-1967, § 18.1; Ord. of 12-21-1991; Ord. of 1-3-2001; Ord. of 11-4-2003; Ord. No. 07-114, 9-4-2007)

Sec. 110-72. Procedure.

Meetings of the board shall be heard at the call of the chairman and at such other time as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be filed in the office of the clerk of the municipality and shall be a public record. No business shall be conducted by the board unless a majority of the regular members are present. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The fees to be charged for appeals shall be set by resolution of the council. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the board, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the board of appeals.

(Ord. of 11-1-1967, § 18.2; Ord. No. 07-114, 9-4-2007)

Sec. 110-73. Appeals; how taken.

An appeal to the zoning board of appeals based, in whole or in part, on the provisions of this chapter may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector. Such appeal shall be taken by filing a notice of appeal with the board of zoning appeals on appropriate forms provided by the building inspector, payment of the required fee, and shall specify the grounds for such appeal. The building inspector shall transmit all papers constituting the records of such appeal to the board. The board may require the applicant to furnish such surveys, plans or other information as may be reasonably required to such board for the proper consideration of the matter. Upon a hearing before the board, any person or party may appear in person, or by agent, or by attorney. The board shall fix a reasonable time for the hearing of the appeal at least 15 days before the application will be considered for approval, and give due notice of such hearing to parties, including all owners of record of property and occupants of structures, within a radius of 300 feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the latest assessment roll and published in a newspaper of general circulation in the City of Woodhaven, and shall decide the appeal within a reasonable time. The notice shall describe the nature of the request, identify the subject property including all existing street addresses contained in the subject property, state the time and place of the hearing on the application, and provide an address to which written comments may be sent and the deadline for receipt of such comments. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the zoning board of appeals shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the

applicant any matter upon which they are required to decide under this chapter or to effect any variation in this chapter, other than a variation pertaining to use. Any grant of a variance pertaining to uses shall require the concurring vote of two-thirds of the zoning board of appeals. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the board of zoning appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the zoning board of appeals or by the circuit court on application, on notice of the building inspector and on due cause shown.

(Ord. of 11-1-1967, § 18.3; Ord. of 8-3-1976, § 1; Ord. of 6-6-2000; Ord. No. 07-114, 9-4-2007)

Sec. 110-74. Powers.

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have the power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Such powers include:

- (1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this chapter.
- (2) *Exceptions and special approvals.* To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board to pass. Any exception or special approval permit shall be subject to such conditions as the board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter.
- (3) *Variance.* To authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to; or exceptional undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

(Ord. of 11-1-1967, § 18.4)

Sec. 110-75. Temporary permits.

The board may issue the following temporary permits:

- (1) Permit the following character of use in an industrial 1 district or industrial 2 district (I-1 or I-2) for periods not to exceed ten years, with the granting of two-year renewal extensions being permissible: Commercial recreation, when such use requires substantial land area but does not require large capital investment in structures; provided, only, that if any permission is granted for a period exceeding five years, then and if it shall be necessary for the planning commission of the municipality to approve such use by a majority vote of its members elect as not impairing the carrying out of the master plan.

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- (2) In other cases, the board of appeals may grant a permit for temporary buildings or uses for periods not to exceed two years.
 - (3) The granting of permits under subsections (1) and (2) of this section shall be done under the following conditions:
 - a. The granting of a temporary permit shall in no way constitute a change in the basic zoning district and principal uses permitted therein.
 - b. The granting of the temporary permit shall be granted in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of such temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other necessary requirements to be considered in protecting the public health, safety and general welfare of the people of the municipality shall be made at the discretion of the board of appeals or planning commission as the case may be.
 - (4) Carnivals: Permit a carnival, outdoor circus or migratory amusement enterprise in a B-3 district, provided that attached to the application for a permit shall be a letter of consent from the owner of the property to be used for such purpose; also an affidavit that such is located a minimum distance of 1,500 feet from any existing residence, building, school, church or hospital and a distance of 50 feet from any street or road right-of-way. The use shall be for a period not to exceed three weeks and shall be subject to a fee that will reimburse the municipality for any expense it may incur pursuant to such use.
 - (5) Public utility, height and bulk exception: Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefor to the height and bulk requirements established in this chapter which such board considers necessary for the public safety and welfare.

(Ord. of 11-1-1967, § 18.5)

Sec. 110-76. Standards.

Each case before the zoning board of appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring board approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and shall give consideration to the following:

- (1) The location and size of the use.
- (2) The nature and intensity of the operations involved in or conducted in connection with it.
- (3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
- (4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.
- (5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.
- (6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.

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- (7) The location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value.
 - (8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic.
 - (9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.

(Ord. of 11-1-1967, § 18.6)

Sec. 110-77. Period of validity of orders.

- (a) No order of the zoning board of appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
- (b) No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of building, such order shall continue in full force and effect if a building permit for such use erection or alteration is obtained within such period, and such erections or alterations are commenced and proceed to completion in accordance with terms of such permit.

(Ord. of 11-1-1967, § 18.7)

Secs. 110-78—110-100. Reserved.

DIVISION 3. MISCELLANEOUS PROVISIONS

Sec. 110-101. Changes and amendments.

The council may, from time to time, on recommendation from the planning commission, or on its own motion, amend, supplement, modify or change this chapter, including the zoning map referred to in section 110-143 hereof, in accordance with the authority of Public Act No. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.). The council may also amend the zoning map referred to in section 110-143 upon presentation to the planning commission of a petition by an owner of real property to be affected by the requested amendment, such petition to be accompanied by a fee. The amount of such fee shall be set by resolution of the council and shall be used to defray the expense of publishing the required notices and expense of the planning commission. Notice of such a petition shall be provided in the same manner provided in section 110-73 for zoning appeals. If a rezoning petition is received from an owner of, or which involves, real property located within the central business zoning district and/or within the boundaries of the downtown development district, the planning commission shall receive a recommendation from the board of the downtown development

authority. The downtown development authority shall be notified of the request and may submit comments and/or recommendations for consideration at the required public hearing(s).

City council may hold a public hearing on any proposed zoning amendment if it considers it necessary or as may otherwise be required. Further, a public hearing shall be granted in the event a property owner requests a hearing by certified mail addressed to the city clerk. Notice of such hearing shall be provided in the same manner provided in section 110-73 for zoning appeals. Council may refer any proposed amendments to the planning commission for consideration and comment within a time period designated by council. After the public hearing, the city council shall consider and vote upon the proposed amendments to the zoning ordinance. A notice of any change in the zoning ordinance shall be published in a newspaper of general circulation in the city within 15 days after adoption, and to any airport manager who may have requested notifications of public hearings from the city clerk's office. Such notice shall include the effective date of the amendment, the time and place where a copy of the amendment may be purchased or inspected, and either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.

(Ord. of 11-1-1967, § 19.1; Ord. of 9-20-2005; Ord. No. 07-114, 9-4-2007)

Sec. 110-102. Repeal of prior ordinance.

The zoning ordinance of the Village of Woodhaven previously adopted by the council and effective on April 21, 1964, and all amendments thereto, are hereby repealed. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

(Ord. of 11-1-1967, § 19.2)

Sec. 110-103. Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the zoning ordinance described in section 110-102, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Ord. of 11-1-1967, § 19.3)

Sec. 110-104. Vested right.

It is hereby expressly declared that nothing in this chapter shall be held or construed to give or grant to any person any vested right, license, privilege or permit.

(Ord. of 11-1-1967, § 19.4)

Sec. 110-105. Penalty for violation of chapter.

Any person violating any of the provisions of this chapter shall be assessed a civil fine for a municipal civil infraction as provided in section 1-41.

(Ord. of 11-1-1967, § 19.5; Ord. No. 11-116, 9-6-2011)

Sec. 110-106. Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of its provisions is hereby declared to be a public nuisance per se.

(Ord. of 11-1-1967, § 19.6)

Sec. 110-107. Fines and penalties.

The owner of any building, structure or premises or its part, where any condition in violation of this chapter shall exist or shall be created, and any person who has assisted knowingly in the commission of such violation, shall each be liable for a separate offense and, shall be liable for the penalties provided in this division.

(Ord. of 11-1-1967, § 19.7; Ord. No. 11-116, 9-6-2011)

Sec. 110-108. Rights and remedies are cumulative.

The rights and remedies provided in this division are cumulative and in addition to any other remedies provided by law.

(Ord. of 11-1-1967, § 19.8)

Secs. 110-109—110-140. Reserved.

ARTICLE III. DISTRICTS

DIVISION 1. GENERALLY

Sec. 110-141. Areas.

For the purpose of convenience, the municipality is hereby divided into areas which are placed on maps.

(Ord. of 11-1-1967, § 3-1)

Sec. 110-142. Districts established.

For the purposes of this chapter, the municipality is hereby divided into the following districts:

B-1 local business district

B-2 community business district

B-3 general business district

CBD central business district

I-1 industrial 1 district

I-2 industrial 2 district
IRO industrial research office district
OFA one-family attached
R-1 one-family residential
R-2 one-family residential
R-T two-family residential district
R-M multiple-family residential district
TC-PUD town center planned unit development

(Ord. of 11-1-1967, § 3.2; Ord. No. 11-099, 7-19-2011; Ord. No. 14-123, § 1, 12-2-2014)

Sec. 110-143. Zoning maps; adoption by reference.

Each area shall be set forth on a map containing such information as may be acceptable to the council and showing by appropriate means the various districts into which the area is divided, which maps shall be entitled, "Zoning Maps of the Municipality," and shall bear the date adopted or amended. It shall be the duty of the mayor and clerk to authenticate such records by placing their official signatures thereon. All such maps with all explanatory matter thereon are hereby made a part of this chapter by reference, and shall be as much a part of this chapter as if the matters and information set forth thereon were all fully described in this section.

(Ord. of 11-1-1967, § 3.3)

Sec. 110-144. District boundaries interpreted.

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

- (1) Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerline of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on such zoning map.
- (4) Where the boundary of a district follows a railroad line, such boundaries shall be deemed to be located midway between the main tracks of such railroad line.
- (5) Where the boundary of a district follows a stream, lake or other body of water, such boundary line shall be deemed to be at the limit of the jurisdiction of the municipality unless otherwise indicated.
- (6) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be such district boundary line.

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- (7) Where unzoned property may exist, or where, due to the scale, lack of detail or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the board of appeals.

(Ord. of 11-1-1967, § 3.4)

Sec. 110-145. Zoning of vacated areas.

Whenever any street, alley or other public way, within the municipality, shall be vacated, such street, alley or other public way, or its portion, shall automatically be classified in the same zone district as the property to which it attaches.

(Ord. of 11-1-1967, § 3.5)

Sec. 110-146. Zoning of annexed areas.

Any area annexed to the municipality shall immediately, upon such annexation, be automatically classified as an R-1 district until a zoning map for such area has been adopted by the council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to it by the council.

(Ord. of 11-1-1967, § 3.6)

Sec. 110-147. District requirements.

All buildings and uses in any district shall be subject to the provisions of article V, supplementary regulations, and article VI, general exceptions.

(Ord. of 11-1-1967, § 3.7)

Secs. 110-148—110-170. Reserved.

DIVISION 2. R-1 THROUGH R-2 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 110-171. Intent of districts.

The R-1 through R-2 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the R-1 through R-2 districts.

(Ord. of 11-1-1967, § 4.0; Ord. of 10-18-1977, § 20)

Sec. 110-172. Principal uses permitted.

In a one-family residential district (R-1 through R-2), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings, site-built.

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- (2) Farms.
 - (3) Publicly owned and operated libraries, parks, parkways and recreational facilities.
 - (4) Municipal buildings and uses.
 - (5) Public elementary schools offering courses in general education and not operated for profit.
 - (6) Accessory buildings and uses, customarily incident to any of the permitted uses.

(Ord. of 11-1-1967, § 4.1; Ord. of 10-18-1977, § 21; Ord. of 5-3-1983, § 4)

Sec. 110-173. Uses permissible subject to special use permits.

The following uses shall be permitted in the R-1 through R-2 districts, subject to the conditions imposed in this section for each use:

- (1) Utility and public service facilities and uses, without storage yards, when operating requirements necessitate the locating of such facilities within the districts in order to serve the immediate vicinity, subject to the approval of the zoning board of appeals.
- (2) Swimming pool clubs when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision, or other specified areas, for the exclusive use of members and their guests, all subject to the following conditions:
 - a. As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club, as a part of such application, the applicant shall obtain from 100 percent of the freeholders residing or owning property, within a 150-foot radius, immediately adjoining any property line of the site proposed for development, a written statement or waiver addressed to the council recommending that such approval be granted. Also, approval from 51 percent of the homeowners within 1,000 feet shall be received in writing.
 - b. In those instances where the proposed site is not to be situated on a lot of record, the proposed site shall have one property line abutting a major thoroughfare (see major thoroughfare plan), and the site shall be so planned as to provide ingress and egress directly onto such major thoroughfare.
 - c. Front, side and rear yards shall be at least 80 feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - d. Buildings erected on the premises shall not exceed one story in height.
 - e. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
 - f. Whenever the parking plan is so laid out as to beam automobile headlights toward any residential land, a decorative obscuring concrete poured wall, masonry wall with brick veneer toward the residential district, or berm at least four feet, six inches in height, measured from the surface of the parking lot, shall be provided along the entire side of the parking area.
 - g. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.

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- (3) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, and not operated for profit, all subject to the following conditions:
 - a. Any use permitted in this section shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All ingress to and egress from such site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet in width.
 - c. No building other than a structure for residential purposes shall be closer than 75 feet to any property line.
 - (4) Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in article IV, schedule of use regulations, may be allowed, provided that front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - b. The site shall be so located as to have at least one property line abutting a major or secondary thoroughfare as designated on the major thoroughfare plan.
 - c. A columbarium park shall be permitted as an accessory use to a church, but not a religious retreat or rectory facility, after review and approval by the planning commission of a site plan, subject to the following conditions:
 - 1. No part of the columbarium park may be located within a required yard.
 - 2. All structures located within the columbarium park shall be no more than four feet in height and shall be compatible with the architecture of the church.
 - 3. Exterior building materials used on any structure shall be comparable to and compatible with those materials used on the principal structure.
 - 4. The columbarium park shall be located upon and not exceed five percent of the area of the lot which the principal use is located.
 - 5. The individual columbarium vaults shall be totally obscured from the view of adjacent property by a suitable wall or greenbelt as approved by the planning commission.
 - 6. The area occupied by the columbarium park shall not be considered as landscaped open space for the purpose of computing minimum open space and landscape improvements for the overall site and/or required plantings.
 - (5) Private noncommercial recreational areas, other than subdivision open space facilities; institutional or community recreation centers, subject to the following conditions:
 - a. The proposed site for any of the uses permitted in this section which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from such major thoroughfare.
 - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

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- c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
- (6) Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands; provided, however, that where topographic conditions are such that buildings would be screened from the view, the planning commission may modify this requirement.
 - d. The minimum number of off-street parking spaces to be provided shall be ten spaces per hole, plus one space per employee, plus spaces as required under article V, supplementary regulations, for each accessory use, such as a restaurant or bar.
 - e. Whenever a swimming pool is to be provided, such pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.
 - (7) Accessory buildings and uses customarily incident to any of the permitted uses in this section.
 - (8) Private stables which provide stables, paddocks and permit horses to pasture on the premises shall:
 - a. Provide a minimum site area of five acres for the first horse, plus one acre for each additional horse.
 - b. In no instance locate a stable or confined paddock area nearer than 100 feet to any property line. Any horse may, however, be pastured to the property line, provided that it is properly fenced.
 - c. No stable or confined paddock area shall be located closer than 50 feet to any dwelling on the premises.
 - d. Stables and confined paddock areas shall be kept clean and the manure handled in such a manner as to control odor and flies.
 - (9) Public, parochial or private intermediate or secondary schools and parochial or private elementary schools offering courses in general education. Access to the site shall be provided only to an existing or proposed major thoroughfare, freeway service drive or secondary thoroughfare, etc.
 - (10) Manufactured detached one-family dwellings, subject to the provisions of section 110-839.
 - (11) Cemeteries and/or mausoleums, subject to the following conditions:

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- a. Any such site shall have its principal frontage on a major arterial or collector street as designated on the city master plan. Access to the site shall be from such major or collector street.
 - b. Cemetery facilities for the burial and/or interment of human or pet remains are permitted, provided that any major structures such as mausoleums, crypts, chapels, crematoriums or service buildings are located at least 80 feet from any property line abutting any residential zoning district. Individual burial sites with markers or crypts, not over six feet in height, may be located not closer than ten feet to any side or rear property line abutting any residential zoning district.
 - c. Columbarium parks may be located adjacent to residential zoning districts, provided that no part of the park is closer than the yard requirement of the abutting residential district, the walls not exceed four feet in height and none of the interment vaults are visible to abutting residential areas.
 - d. Outside storage shall be limited to normal landscape materials and shall be totally obscured from any adjacent zoning districts. Any such storage areas shall be related to the service building. All equipment and other supplies shall be stored inside the service building.
 - e. A setback of at least 25 feet shall be provided to any public street. This area shall be landscaped in lawn and plantings which do not create any sight distance limitations on vehicular and vehicular/pedestrian movements. This front yard setback area shall also be kept clear of any walls and/or berms which exceed two feet in height.
 - f. On those sides of the site abutting any residential zoning district, an obscuring screen shall be provided. This obscuring feature may utilize a decorative masonry wall four feet in height, a ten-foot wide greenbelt, berm, or combination. A chainlink fence, not over six feet in height, may be installed for security purposes, but will not be considered as any obscuring requirements. The minimum walls and screening requirements along a public street is reduced to a decorative wall or a berm with a maximum height of two feet and/or a planting plan which will partially obscure the development. This reduction is intended to facilitate reasonable visibility for security purposes.

(Ord. of 11-1-1967, § 4.2; Ord. of 10-18-1977, §§ 22, 63; Ord. of 5-3-1988, § 7; Ord. of 5-17-1988, § 1; Ord. of 6-20-1989, § 2; Ord. No. 08-058, 4-1-2008)

Editor's note(s)—Ord. No. 08-058, adopted Apr. 1, 2008, change the title of § 110-173 from uses permissible on special approval to uses permissible subject to special use permits.

Sec. 110-174. Area, bulk and yard setback requirements.

See article IV, schedule of use regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements for the R-1 through R-2 districts.

Secs. 110-175—110-184. Reserved.

DIVISION 2A. OFA ONE-FAMILY ATTACHED DISTRICTS

Sec. 110-185. Intent of district.

The OFA one-family attached districts are designed to provide sites for attached one-family dwelling structures and related uses. Such sites provide for transitional use areas in locations with a strong one-family type

of environment. The OFA district is intended to permit the attachment of dwelling units, under stated conditions, at a medium density and with features and characteristics of detached one-family homes in the area. It also permits the opportunity to provide sites on the oddly configured parcels that have remained fallow for periods of time.

(Ord. No. 08-170, 10-7-2008)

Sec. 110-186. Principal uses permitted.

- (a) In the OFA one-family attached district no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:
 - (1) Attached townhome dwellings whose living area extends from the foundation to the roof above in structures containing two to four dwelling units.
 - (2) Detached one-family dwellings complying with the standards of the R-2 one-family district.
 - (3) Accessory buildings and uses, customarily incidental to any of the permitted uses.
- (b) Publicly owned and operated recreational facilities such as: parks, parkways, trails (non-motorized, except power propelled wheelchairs for handicapped persons) and other recreational facilities that are part of community wide system that is mutually compatible and beneficial to the community and the nonresidential area involved.

(Ord. No. 08-170, 10-7-2008; Ord. No. 09-072, 5-19-2009)

Sec. 110-187. Uses permitted subject to a special use permit.

The following uses shall be permitted in OFA district, subject to the following condition and those of any findings of a special use permit:

- (1) Nursery schools, day nurseries and child care centers (not including dormitories); provided, however, that for each child so cared for, there is provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a total minimum area of at least 1,000 square feet, and shall be fenced or screened from any adjoining land with planting. Any use permitted in this subsection shall not be permitted in the interior of any residential block.
- (2) Housing for the elderly, not to exceed a height of two stories, when the following conditions are met:
 - a. A planned development consisting of at least five acres with cottage type dwellings and/or apartment type dwelling units; and common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops;
 - b. All dwellings shall consist of at least 350 square feet per unit;
 - c. The maximum extent of development shall not exceed 15 dwelling units per acre, and total coverage shall not exceed 25 percent for all buildings (including dwelling units and related service buildings).
- (3) Convalescent homes, not to exceed a height of two stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,250 square feet of open space. The 1,250 square feet of land area per bed shall provide for landscape setting, offstreet parking, service drives, loading space, yard requirements and space required for accessory uses. The 1,250 square feet requirement is over and above the building coverage area;

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- b. No building shall be closer than 40 feet to any property line;
 - c. The proposed site shall have at least one property line abutting a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or proposed);
 - d. All ingress and egress to the offstreet parking area, for guests, employees and staff, as well as any other uses of the facility, shall be directly from a major thoroughfare.
- (4) Manufactured townhome dwellings, subject to the provisions of section 110-839.
 - (5) Accessory buildings and uses customarily incident to any of the uses described in this section.

(Ord. No. 08-170, 10-7-2008)

Sec. 110-188. Required conditions for townhome developments.

The planning commission, in its evaluation process, shall consider existing and potential development in the area and the reasonableness of the request from the standpoint of established and acceptable principals of land use planning. Developers who plat or divide parcels of land and leave parcels of vacant land adjacent to major and secondary thoroughfares with the intent of seeking one-family attached development shall submit a concept development plan to the planning commission for review and discussion prior to completing any final plans for the plat or land divisions.

Approval of any one-family attached development plan(s) requires that the following conditions have been met:

- (1) One-family attached structures shall contain two to four dwellings. Each dwelling shall extend from its foundation/basement upwards to the roof of the structure; stacking units one above the other shall not be permitted.
- (2) Each dwelling shall provide access doors on the front and rear of the units with adjacent landscaped area. The rear entry area shall also include a private patio area.
- (3) The front facade of the structures shall be sufficiently distinguished in off-sets, architectural features and/or materials to distinguish between the individual living units. The front plane of the building shall not appear as a straight flat wall.
- (4) The entire site area shall serve only residents of the living units and their social guests.
- (5) Access drives providing primary circulation patterns within the development shall be designed and arranged to facilitate safe and convenient movements for resident, service and emergency vehicle movements. Such drives shall accommodate service and emergency vehicles and be constructed in a manner acceptable to the community including rolled concrete curbs.
- (6) Parking spaces shall be conveniently accessible to the living units they serve. Unless a parking space is specifically assigned to a particular living unit, parking spaces shall be located 15 feet to any window or door of living units.
- (7) A setback of at least 25 feet shall be provided between any living area, garage and required parking area and any public thoroughfare right-of-way line. Access drives/driveways which approximately parallel a public thoroughfare shall not be located in the required 25-foot setback along such thoroughfare.
- (8) The minimum setback between any living areas and garages and the edge of interior access drives shall be 25 feet.
- (9) In order to facilitate the safe separation of vehicular and pedestrian traffic a four-foot wide sidewalk shall be provided along both sides of access drives in the areas where they intersect with public road

rights-of-way. Sidewalks shall also be provided along both sides of access drives that are necessary to the convenient and safe movement of pedestrians within the development. In situations where access drives do not have units abutting one or both sides of the drive a determination shall be made as to the need for sidewalks along a particular portion of the access drive. Unless otherwise specified interior sidewalks may be placed adjacent to the curbs. If the applicant disagrees with the determination of the planning commission regarding the placement of interior sidewalks, a public hearing shall be required under the terms and conditions of a special use permit.

- (10) The minimum main building setback to exterior property lines immediately abutting single-family zoning districts shall be 35 feet, unless a greater setback is required by the following formula which reflects the length and height of buildings:

$$S = (L + 2H) \div 3$$

S—Required setback.

L—Length of building which is determined by measuring the total distance along an exterior property line which would be intersected by perpendicular lines extended from a building when viewed from above. Minimum setbacks shall be measured from the closest point of a building to the exterior property line for the building which have reasonably consistent setbacks over a length of the building. Buildings which have a varied setback resulting in a continuously increasing setback when moving from one end of the building to the other may use the average setback of the building, provided that not more than 25 percent of the building length may be located within the required setback; however, if any portion of a building involves a garage that requires crossing a sidewalk a minimum setback to the curb line of 25 feet shall be provided. In no instance shall the building be located closer than 35 feet to any exterior property line. A maximum building length of 120 feet shall be observed.

H—Height of building is the difference between the mean finished grade elevation and the mean height of the building. The minimum main building setback to exterior property lines abutting other than single-family districts is 35 feet. The minimum setback to exterior property lines for an accessory building is ten feet, unless the preceding formula requires a greater setback when abutting a single-family zoning district.

- (11) The minimum spacing between buildings is regulated according to the length and height of buildings as set forth in the formula presented in section 110-511 footnote (d). The 30-foot minimum spacing between the ends of buildings may be reduced to 15 feet when the ends of such buildings contain no doors or windows; half windows serving bathrooms being excluded.
- (12) The minimum required floor area for a dwelling unit is 1,200 square feet.
- (13) A maximum building height of two stories and 32 feet shall be permitted for dwelling units.
- (14) Density. Maximum density permitted is as follows:

7.0 dwelling units per acre

These density factors include all land devoted to private interior driveways and circulation routes. When the site contains wetlands, floodplains or other unbuildable acres, a maximum of 25 percent of such unbuildable area may be included in the computations for density purposes.

- (15) Offstreet parking requirements are those for multiple family dwellings. The stacking of required parking spaces, one behind another, shall not be permitted.
- (16) Any outside parking and/or dumpster area provided on the site shall be subject to the screening requirements of section 110-745, walls and berms.

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- (17) The site plan shall be arranged to provide consideration of physical and visual relationships between the proposed dwellings, their outside living space, and to adjacent uses. Consideration shall be given to the retention and enhancement of natural features which afford transitional features.
 - (18) At least two deciduous or evergreen trees having a caliper of at least three inches shall be provided for each dwelling unit. Existing trees may be considered as meeting this requirement, or portions, when it is found they are distributed about the site in a manner which will complement the site appearance and complement each of the dwellings.

(Ord. No. 08-170, 10-7-2008)

Secs. 110-189—110-200. Reserved.

DIVISION 3. R-T TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 110-201. Intent of district.

The R-T two-family residential districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This R-T district also allows the construction of new two-family residences where slightly greater densities are permitted.

(Ord. of 11-1-1967, § 5.0; Ord. of 10-18-1977, § 23)

Sec. 110-202. Principal uses permitted.

In an R-T two-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All principal uses permitted and as regulated in the one-family residential districts.
- (2) Two-family dwellings, site-built.
- (3) Accessory buildings and uses, customarily incident to any of such permitted uses.

(Ord. of 11-1-1967, § 5.1; Ord. of 5-3-1983, § 5)

Sec. 110-203. Uses permissible subject to special use permits.

The following uses shall be permitted in the R-T district, subject to the following conditions imposed for each such use: Manufactured two-family dwellings, subject to the provisions of section 110-839.

(Ord. of 11-1-1967, § 5.2; Ord. of 5-3-1983, § 8; Ord. No. 08-058, 4-1-2008)

Editor's note(s)—Ord. No. 08-058, adopted Apr. 1, 2008, change the title of § 110-173 from uses permissible on special approval to uses permissible subject to special use permits.

Sec. 110-204. Area, bulk and yard setback requirements.

See article IV, schedule of use regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements in the R-T district.

(Ord. of 11-1-1967, § 5.3; Ord. of 5-3-1983, § 8)

Secs. 110-205—110-230. Reserved.

DIVISION 4. R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 110-231. Intent of district.

The R-M multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential and low-density, single-family districts. The R-M multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium-density, single-family community.

(Ord. of 11-1-1967, § 6.0; Ord. of 10-18-1977, § 22)

Sec. 110-232. Principal uses permitted.

- (a) In an R-M multiple-family district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:
 - (1) All principal uses permitted in the R-T two-family residential districts with the lot area, yards and floor area requirements equal to at least the requirements of the immediate abutting residential district.
 - (2) Multiple-family dwellings, site-built.
 - a. Row houses.
 - b. Terraces.
 - c. Apartments.
 - (3) Accessory buildings and uses customarily incident to any of such permitted uses.
- (b) *Required conditions.* Approval of any multiple family development plan(s) requires that the following conditions have also been met:
 - (1) The entire site area shall be developed to serve only residents of the living units and their routine visitors.
 - (2) For purposes of these provisions access drives shall be those interior circulation routes that provide common vehicular access directly to garages and/or to parking compound areas for residents of a development. Such access drives have limited continuity within the development and connect to designated public major or secondary thoroughfares as depicted on the city's master plan. These latter public routes in turn provide connections throughout the city and surrounding area. Access drive connections to minor residential streets shall only be permitted subsequent to the applicant obtaining approval under the terms and conditions of a special use permit. During any such hearing process the applicant shall demonstrate that the proposed development together with its resulting traffic

pattern(s) will be compatible with existing and potential development patterns in the area and the community-at-large.

- (3) Access drives providing primary circulation patterns within the development shall be designed and arranged to facilitate safe and convenient movements for resident, service and emergency vehicle movements. Such drives shall accommodate service and emergency vehicles and be constructed in a manner acceptable to the community including rolled concrete curbs.
- (4) Parking spaces shall be conveniently accessible to the living units they serve. Unless a parking space is specifically assigned to a particular living unit, parking spaces shall be located 15 feet to any window or door of living units.
- (5) Parking spaces and their maneuvering aisles shall not occupy more than 35 percent of any minimum required yard that is adjacent to a public street right-of-way, such areas shall also be located at least 15 feet from any such right-of-way line. Any parking spaces located within a minimum required front setback adjacent to a public street shall not be covered and/or enclosed.
- (6) In order to facilitate the safe separation of vehicular and pedestrian traffic a four-foot wide sidewalk shall be provided along both sides of access drives in the areas where they intersect with public road rights-of-way. Sidewalks shall also be provided along both sides of access drives that are necessary to the convenient and safe movement of pedestrians within the development. In situations where access drives do not have units abutting one or both sides of the drive a determination shall be made as to the need for sidewalks along a particular portion of the access drive. Unless otherwise specified interior sidewalks may be placed adjacent to the curbs. If the applicant disagrees with the determination of the planning commission regarding the placement of interior sidewalks, a public hearing shall be required under the terms and conditions of a special use permit.
- (7) Dwelling units together with their attached garages shall be setback at least 20 feet from the curb line of any access drive. In situations where access to a garage involves backing across a required general circulation sidewalk the minimum required setback between the curb line and the building/garage shall be increased to at least 25 feet.
- (8) At least one tree per dwelling unit, having a caliper of not less than 2½ inches, shall be planted in reasonable proximity to each dwelling unit. Plantings shall be arranged in such a manner as to complement the development and/or break-up the expanse of paved areas. Foundation plantings shall also be provided to complement the buildings, trees and lawn areas.

(Ord. of 11-1-1967, § 6.1; Ord. No. 20-18, § 1, 2-22-1971; Ord. of 1-20-1976, § 1; Ord. of 10-18-1977, §§ 23, 64; Ord. of 5-3-1983, § 6; Ord. of 12-4-2001)

Sec. 110-233. Uses permissible subject to special use permits.

The following uses shall be permitted in the R-M district, subject to the following conditions imposed for each use:

- (1) Nursery schools, day nurseries and child care centers (not including dormitories); provided, however, that for each child so cared for, there is provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a total minimum area of at least 1,000 square feet, and shall be fenced or screened from any adjoining land with planting. Any use permitted in this subsection shall not be permitted in the interior of any residential block.
- (2) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed four stories, when the following conditions are met:

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- a. All such hospitals shall be developed only on sites consisting of at least five acres in area.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or proposed).
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be obscured from all residential view with a decorative obscuring concrete wall, poured masonry wall with brick veneer facing adjoining properties or a berm six feet in height. Ingress and egress to the site shall be directly from a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or proposed).
 - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
- (3) Housing for the elderly, not to exceed a height of two stories, when the following conditions are met:
- a. A planned development consisting of at least five acres with cottage type dwellings and/or apartment type dwelling units; and common services containing, but not limited to, central dining rooms, recreational room, central lounge and workshops.
 - b. All dwelling shall consist of at least 350 square feet per unit. In the instance of memory care units within assisted living facilities, the minimum shall be 300 square feet.
 - c. The maximum extent of development shall not exceed 15 dwelling units per acre, and total coverage shall not exceed 25 percent for all buildings (including dwelling units and related service buildings).
 - d. The site shall have 1,500 square feet of open space for every one bed. The open space shall provide for a landscaped setting, and may not include, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses.
- (4) Convalescent homes, not to exceed a height of two stories, when the following conditions are met:
- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,250 square feet of open space. The 1,250 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements and space required for accessory uses. The 1,250 square feet requirement is over and above the building coverage area.
 - b. No building shall be closer than 40 feet to any property line.
 - c. The proposed site shall have at least one property line abutting a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or proposed).
 - d. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as any other uses of the facility, shall be directly from a major thoroughfare.
- (5) Manufactured multiple dwellings, subject to the provisions of section 110-839.
- (6) Accessory buildings and uses customarily incident to any of the uses described in this section.

(Ord. of 11-1-1967, § 6.2; Ord. of 10-18-1977, § 65; Ord. of 5-3-1983, § 8; Ord. No. 08-058, 4-1-2008; Ord. No. 19-102, 10-1-2019)

Editor's note(s)—Ord. No. 08-058, adopted Apr. 1, 2008, change the title of § 110-173 from uses permissible on special approval to uses permissible subject to special use permits.

Sec. 110-234. Mobile home parks.

- (a) *Generally.* Mobile home parks may be permitted in an R-M district after the park plan therefor has been approved by the planning commission of the municipality to ensure adequate streets and open spaces essential to the public health, welfare and convenience and to ensure that such plan is in accordance with the spirit and purposes of such zoning chapter. Mobile home parks are allowed in multiple-family districts when the mobile home park functions as a transition between the multiple-family and an industrial use. Mobile home parks shall only be permitted within an R-M district, where the R-M district abuts an I-1 limited industrial district and providing that the mobile home parks have one entire side abutting the I-1 limited industrial district. Further, no mobile home parks shall be developed within 400 feet of any R district or any existing or proposed major thoroughfare as defined on the thoroughfare plan for the city. Mobile home parks shall further be subject to the requirements and conditions set forth in this section.
- (b) *General conditions.*
- (1) Access to and from the trailer court shall be to the nearest major thoroughfare by means of a public right-of-way of not less than 60 feet in width. No access shall be permitted through a single-family residential district.
 - (2) The tract or parcel of land being proposed for a mobile home park shall be of such land area as to provide for a minimum of 75 mobile home sites, exclusive of streets, buildings, structures, greenbelts, enclosures and recreational areas.
 - (3) Each mobile home site shall contain a minimum area of 5,000 square feet. Each site shall be at least 50 feet in width. All such mobile home sites shall be computed exclusive of roads, sidewalks, greenbelts, service drives, facilities and recreation space.
 - (4) Each mobile home site shall be provided with a concrete apron of sufficient width and length to park and support a mobile home.
 - (5) Each mobile home park shall have an entrance road or drive of not less than 30 feet constructed of a hard surface, subject to the approval of the city engineer and built in accordance with standard road building practice. A concrete sidewalk, at least four feet in width, shall be constructed on each side of the entrance road or drive and connect to the sidewalks within the mobile home park.
 - (6) All fences, other than the greenbelt surrounding the park, shall be uniform in height and shall be constructed in such a manner as to provide firefighters access to all sides of each trailer coach.
 - (7) Fire hydrants and water lines of a size, type, pressure and volume, as specified by the city engineering department, shall be placed within such trailer park so that no trailer site shall be located more than 500 feet from a fire hydrant.
 - (8) A concrete walk, at least 36 inches wide, from service walk to trailer coach entrance shall be provided.
 - (9) There shall be provided an area of not less than 250 square feet for each trailer space to be used for recreational purposes, with a minimum total area of not less than 20,000 square feet, which shall be generally no longer than 1½ times its width. Such an area shall be graded, developed, sodded and maintained by the management, so as to provide healthful recreation for the residents of the mobile home park.
 - (10) The front yard, and any side yard adjacent to a street, shall be landscaped within one year, and the entire mobile home park shall be maintained in good, clean, presentable condition at all times.

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- (11) No business of any kind shall be conducted in any mobile home park, except that the management's office may serve the residents of the park; however, no merchandise shall be sold thereon. Further, that no vehicle which will create a nuisance shall be parked within a trailer park.
 - (12) All fuel oil and all gas tanks located on each trailer site shall be in a uniform manner and screened from view. All tanks shall be equipped with vent pipes and fused valves.
 - (13) There shall be no storage of any kind under trailers, unless skirted.
- (c) *Additional requirements.*
- (1) The boundaries of each site shall be clearly and permanently designated according to the dimensions and the locations shown on the approved plot plan.
 - (2) There shall be one side yard between the site plot line and the mobile home of 20 feet on the entrance side and there shall be a total side yard of 30 feet.
 - (3) Buildings or structures which are accessory to the mobile home park shall have a front and rear yard of at least 40 feet, and side yards of at least 20 feet each. In addition, off-street parking shall be provided for such buildings or structures used by management as provided in this chapter.
 - (4) Each mobile home site shall provide for a front yard of at least 20 feet, such space to be between the front site line and the front of the mobile home and a rear yard of at least 15 feet.
 - (5) Each mobile home site shall abut or face a service right-of-way having a width of not less than 40 feet. The right-of-way shall be improved with a blacktop or poured concrete street or road at least 24 feet in width and a four-foot concrete sidewalk on each side of the street or road. The street or road shall be designed and graded for adequate storm sewer drainage and shall be provided with curbs and gutters. The streets or roads shall be constructed of a hard surface, subject to the approval of the city engineer and built according to standard road building practice.
 - (6) Parking spaces shall be provided in accordance with section 110-602.
 - (7) The mobile home park shall provide a 12-foot greenbelt adjacent to all abutting properties and public rights-of-way. The greenbelt shall be located within the mobile home park site and shall comply with division 4 of article V of this chapter. In the alternative, the planning commission may permit the mobile home park owner to erect an obscuring wall or fence not less than four feet, six inches, or more than five feet in height, on all sides of the trailer court. The planning commission may require a combination of both the greenbelt and the obscuring wall or fence adjacent to any public rights-of-way.
 - (8) Street and yard lights sufficient to permit safe movement of vehicles and pedestrians at night shall be provided, and shall be so located and shaded as to direct the light away from adjacent properties.
 - (9) The cost of all improvements shall be placed in escrow prior to the issuance of a building permit and insurance and bonds satisfactory to the city shall likewise be provided.
- (d) *Compliance with state law.* All mobile home park developments shall further comply with Public Act No. 243 of 1959 (MCL 125.1001 et seq., MSA 5.278(31) et seq.).
- (e) *Approval of planning commission and building permit prerequisites to building or altering.* No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities required therein without first obtaining the approval of the planning commission and securing a building permit authorizing the construction, addition or alteration.

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- (f) *Plans and specifications for construction or alteration.* Each person who desires to construct or alter a mobile home park shall submit to the city and the planning commission construction plans and specifications prepared by a registered professional engineer or architect and which shall include:
- (1) A plan of the entire tract or parcel including the legal description of the lands involved. If the mobile home park is to be constructed in stages, the plan must show the individual areas to be developed. The plan must show the continuity of streets and other facilities and the provision for recreation areas in relation to the proposed use.
 - (2) The layout and location of all facilities and of all provisions made for lighting of buildings and park area.
 - (3) The location and size of all roadways and sidewalks within the mobile home park.
- (g) *Permit fee; state permit required; plans filed with state.* The fee for the construction permit shall be paid to the city at the time the permit is actually issued. No permit shall be issued until the applicant has received a construction permit from the state as required by Public Act No. 243 of 1959 (MCL 125.1001 et seq., MSA 5.278(31) et seq.), and a copy of the plans submitted to the state have been filed with the city.
- (h) *Toilet and lavatory facilities required.* No site within the mobile home park shall be occupied by any mobile home or trailer coach unless such mobile home or trailer coach is equipped with toilet, lavatory and fixtures for tub or shower bathing within the mobile home or trailer coach.
- (i) *Minimum square feet of mobile homes.* Each mobile home in the mobile home park shall have a minimum of 480 square feet of floor space for the first two occupants, and an additional 100 square feet of floor space for each occupant over two.
- (j) *Storage of recreational equipment on mobile home sites.* Campers, boats, trailers, trailer coaches, snowmobiles and similar recreational equipment owned by the occupant may be stored on individual mobile home sites when the following conditions are met:
- (1) All storage shall be in the rear yard only.
 - (2) All provisions of Public Act No. 243 of 1959 (MCL 125.1001 et seq., MSA 5.278(31) et seq.), as amended, are followed.
 - (3) All storage shall be at least four feet from any site line.
 - (4) All items stored are in good working order and must be maintained so as not to be detrimental to the appearance of the park.
 - (5) The area occupied by stored items shall not exceed 200 square feet.
- (k) *Certificate of occupancy for mobile home sites required.* It shall be unlawful for any person to occupy a mobile home site or for any owner or agent of such site to permit the occupation of any mobile home site for any purpose until a certificate of occupancy has been issued by the building inspector. The certificate of occupancy shall state that the mobile home park complies with all the provisions of this chapter, as amended, and the plan as approved by the planning commission.
- (l) *Most restrictive provisions of chapter to govern in case of conflicts.* Whenever any provision of this section imposes overlapping or contradictory requirements to any other provision of this chapter or other ordinances of the city, that provision which is more restrictive or imposes higher standards or requirements shall govern.

(Ord. of 11-1-1967, § 6.3; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 10-18-1977, § 66; Ord. of 10-7-1980)

Sec. 110-235. Area, bulk and yard setback requirements.

See article IV, schedule of use regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements in the R-M district.

(Ord. of 11-1-1967, § 6.4; Ord. No. 20-19, § 1, 3-20-1971)

Sec. 110-236. Reserved.

Sec. 110-237. Multiple-dwelling suppression system.

All multiple dwelling structures, regulated under this chapter shall be required to install and maintain, in each residential unit a kitchen hood suppression fire hood suppression system.

(Ord. No. 18-093, 11-6-2018)

Secs. 110-238—110-270. Reserved.

DIVISION 5. O-1 OFFICE DISTRICT⁴

Sec. 110-271. Intent of district.

The O-1 office district is designed to accommodate those office activities which are compatible with residential uses and may therefore be used as transitions between more intensive land uses and neighboring residential development. To that end, office uses are oriented toward those activities of a smaller scale, located in attractive landscaped settings and which do not generate larger volumes of traffic or portray other characteristics of more intensive land uses. In some situations, larger scale office activities may be permitted subject to special review and approval of the use and its operational characteristics, the particular area in which it would be located and any applicable developmental requirements necessary to achieve and maintain the purposes intended for this O-1 district.

(Ord. of 11-1-1967, § 7.0; Ord. of 8-4-1992, § 1)

Sec. 110-272. Principal uses permitted.

Uses permitted in the O-1 district are limited to those which demonstrate reasonable compatibility with adjacent and neighboring residential uses by virtue of their more limited size, scale of activity and operational characteristics. Uses generally considered most likely to conform with the intent and requirements as set forth in this section include those requiring and/or providing less than 40 parking spaces and characterized by, but are not necessarily limited to, the following types of uses:

- (1) Offices accommodating executive, administrative, sales representatives, accountants, business advisors, lawyers, architects, engineers and insurance agencies.

⁴Cross reference(s)—Businesses, ch. 22.

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- (2) Business offices of nonprofit agencies such as civic, social, fraternal, union, political and religious (not including general assembly, social or meeting halls).
 - (3) Medical and dental offices (not including clinics or other groupings which generate large turnovers in traffic, emergency room operations and/or beds for overnight stays).
 - (4) Offices of banks, savings and loans and credit unions (not including major corporate offices or drive-through facilities).
 - (5) Professional studios of artists, photographers, etc., (not involving class instructions involving more than five students at any one-time or major exhibit and/or sales areas).
 - (6) Publicly owned and operated recreational facilities such as: parks, parkways, trails (non-motorized, except power propelled wheelchairs for handicapped persons) and other recreational facilities that are part of community wide system that is mutually compatible and beneficial to the community and the nonresidential area involved.
 - (7) Other uses which are similar to the uses in this section, and which conform to the intents and purposes of this O-1 district.
 - (8) Accessory structures and uses customarily incident to the permitted uses in this section.

(Ord. of 11-1-1967, § 7-1; Ord. of 8-4-1992, § 1; Ord. No. 09-072, 5-19-2009)

Sec. 110-273. Uses permitted subject to special use permits.

Under some circumstances and/or stated conditions, it may be possible to consider and approve larger and/or more intensive office activities in the O-1 district when it can be demonstrated that such a facility is compatible with adjacent development (as zoned and planned) and the community-at-large in relation to the particular situation involved. Typically, this will require more detailed and explicit explanations as to the proposed use and its specific characteristics as to its: type, size and scale of activity; relationship to existing and proposed uses in the area; abutment to nonresidential uses; transitional features (both manmade and natural); any proposed curtailments and/or restrictions on activities and/or business hours, etc. which would aid in creating compatible land use patterns and fulfilling the purposes set forth in this section. In addition to the uses and conditions set forth in this section any applicant shall also be required to comply with all terms and conditions of division 5 of article V of this chapter, special use permits, under which the use will be considered for approval. Typical uses which may be considered for approval, together with additional basic requirements and/or review directives, are as follows:

- (1) Larger scale offices, offices offering classes or instruction to more than five persons at one time together with related activities, any or all of which require and/or provide 40 or more parking spaces, may be considered for approval when it can be demonstrated that: traffic movements will not reflect a continuous turnover; the traffic will be primarily private passenger vehicles; more active portions of the site used for vehicular circulation, major pedestrian paths, parking and servicing areas shall be located no closer than 50 feet to any residential district (this requirement may be increased or decreased when related to more intensive uses or where physical barriers prevent future residential development on adjacent properties); the hours and/or types of activities will be compatible with adjacent uses and the community-at-large; and safe and convenient vehicular and pedestrian patterns shall be established internally and also in relation to adjoining routes.
- (2) Office activities with not more than one drive-through window may be considered when: any such window and its access route is located not less than 50 feet from any adjacent residential district, no more than 15 vehicles per hour are served, and no evidence of any communication system shall be detectable beyond the property line and the hours of operation are limited to between 9:00 a.m. and

7:00 p.m. A conventional banking drive-through may be permitted when the site occupied by the main building and the drive-through area are separated from neighboring residential districts by: other buildable nonresidential zoning districts, any physical feature or barrier which will maintain a separation of at least 100 feet between the main facility and any portion of the drive-through, and any residential zoning district; any such use shall also be subject to the noise and hour limitations noted in this subsection. It shall also be determined that the proposed facility will not create any unsafe and/or undesirable turning movements in relation to abutting thoroughfares, driveways and sidewalks or otherwise adversely effect any abutting major or secondary arterial and that no points of ingress or egress shall be made to any abutting minor residential street.

- (3) A funeral home may be permitted when: all points of access are from a major or secondary arterial as designated on the city master plan; any public parking areas are separated from any adjacent residential areas by a decorative masonry wall, located on the property line, and at least a 20-foot greenbelt improved and maintained with living plant material and trees; and all service doors used for major deliveries and the arrival and/or departure of the deceased shall be fully screened from the view of abutting residential uses.
- (4) A medical clinic and/or hospital may be considered provided: the building is located at least 100 feet from any residential district; all delivery areas including emergency entrances and all points of public egress shall be located at least 150 feet from any residential district; and all parking areas and circulation routes shall be separated from any adjoining residential districts by a decorative masonry wall, located on the property line, and at least a 20-foot wide greenbelt improved and maintained with living ground cover and trees.
- (5) Day care centers subject to the provision of: a minimum separation of at least 20 feet between any outdoor passive or active use area or any vehicular parking, circulation and/or service area and any adjacent residential district; a screenwall shall also be required on the property line opposite any such outside areas; a setback of at least 25 feet shall be provided between any residential district and any portion of the main building; and care shall be extended only during normal business hours and shall not include any overnight facilities.
- (6) In a situation where this O-1 district is utilized as a transitional device between other nonresidential districts and/or between such districts and a major or secondary arterial, as designated on the city master plan, a more intensive office complex may be approved, subject to finding that the following objectives can be met: that the use as set forth represents a compatible land use improvement to the area; that the quantity of traffic is compatible with reasonable traffic characteristics in the area; that traffic movements can be reasonably coordinated with existing and projected volumes and turning movements in the area; and that the reasonable combinations of driveways and/or service drives have been achieved in the area.
- (7) Retail sales strictly incidental to principal permitted uses may be allowed, provided that any such use is not visible from the exterior of the building and the area set forth for the display and its viewing does not occupy more than 25 percent of the usable floor area of the floor upon which it is located. Uses which may be considered typical include: a pharmacy, hearing aid, prosthesis or optical sales accessory to a professional service rendered in the building; art objects and other decorating objects utilized by an interior decorator serving tenants of the building; and office equipment, supplies and/or services rendered primarily to tenants of the building.
- (8) Churches and their ancillary facilities may be permitted when it can be demonstrated that their location is compatible with neighboring residential uses through the provision of desirable building and use area setbacks and transition improvements. In addition, points of ingress and egress shall be from major and secondary thoroughfares and shall not conflict with safe and convenient vehicular and pedestrian movements in the area. It shall also be demonstrated that the church facility will not

conflict with the proper and efficient development of the office district or as it relates to other nonresidential uses in the area.

- (9) Uses which are similar to the ones in this section and those which can offer conclusive proof that they can comply with all applicable requirements for similar uses set forth in this section or any other requirements deemed reasonable and necessary after the required public hearing may also be considered under this section.

(Ord. of 11-1-1967, § 7.2; Ord. of 8-4-1992, § 1)

Sec. 110-274. Required conditions.

- (a) All uses as permitted in the O-1 district, unless otherwise specifically amended under a special use permit, shall comply with the following basic requirements:
- (1) All uses and activities, excluding incidental traffic, parking and service activities, shall be conducted within a wholly enclosed building.
 - (2) Only normal office refuse stored in approved containers located within an approved dumpster enclosure is permitted to be stored outside the building.
 - (3) The parking of any commercial trucks, trailers or other such vehicles is limited to not more than three such vehicles between the hours of 8:00 a.m. and 9:00 p.m., during normal delivery and/or service activities when located in the required loading/service areas. No such vehicle shall be stored or parked out-of-doors on the site overnight.
 - (4) Warehousing of any products or other items shall be purely incidental to the principal permitted use and shall not occupy more than 25 percent of the area occupied by the use to which it is accessory.
- (b) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements in the O-1 district.

(Ord. of 11-1-1967, § 7.3; Ord. of 8-4-1992, § 1)

Secs. 110-275—110-300. Reserved.

DIVISION 6. B-1 LOCAL BUSINESS DISTRICTS⁵

Sec. 110-301. Intent of district.

The B-1 local business districts, as established in this division, are designed solely to fulfill day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. It is further intended that those businesses and services which are permitted shall be smaller in size and scale of operation as compared to the supermarket type stores which derive a majority of their income from a wider market area. The size of the commercial development area is also intended to be smaller in scale to restrict the intensity of activities and thereby serve to minimize conflicts with neighboring residential uses which they serve. Local business uses are also encouraged to locate in planned development areas, as opposed to strip commercial areas, which will also serve

⁵Cross reference(s)—Businesses, ch. 22.

to: better control traffic movements, facilitate the provision of more effective transitional devices, and thereby further minimize possible neighborhood conflicts.

(Ord. of 11-1-1967, § 8.0; Ord. of 8-4-1992, § 2)

Sec. 110-302. Principal uses permitted.

All permitted uses in the B-1 district shall be restricted to those which derive a majority of their income and/or activities from the sale of goods and/or services to those persons residing in adjacent residential neighborhood areas.

- (1) Principal permitted uses as set forth in the O-1 office district, subject to regulations as set forth for the B-1 district.
- (2) Generally recognized neighborhood type businesses supplying food and/or beverages such as: groceries, meats, fish, fowl, dairy products, baked goods, delicatessens, candies, fruits and vegetables, beverages, and alcoholic beverages for consumption off the premises only.
- (3) Generally recognized neighborhood type retail stores offering such items as: dry goods, flowers, jewelry, gifts, paint/wallpaper, hobby and craft supplies, tobacco and sundry small household articles.
- (4) Generally recognized neighborhood type service establishments offering such services as: barbershop and beauty shop, cleaning (dropoff and pickup only, no processing), shoe repair, watch repair, small household electronics and appliance repair, tailors, video rentals and quick printing.
- (5) Eating establishments shall be limited to those providing limited seating inside the building, generally 25 or less persons, are not fast food type of facilities generating quick patron turnovers and/or generating frequent delivery trips, are closed between the hours of 11:00 p.m. and 7:00 a.m., and do not allow consumption of food or beverages on the premises outside of the building.
- (6) Other uses which are similar to the uses in this section and which conform to the intents and purposes of this B-1 district.
- (7) Accessory structures and uses customarily incident to the permitted uses in this section.

(Ord. of 11-1-1967, § 8.1; Ord. of 8-4-1992, § 2)

Sec. 110-303. Uses permitted subject to special use permits.

In some situations in the B-1 district, it may be possible to consider some variations from the conditions and limitations set forth in section 110-302. Any such deviation must continue to reflect the basic intent to avoid uses involving primary service to a larger market area, the creation of business activities with incompatible land use characteristics, or any other features which conflict with the proper development of this B-1 district and the surrounding area. Requests for exceptions will be processed under the procedures and requirements for special use permits, division 5 of article V of this chapter. These requirements are further supplemented by indicators as to the basic types of uses which will be considered together with additional basic standards and/or conditions which will also be involved in the review and consideration process. These items are as follows:

- (1) Neighborhood type businesses which possess or subsequently develop characteristics involving a larger market area and/or more intensive land use activities shall demonstrate that the use will still represent a significant value to the neighboring residential areas and that there are mitigating circumstances and/or conditions which will properly compensate for any increase in the character or intensity of any land uses and that the neighboring residential area will not be adversely effected. Factors to be considered in such situations involve, but are not necessarily limited to: transitional considerations

which would provide separations from adjacent residential by other nonresidential zoning districts, legally established and operated semipublic uses, natural features which preclude development and/or a meaningful increase in setbacks to buildings, other use areas and screening devices such as walls, greenbelts, or other permanent open areas. Consideration shall also be given to resulting traffic patterns, turning movements and conflicts, hours of operation and site activities during all hours of the day and week.

- (2) Any business which proposes to extend business activities beyond the exterior walls of the building in the form of a drive-through operation, open air walkup window or by providing outside seating for the consumption of food and/or beverages shall demonstrate conclusively that the proposed use does not represent a fast food or drive-in restaurant; will not adversely affect adjacent residential and/or nonresidential uses or the community-at-large; and is buffered from any adjacent residential districts by other nonresidential zoning districts, physical features or other established and legally operating nonresidential uses. The minimum separation between any such site and adjacent residential shall be 100 feet and may be increased as deemed necessary following findings at the public hearing. The concerns for traffic in subsection (1) of this section are also applicable to this review, in addition any drive-through activity shall be limited to not more than 25 vehicles during any 60 consecutive minutes.
- (3) The review of any of the uses in this section or similar activities shall consider all of the applicable factors in subsection (1) of this section, together with any additional concerns which are found in technical reviews, during the public hearing and/or subsequent discussions of the request. In order to achieve the intent of the chapter, the planning commission may also require such plantings, walls, greenbelts, operational restrictions, coordination of driveways and/or the installation of service drives as deemed reasonable and necessary.

(Ord. of 11-1-1967, § 8.2; Ord. of 8-4-1992, § 2)

Sec. 110-304. Required conditions.

- (a) Unless otherwise modified through a special use permit, the following conditions and requirements are applicable to all permitted uses in the B-1 district:
 - (1) All uses and use activities shall occur within a completely enclosed building.
 - (2) All businesses shall deal directly with consumers derived primarily from adjacent residential neighborhood areas. Any goods produced on the premises shall be sold to retail customers on the premises.
 - (3) All materials, supplies, inventories, discards and rubbish shall be stored within the building or an approved dumpster and dumpster enclosure. The storage of materials and/or supplies in any vehicle, trailer, tent or other temporary shelter is not permitted.
 - (4) The on-site parking of vehicles utilized only in the principal permitted business shall be limited to not more than three such vehicles at any one time during normal business hours. No vehicle or object, containing advertising, shall be visible from any public thoroughfare. The overnight parking and/or storage of any car, truck, van, trailer, tractor, portable or any temporary object shall be limited to not more than one such item and only if that vehicle or object is removed from the site on a daily basis during a majority of the normal workday and shall be parked in the rear yard.
- (b) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements for the B-1 district.

(Ord. of 11-1-1967, § 8-3; Ord. of 8-4-1992, § 2)

Secs. 110-305—110-320. Reserved.

DIVISION 7. B-2 COMMUNITY BUSINESS DISTRICTS⁶

Sec. 110-321. Intent of district.

The B-2 community business district is intended to permit a wider range of business activities and services than is permitted in the local business district. Community business uses generally reflect larger facilities and/or more intensive activities, serve a larger trade area, generate more traffic and therefore require additional considerations with respect to relationships to neighboring residential uses as well as other nonresidential uses. These B-2 districts are generally characterized by an integrated or planned clusters of establishments served by a common parking area and also tend to generate other major and/or ancillary shopping facilities in nearby areas. The aggregate effect is to create a wider range of consumer shopping opportunities and thereby a stronger drawing power which consequently results in more intensive land use and traffic patterns. In order to most effectively meet these objectives, such B-2 districts are typically placed in locations easily accessible to several major thoroughfare routes with proper attention given to reasonable transitions to abutting residential uses.

(Ord. of 11-1-1967, § 9.0; Ord. of 8-4-1992, § 3)

Sec. 110-322. Principal uses permitted.

Uses as permitted in the B-2 district shall include retail and service establishments dealing directly with consumers, and all such activities shall be conducted wholly within completely enclosed buildings, unless otherwise specifically provided for. Uses included with those principal uses are as follows:

- (1) All principal permitted uses in the O-1 office and the B-1 local business districts subject to the regulations as set forth for the B-2 district.
- (2) Retail stores furnishing: clothing, shoes, gifts, appliances, furniture, supermarket type stores, etc. Warehousing of merchandise shall not occupy more than 25 percent of the usable floor of the facility unless it is totally utilized in fulfilling retail sales activities at that specific location; warehousing for distribution to other sales facilities is not permitted.
- (3) Service establishments (including showroom/office/workshop) of activities such as: decorator, printer, upholsterer, photo reproduction, home appliance and electronics repair, baker, electrician, plumber or other similar activity. Warehousing and/or repair activities shall be limited to not more than 25 percent of the usable floor area.
- (4) Theaters, assembly halls, concert halls, private clubs or lodge halls, or similar places of assembly.
- (5) Restaurants, or other places serving food and/or beverages (except those having the character of a drive-in or drive-through).
- (6) Schools (business, commercial, trade, music or dance).
- (7) Radio and television studios, without construction yards.
- (8) Health and athletic clubs.

⁶Cross reference(s)—Businesses, ch. 22.

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- (9) Medical or dental clinics.
 - (10) Other uses which are similar to the uses in this section and which conform to the intents and purposes of this B-2 district.
 - (11) Accessory structures and uses customarily incident to the permitted uses in this section.

(Ord. of 11-1-1967, § 9.1; Ord. of 8-4-1992, § 3)

Sec. 110-323. Uses permitted subject to special use permits.

While the basic nature and character of this B-2 district reflects more intensive land uses, the underlying intent is to create proper functional and physical environments which can meet the needs of both larger market areas while providing compatibility with neighboring land uses and the community-at-large. There are additional uses which may under certain situations and/or conditions be compatible with the basic intent of this B-2 district. Such uses, however, require special review and consideration of their particular characteristics and attributes and as they relate to the neighboring uses and areas and the community-at-large. The following review criteria and requirements are intended to supplement other provisions of this chapter, particularly division 5 of article V of this chapter, special use permits, under which any such use will be processed for approval.

- (1) Open air businesses for the sale of trees, shrubbery, plants, flowers, fruits and vegetables, and landscape supplies. Any such business shall be operated as an accessory use to a principal permitted use occurring within a completely enclosed building. Display and sales areas shall be located contiguous to the principal building and shall observe all setbacks required of a main building. All outside display and sales areas shall be maintained in a neat and orderly condition, loose materials such as dirt, gravel or other bulk supplies shall be limited to not more than ten percent of the outside display and/or sales area and must be located within approved storage bins or other devices. No outside display and/or sales items shall be stacked or stored to a height exceeding six feet in height and shall be so located as to not restrict proper and safe vehicular and pedestrian visibility and movements. Parking shall comply with all municipal requirements including hard surfacing. If dual use of parking areas is proposed, it shall be demonstrated that the sufficient parking is available for site uses during all authorized periods of outside sales and/or displays.
- (2) Out-of-doors recreational and/or entertainment facilities such as: miniature golf, golf driving range, waterslides, go-cart tracks, children's amusement parks, batting cages, children's theaters or similar facilities may be considered when part of a planned commercial development. While recreational uses may provide a valuable element in community living, they may also generate abnormally high levels of traffic, noise, lights, vibrations, odors and pedestrian conflicts in an area which could not reasonably tolerate such intrusions without suffering adverse functional and financial impacts. Therefore, the consideration of any such request shall include specific attention to factors such as: attendance characteristics, duration of use, site and/or lighting, traffic volumes and movements, hours of operation, noise levels and controls, fencing and other transition devices, traffic and/or crowd control, both on-site and in adjacent areas.
- (3) New car dealerships, provided that such areas are so located as to avoid disruptions to convenient vehicular and/or pedestrian patterns utilizing adjacent retail shopping areas. In addition, the structural arrangement and/or design of service buildings on-site shall prevent or minimize the visibility of numerous vehicular service doors from adjacent public thoroughfares. Service areas shall be so located and operated as to avoid adverse effects on neighboring uses; particularly residential areas during night hours. Speaker systems which may be heard outside the building shall be used for paging only, shall not exceed 50 decibels at the property line and shall not be used between the hours of 9:00 p.m. and 8:00 a.m. There shall be no outside storage of discarded parts, supplies, partially dismantled cars or other unsightly objects.

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- (4) Rental facilities offering cars, trucks, other vehicles and/or equipment are permitted subject to: display areas being setback at least 15 feet from any right-of-way line or from any residential district. Representative samples of different rental items may be permitted in the front yard, but extensive quantities of duplicate items shall be stored in the side and rear yards. Screening of equipment rental storage areas in side and rear yards shall be required from all residential districts and from O-1, B-1 and other B-2 districts.
 - (5) Incidental vehicular repair and/or service facilities dealing primarily with family type vehicles are permitted when such activities are accessory to a major retail establishment which is developed as part of a planned retail center. Repairs are limited to those which typically can be completed in one day and does not involve partially dismantled vehicles being stored out-of-doors on-site which awaiting parts and/or repairs. Not more than one vehicle per service stall may be parked out-of-doors overnight and then only on the night before it is repaired. No discarded parts and/or supplies shall be stored out-of-doors. The types of services and supplies provided shall not create any environmental hazards or other detrimental effects on neighboring properties or the community-at-large by virtue of smoke, odor, dust, fumes, noise, vibrations, intermittent flashing lights, toxic materials or any other adverse influence.
 - (6) Gasoline filling stations are permitted which can demonstrate that they are incidental to a planned shopping center development and are so located that they are accessed primarily from major points of ingress and egress to the commercial center and/or from peripheral drives around the parking lot of the planned center. No repairs or servicing are to be permitted, and there shall be no outside storage of parts, supplies, display items, other items for sale or distribution, trash or other discards.
 - (7) Veterinary hospitals are permitted when it can be demonstrated that no adverse effects will be generated due to: animal noises outside the building, no objectionable odors and/or fumes are created as the result of any incineration activities, and/or the storage of animal wastes.
 - (8) Drive-through type facilities providing multiple service window positions and/or frequent vehicular turnovers are permitted when it can be demonstrated that: the use is incidental to an interior sales and/or service operation which is the principal and dominant land use activity on the site; proper and safe vehicular stacking, parking, servicing and circulation is provided for vehicles and between vehicles and pedestrians both on site and with respect to adjoining properties; and points of ingress and egress to the site shall also be so designed and arranged as to avoid any adverse impacts on adjacent properties, thoroughfares, sidewalks and/or intersections. All communication systems shall be so designed and operated as to avoid creating any adverse effects on adjacent properties.
 - (9) Arcades and/or coin-operated amusement centers may be permitted subject to compliance with all other municipal requirements and that the proposed use: is so located as not to interfere with convenient and uninterrupted vehicular and pedestrian movements in the area; and will operate in such a manner as to avoid conflicts with other nonresidential uses and public, quasi-public and residential uses in neighboring areas, and the community-at-large. The operator and property owner of the premises and parking area involved shall indicate their complete agreement to provide any necessary interior and exterior supervision and security to avoid any conflicts with neighboring nonresidential and residential uses which may occur during any stage of the operation and may be the reason for termination of the subject special use permit if not resolved to the city's satisfaction within a reasonable period of time.
 - (10) A living unit accessory to a use permitted within this B-2 district when such is essential to the normal and routine operation of the principal permitted activity.
 - (11) The sales and/or administrative offices of a heating, plumbing, electrical contractor, together with a limited workshop not occupying more than 25 percent of the total floor area, may be considered when it can be demonstrated that the proposed use will not result in: the creation of any form of a

contractor's yard and/or distribution center; any discarded materials and/or supplies shall not be stored out-of-doors; any trailers and/or mobile offices being stored out-of-doors on the site overnight; any adverse effects on neighboring properties due to noise, intermittent lights, vibrations, odors, fumes, dust, hours of operation, and hazardous materials; any violation of any other requirement of this chapter; or any other requirement of the city.

- (12) Uses permitted in the O-1 office and B-1 local business districts by special use permits may be permitted under similar review and approval procedures and requirements in this B-2 district if not already permitted or provided for in this section.

(Ord. of 11-1-1967, § 9.2; Ord. of 8-4-1992, § 3)

Sec. 110-324. Required conditions.

Unless otherwise modified through a special use permit, the following conditions and requirements are applicable to all permitted uses in the B-2 district:

- (1) All uses shall occur within a completely enclosed building, unless otherwise specifically permitted, under no circumstances shall any outside activities constitute any hazards to health, serve to attract or harbor animals, rodents or otherwise create any undesirable effects which adversely influences any adjacent properties and/or the community-at-large.
- (2) The outside parking and/or storage of any commercial vehicles, cars, vans, trailers, equipment, or any other moveable or transportable items shall be limited to those which are: necessary and accessory to the principal permitted use, fully operable, licensed when such is required by law for highway use, removed from the site for more than 75 percent of the time during normal business hours, located in a side or rear yard, shall not violate any signage limitations imposed by this chapter; and shall not be located in any required parking, service, greenbelt or environmental sensitive area. Unless otherwise specifically provided for, the outside parking or storage of any such item overnight shall be limited to licensed vehicles only. No more than five such vehicles may be stored outside overnight, subject to the following conditions: they are located in a rear or side yard and are screened from view of adjacent office, commercial and residential use districts and public thoroughfares.
- (3) Unless specifically authorized, no items shall be displayed outside for sale, lease, gift and/or promotional purposes.
- (4) All activities shall be conducted in such a manner as to avoid being a nuisance and/or otherwise adversely effect adjacent properties and/or the community-at-large.
- (5) In addition to the conditions required in this division, see articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements in the B-2 district.

(Ord. of 11-1-1967, § 9.3; Ord. of 8-4-1992, § 3)

Secs. 110-325—110-350. Reserved.

DIVISION 8. B-3 GENERAL BUSINESS DISTRICTS⁷

⁷Cross reference(s)—Businesses, ch. 22.

Sec. 110-351. Intent of district.

The B-3 general business districts are designed to provide for more intensive and extensive business types which are more frequently the object of a special purpose trip as opposed to the multiple purpose stop and shop around trips characteristic of a planned shopping center visit. Such uses are therefore more frequently freestanding uses or groupings of similar intensive type activities. The more intensive land use characteristics coupled with more frequent vehicular turnover requires careful consideration to avoid and/or minimize conflicts with neighboring land uses (particularly residential uses), public thoroughfares and the community-at-large.

(Ord. of 11-1-1967, § 10.0; Ord. of 8-4-1992, § 4)

Sec. 110-352. Principal uses permitted.

Uses as permitted in the B-3 general business district shall be limited to one or more of the following specified uses and shall be conducted within a totally enclosed building with no outside service, sales and/or storage unless otherwise specifically provided for in this chapter:

- (1) All principal permitted uses in the B-1 local business and the B-2 community business districts, excluding O-1 office uses, subject to the regulations as set forth for the B-3 district.
- (2) Service establishments (including showroom/office/workshop) of activities such as: decorator, printer, upholsterer, photo reproduction, home appliance and electronics repair, baker, electrician or plumber. Warehousing and/or repair activities shall be limited to not more than 50 percent of the usable floor area.
- (3) Used vehicle, boat, trailer and/or recreational vehicle sales. All repair activities shall be incidental to the sales operation and any such repair and/or service facilities shall be so located on the site as to minimize their view from any adjacent public thoroughfares and use areas.
- (4) Mortuary establishments.
- (5) Municipal, public utility: exchanges, pump houses and/or substations serving primarily areas outside of the city; but not including outside storage yards.
- (6) Other uses which are similar to the uses in this section, and which conform to the intent and purposes of this B-3 district.
- (7) Accessory structures and uses customarily incident to the permitted uses in this section.

(Ord. of 11-1-1967, § 10.1; Ord. of 8-4-1992, § 4; Ord. No. 12-025, 2-21-2012)

Sec. 110-353. Uses permitted subject to special use permits.

The basic nature and character of this B-3 district reflects more intensive land uses frequently situated at freestanding locations. The more intensive use characteristics indicates a greater potential for conflicts between such uses and neighboring areas unless careful consideration is given to basic land use relationships, traffic and circulation concerns, setback and transition requirements. Uses which possess even more intensive use characteristics are therefore considered under additional terms and conditions set forth in this section and as further regulated under the terms of special use permits, division 5 of article V of this chapter, under which any review and approval will be processed. Uses subject to consideration under these conditions are as follows:

- (1) Open air businesses for the sale of trees, shrubbery, plants, flowers, fruits and vegetables and landscape supplies. Any such business shall be operated in conjunction with accessory office/administrative space which is located within a completely enclosed building which complies with

all other requirements of the city. Display and sales areas shall observe all setbacks required of a main building. All outside display and sales areas shall be maintained in a neat and orderly condition, loose materials such as dirt, gravel and other bulk supplies/materials shall be limited to not more than 25 percent of the outside area and shall be placed within approved storage binds or other devices. No display items shall be stacked or stored to a height exceeding six feet in height and shall be so located as to not restrict proper and safe vehicular and pedestrian movements. Parking shall comply with all municipal requirements including hard surfacing. If dual use of parking areas is proposed, it shall be demonstrated that the sufficient parking is available for all site uses during all authorized periods of outside displays and sales.

- (2) Out-of-doors recreational and/or entertainment facilities such as: miniature golf, golf driving range, waterslides, go-cart tracks, children's amusement parks, batting cages, ball diamond complexes, concert facilities or other places of assembly. The consideration of any such request shall include specific attention to factors such as: attendance characteristics, site lights/lighting, traffic volumes and movements, hours of operation, noise levels and controls, fencing and other transition devices, traffic and/or crowd control, both on-site and in adjacent areas, and the relationship and effect on planned and zoned uses in the area and the community-at-large.
- (3) Outdoor sales for the sale and/or lease of: used cars, trucks, trailers, boats, recreational vehicles, subject to the following requirements:
 - a. A permanent office facility complying with all the requirements of the city shall be provided.
 - b. All outside sales/display areas shall be set back at least 15 feet from any public road right-of-way.
 - c. The lot shall be designed and constructed in accordance with all hard surfacing and drainage requirements of the city.
 - d. Points of ingress and egress shall be located at least 60 feet from the intersection of any two streets.
 - e. The servicing of vehicles shall be accomplished only within a wholly enclosed building. Damaged and/or partially dismantled vehicles shall be stored within a wholly enclosed building. All new, used and discarded parts shall be kept within a wholly enclosed building. All repair activities shall be conducted in such a manner as to not constitute a nuisance and/or hazard to adjoining and neighboring uses.
- (4) Gasoline service stations which provide fueling and service (repair and/or service activities shall not include major engine, transmission and body repair) are permitted, subject to the following requirements: all repair activities shall be conducted with a completely enclosed building, and there shall be no outside storage of partially dismantled vehicles, inoperable vehicles, new and used parts, discarded parts and any other displays of any items. The outside parking of vehicles overnight shall be limited to no more than one per service bay and shall be limited to only those vehicles which will be repaired the next day. All repair activities shall be conducted in such a manner as to not constitute any nuisance and/or hazard to adjoining and neighboring uses by reason of: dust, noise, fumes, odors, vibrations, intermittent lights or hazardous materials.
- (5) Motels and hotels shall be so arranged and located on the site so as to minimize conflicts with adjacent properties as they relate to late arriving and early departing guests. Points of ingress and egress to the site shall also be located to minimize conflicts with the adjoining thoroughfares and driveways. Parking shall be provided which will adequately serve all the uses which attract motorists and/or users at simultaneous points in time.
- (6) Automobile service facilities providing: tire (not recapping), battery, muffler, undercoating, auto glass, reupholstering, quick change oil and lubrication, wheel balancing, shock absorbers and motor tuneups, subject to the following:

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- a. There shall be no outside display of parts and/or products.
 - b. All repair activities shall be conducted within a wholly enclosed building.
 - c. All repair activities and dumpster areas shall be set back at least 25 feet from any residential district.
 - d. The outside parking of vehicles overnight shall be limited to no more than one per service bay and shall be limited to only those vehicles which will be repaired the next day.
 - e. There shall be no outside storage of new, used, discarded parts or partially dismantled vehicles.
 - f. The business shall be operated in such a manner as to avoid problems with adjacent properties due to: noise, dust, fumes, odors, flashing lights, vibration, hazardous and/or toxic materials.
- (7) Drive-through facilities, including restaurants, auto washes, banks and drive-ins, subject to the following requirements:
- a. The main and any accessory building shall be setback 50 feet from any adjacent public right-of-way or property line.
 - b. Points of ingress and egress shall be located at least 60 feet from any street intersections and shall be so located as to avoid conflicts by reasons of having inadequate stacking for vehicles both on and off the premises, and/or undesirable turning movements to adjoining and neighboring properties.
 - c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
 - d. Drive-through facilities and stacking lanes shall not be located between a building and a public or private street to minimize the visual effects of passers-by.
 - e. Circulation patterns shall be so arranged on site as to provide for safe and convenient separation between pedestrians and vehicles. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. Patrons shall be restricted from unnecessary circling of the site and/or loitering on the site. The circulation shall:
 - 1. Separate drive-through traffic from site circulation;
 - 2. Not impede or impair access into or out of parking spaces or stacking lanes;
 - 3. Not impede or impair vehicle or pedestrian traffic movement; and
 - 4. Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
 - f. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said stacking lane is curbed, an emergency by-pass or exit shall be provided.
 - g. All communication systems on the site shall be so designed, arranged and utilized as to avoid being audible beyond the property lines.
 - h. The hours of operation and control of site activities shall not result in conflicts with adjoining and/or neighboring properties.
 - i. A six-foot high decorative obscuring wall, privacy fence or landscaping shall be provided along any property line adjacent to a residential zoning district.
 - j. Drive-up menu board signs shall be allowed based upon the following standards:

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1. Not more than two signs shall be displayed per business. When two signs are displayed the maximum sign area allowed for each separate sign is 20 square feet and eight feet in height. The maximum sign area for a single sign is 40 square feet.
 2. Menu board signs shall be located adjacent to the building provided the sign is not legible from a public street or right-of-way.
- k. All trash storage areas shall comply with section 110-750. Additionally if visible from any street, trash storage areas shall be screened from view to the satisfaction of the planning commission.
 - l. The site shall be so designed and constructed as to minimize conflicts with adjacent properties and shall have particular attention given to transition devices and requirements to neighboring properties. In addition to the concerns set forth in sub items a through j above, attention shall also be given to circulation and/or parking patterns that may create conflicts or distractions resulting from headlights of vehicles on site. Potential conflicts shall not only include neighboring properties, but traffic on adjacent access/services drives, sidewalks and public streets. Transitional devices such as walls, berms, and greenbelts that afford year round obscuring may be required particularly when abutting public streets.
 - m. Drive-through and drive-in restaurants are not permitted on an out-lot where the rear yard is visible from interior access streets and other properties.
- (8) Uses permitted under special use permits in the office and other commercial districts may be permitted under a special use permit in this B-3 district if not otherwise provided for in this section. The approval of any such use shall be subject to any of the conditions deemed necessary to achieve proper and reasonable land use development and the objectives and intents as set forth in the respective districts and for special use permits.

(Ord. of 11-1-1967, § 10.2; Ord. of 8-4-1992, § 4; Ord. No. 10-051, 2-16-2010; Ord. No. 10-250, 12-7-2010)

Sec. 110-354. Required conditions.

Unless otherwise modified through a special use permit, the following conditions and requirements are applicable to all permitted uses in the B-3 district:

- (1) All uses shall occur within a completely enclosed building, unless otherwise specifically permitted, under no circumstances shall any outside activities constitute any hazards to health, serve to attract or harbor animals, rodents, etc., or otherwise create any undesirable effects which adversely influences any adjacent properties and/or the community-at-large.
- (2) The outside storage of any commercial vehicles, cars, vans, trailers, equipment, etc., shall be limited to those which are fully operable, licensed as required and moved off the site on a regular basis. No more than five such vehicles, etc., may be left outside overnight at any one time and then only when left in a side or rear yard which is screened from adjacent office, commercial and residential uses and public thoroughfares.
- (3) Unless specifically authorized, no items shall be displayed outside for sale, lease, gift and/or promotional purposes.
- (4) All activities shall be conducted in such a manner as to avoid being a nuisance and/or otherwise adversely effect adjacent properties and/or the community-at-large.
- (5) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements for the B-3 district.

(Ord. of 11-1-1967, § 10.3; Ord. of 8-4-1992, § 4)

Secs. 110-355—110-380. Reserved.

DIVISION 9. IRO INDUSTRIAL RESEARCH OFFICE DISTRICTS⁸

Sec. 110-381. Intent of district.

The IRO industrial research office districts are designed to provide for uses which are of an office, research, technical or limited industrial nature; uses which offer limited impact outside of the building and beyond the site. The IRO district is intended to encourage research and technical activities as principal uses and thereby create a compatible and complementary industrial-technical development district. It is also intended that certain ancillary service activities be permitted as conveniences and incentives to the creation of an even more self-sufficient industrial, research and technical environment. In combination, these uses reflect more intensive use characteristics which require careful consideration in terms of internal factors as well as those relating to adjacent and community-wide factors.

(Ord. of 11-1-1967, § 10A.1; Ord. of 8-4-1992, § 5)

Sec. 110-382. Principal uses permitted.

In an IRO industrial research office district, no building or land shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter. Permissible uses, as outlined in this section, are limited to those whose functional, physical and visual effects will contribute to a viable industrial/research and technical environment and, to that end, exclude those uses and/or activities which will conflict with that goal.

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development.
- (2) Office buildings for: executive, administrative, professional, accounting, engineering, legal, advertising, design, clerical, stenographic, drafting and sales.
- (3) Banks, credit unions, and savings and loan associations serving the development area.
- (4) Medical: clinics, laboratories and offices.
- (5) Industrial uses when conducted wholly within a completely enclosed building and when utilizing materials and techniques complementary to an industrial research/office environment. Typically, production will involve the assembly and/or processing of articles from previously prepared materials and/or prototype activities whose external effects do not conflict with the basic intent of the IRO district.
- (6) Publicly owned and operated recreational facilities such as: parks, parkways, trails (non-motorized, except power propelled wheelchairs for handicapped persons) and other recreational facilities that are part of community wide system that is mutually compatible and beneficial to the community and the nonresidential area involved.

⁸Cross reference(s)—Businesses, ch. 22.

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- (7) Other uses which are similar to the uses in this section and which conform to the intents and purposes of this IRO district.
 - (8) Accessory structures and uses customarily incident to the permitted uses in this section.

(Ord. of 11-1-1967, § 10A.2; Ord. of 8-4-1992, § 5; Ord. No. 09-072, 5-19-2009)

Sec. 110-383. Uses permitted subject to special use permits.

The more diverse and expanded range of uses in the IRO district may generate a need for several types of special use permit requests as follows: In some instances, a proposed industrial activity may present some possible implications and/or effects which could be contrary to the basic spirit of this IRO district which require special acknowledgement and limitation. There are certain retail and service activities which may complement the principal permitted uses but must be limited to avoid their becoming important uses which compete and conflict with the intended industrial research environment. Permitted retail and service uses are intended to be incidental in nature and for the convenience of workers and visitors to the permitted industrial, research and office environment. Permitted retail and service uses are intended to be incidental in nature and for the convenience of workers and visitors to the permitted industrial, research and office uses. It is also intended that such uses will be developed as part of a comprehensive site plan as opposed to individual freestanding buildings serving a wide market area beyond the IRO district. Special use permits shall be processed under the terms and conditions of division 5 of article V of this chapter, special use permits, as supplemented by requirements set forth in this section. Potential special permit uses and supplemental guidelines are as follows:

- (1) Industrial uses whose basic nature may include allied activities featuring more extensive: warehousing, heavy manufacturing and/or lower worker/employee density characteristics shall require special use permit approval to establish and ensure the operation of only those uses and activities which comply with the intent of this IRO district. The approval of warehousing, heavy manufacturing activities and low employee density per square foot of floor area shall be permitted only as minor and incidental to the principal permitted uses and shall not conflict with such principal use of the premises and/or any adjacent properties.
- (2) Retail and service activities may be permitted within multiple story buildings whose principal function includes uses set forth as principal permitted uses in the section 110-382. To that end, any of the following types of uses shall occupy, in aggregate, not more than 25 percent of the total floor area of the building in which they are located; shall be accessible from the interior of the building only; and shall provide parking based upon a ratio of one parking space per 200 square feet of usable floor area, regardless of the type of use involved, exclusive of restaurants. Restaurant parking needs shall be calculated based upon one space for each four persons within the maximum seating capacity, as established by the city. Uses which are considered as being considered for approval include the following:
 - a. Personal service and retail establishments such as: barbershop and beauty shop, cleaning pickup store, tailor shop, gift and tobacco shop, books and magazines, printing and reproduction, office furniture and supplies, design services and other similar uses.
 - b. Restaurants or other places serving food or beverage, but not including drive-ins or drive-through facilities.
 - c. Indoor recreational facilities and/or health clubs whose principal membership and/or users is derived from the immediate development complex.
- (3) Motels, hotels and residence suites whose principal function is serving nonresidential development in the area. Convention and training centers may be included within the development complex.

Such uses may be freestanding but shall be so located as not to conflict with a planned development potential.

- (4) Municipal and public utility facilities but not including storage yards.
- (5) Similar types of uses which comply with the state intent and purpose of this IRO district.

(Ord. of 11-1-1967, § 10A.3; Ord. of 8-4-1992, § 5)

Sec. 110-384. Required conditions.

Unless otherwise modified through a special use permit, the following conditions and requirements are applicable to all permitted uses in the IRO district:

- (1) The intent to create an industrial, research, office and technical complex indicates a desire and need to carefully pursue and enforce all provisions relative to open space, greenbelt and planned development goals and objectives. In order to facilitate that goal, there are height variations which may be achieved under certain conditions as set forth in the schedule of regulations.
- (2) All uses shall occur within a completely enclosed building, outside storage is permitted in approved dumpster enclosures only.
- (3) The outside storage of trucks, semitractors and trailers shall not exceed one such vehicle for each 5,000 square feet of floor area devoted to production activities. Warehousing shall be permitted as an accessory use only and shall not occupy more than 25 percent of the gross floor area devoted to production or processing.
- (4) All activities and materials utilized in permitted activities shall not constitute any hazards or obnoxious impacts on other permitted uses. If the site area involved in a proposed development is suspected of containing any hazardous materials, the applicant shall submit an environmental site assessment phase I, prepared by qualified persons, and any subsequent documentation necessary to verify that the site is clear of contamination. The applicant shall also file with the city fire marshal all necessary federal and state documents as required by law for all regulated materials.
- (5) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements for the IRO district.

(Ord. of 11-1-1967, § 10A.4; Ord. of 8-4-1992, § 5)

Secs. 110-385—110-410. Reserved.

DIVISION 10. I-1 LIGHT INDUSTRIAL DISTRICTS⁹

Sec. 110-411. Intent of district.

The I-1 light industrial districts are designed to accommodate primarily smaller scale activities of a light (restricted) industrial nature. It is further the intent of this I-1 district that these uses serve to create an attractive and functional industrial environment which is an incentive to the development of an ever stronger and more

⁹Cross reference(s)—Businesses, ch. 22.

durable economic base for the community. An attractive light industrial park type of environment represents an added value to the community in its improved ability to coexist with other use districts with less concern for land use conflicts. The I-1 district is so structured as to permit, along with other specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted. The intent of this I-1 district is further defined by the following goals and objectives:

- (1) To provide sufficient space, in appropriate locations, to meet the city's future needs for a diverse yet compatible range of light industrial uses and related activities.
- (2) To protect the most desirable use of land in accordance with a well-considered plan. To protect and enhance the character of development in each area and to conserve and promote the value of land, buildings, other structures and thereby create a more viable and durable economic base for the city.
- (3) To restrict light manufacturing and related accessory activities to those which are free from danger of fire, explosion, toxic and noxious matter, radiation, other hazards and from offensive noise, vibration, smoke, odor, dust, fumes, flashing and/or intermittent lights and other factors which adversely effect adjacent properties and the community-at-large.
- (4) To provide for such activities which are of such size and intensity of use that they are compatible with other light industrial uses and facilitate proper coordination with neighboring uses from the standpoint of both functional and visual considerations.
- (5) To be able to better utilize and implement the city's master land use plan. This guide to future land use development is intended to provide for a balance of land uses arranged in desirable and compatible patterns which avoids undesirable encroachments and/or conflicts between differing land uses.

(Ord. of 11-1-1967, § 11.0; Ord. of 8-4-1992, § 6)

Sec. 110-412. Principal uses permitted.

In I-1 light industrial districts, principal permitted uses are oriented to those which are characterized by less intensive activities of a smaller size and scale than typically found in heavy industrial, general manufacturing areas. Light industrial uses also have a tendency to locate in industrial park types of settings where uses are conducted within totally enclosed buildings with little if any outside activities permitted. More frequently permitted operations are conducted in buildings which are smaller in size (30,000 square feet or less in floor area) and concentrate upon production activities, together with administrative functions; truck traffic and service needs are incidental activities. In pursuance of these primary objectives, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this chapter:

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a totally enclosed building. The use of any stamping press shall be limited to prototype presses used on an occasional basis only.
- (2) Typical production activities involve the assembly and/or processing of articles from previously prepared materials and/or limited prototype activities whose external effects do not conflict with the basic intent of the I-1 district nor adversely effect in any manner adjacent and neighboring uses. Fabrication is limited to light metals and materials only. Typical types of uses which may be permitted are as follows:
 - a. Tool, die, gauge and machine shops manufacturing small parts.
 - b. Plastic molding and extrusion uses.

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- c. Printing, engraving and binding shops.
 - d. Manufacture of small toys, novelties, metal or rubber stamps or other small molded products.
 - e. Manufacture, assemble and/or repair of small appliances, electronic instruments and devices.
 - f. Experimental or testing laboratories.
 - g. Manufacture and repair of signs, light sheet metal products, windows and doors.
 - h. Office and workshop of electricians, plumbers and other contractors (excluding outside storage).
 - i. Miniwarehouses or self-storage warehouses.
- (3) Trade or industrial schools conducted within totally enclosed buildings.
 - (4) Office and/or laboratory functions related to manufacturing, distribution, technical and developmental services.
 - (5) Publicly owned and operated recreational facilities such as: parks, parkways, trails (non-motorized, except power propelled wheelchairs for handicapped persons) and other recreational facilities that are part of community wide system that is mutually compatible and beneficial to the community and the nonresidential area involved.
 - (6) Other uses similar and no more objectionable than those uses in this section.
 - (7) Accessory structures and uses incidental in size and function to any of the permitted uses in this section.

(Ord. of 11-1-1967, § 11.1; Ord. of 8-4-1992, § 6; Ord. No. 09-072, 5-19-2009)

Sec. 110-413. Uses permitted subject to special use permits.

The principal permitted uses as set forth in section 110-412 provide for restricted light industrial activities and reflect the need to promote reasonable and desirable transitions between such districts and adjoining districts and public thoroughfares. In some situations a slightly less restrictive criteria may be utilized provided there is no reduction in the basic regulations governing the types of uses which are involved. Special use permits shall be processed under the terms and conditions of division 5, article V, of this chapter, special use permits, as supplemented by requirements set forth in this section. Supplemental guidelines and/or criteria which shall also be utilized in considering any deviation from the basis requirements are as follows:

- (1) Buildings in excess of 30,000 square feet may be considered when it is determined that the anticipated use and potential subsequent users are consistent with the basic intent and purpose of the light industrial district and that a subsequent rezoning to a more intensive use district is not likely to be necessary to facilitate the reuse of any such buildings and/or structures in the future. The building and site plan shall be so designed, arranged, landscaped and constructed as to minimize adverse impacts related to its size on neighboring uses and public thoroughfares. Traffic patterns and volumes created by the facility shall not create adverse impacts on neighboring uses or public thoroughfares serving the area or the community-at-large.
- (2) The outside storage of pallets or containers incidental to the principal permitted use may be permitted when the following conditions are met:
 - a. Any such materials so stored shall be located in the rear yard and shall not be visible to any nonindustrial use district or any public thoroughfare for any reason.
 - b. The total amount of land so occupied shall not exceed ten square feet for each 1,000 square feet of principal district area.

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- c. The area occupied by any such storage use shall be enclosed by a decorative masonry wall six feet in height, and its access opening shall be so located or covered by gates as to prevent visibility of stored materials from adjoining properties and public thoroughfares.
 - d. Any materials or objects placed within any such enclosure shall not exceed the height of the enclosure.
- (3) Commercial kennels and veterinary clinics when such uses are conducted within a completely enclosed building. There shall not be any exterior runs or adverse effects created by the storage and/or disposal of animal wastes or the burning of any materials or carcasses.
- (4) Metal buffing and polishing (not involving plating).
- (5) Fraternal lodges and clubs not operated for profit when the following conditions are met:
- a. The site is accessed from a major thoroughfare as designated on the city's master plan.
 - b. The site is adjacent to a B-2 community business or B-3 general business district.
 - c. The use shall comply to the I-1 light industrial district regulations.
- (6) Public utility buildings, transformer stations and substations, gas regulator stations necessary to service the area but not including outside construction yards or supply storage. Structures not enclosed within a building shall be screened from view of neighboring uses and thoroughfares by walls, berms or greenbelts.
- (7) Any activity which involves the outside parking and/or storage of fleet vehicles, trucks, semitrucks and trailers which exceeds a ratio of one such vehicle for each 3,400 square feet of floor area devoted to manufacturing, processing or finishing shall be required to comply with the following requirements (excluding, from this limitation, employee vehicles utilized for daily commuting):
- a. Access routes utilized by these vehicles when entering or leaving the premises shall not adversely effect any neighboring uses.
 - b. Resulting traffic volumes and turning movements shall be coordinated with traffic and turning movements on abutting streets to prevent any undesirable conflicts.
 - c. Any such parking/storage area shall only be occupied by fully operational vehicles moved off the site on at least a regular weekly basis.
 - d. Any such area shall not be located closer than 300 feet to any residential zoning district boundary.
 - e. Any such area shall be located in a rear yard and shall be so located and screened as to effectively obscure the visibility of any such vehicles from neighboring residential districts and/or public thoroughfares.
- (8) Day care centers may be permitted when the following conditions are met:
- a. The center is part of a planned industrial development and use of the facility is derived primarily from serving employees of the planned development.
 - b. The center shall not provide dormitory living quarters.
- (9) Flexible land uses to be considered in this district shall be evaluated upon their compatibility and conformance with the spirit and intent for planning and zoning as set forth in the city's master plan together with accepted principles of land use planning. It will remain imperative that any proposal(s) to expand the range of uses permitted will be reflected in plans and land use arrangements that provide areas of such size and arrangement that there is compatibility provided between the uses proposed

together with neighboring uses and traffic ways. Uses to be considered with other basic requirements and procedures area as follows:

- a. *Basic uses and requirements.* In addition to those of this section and district:
 1. Uses as set forth and regulated in the IRO Industrial, Research and Office District.
 2. Manufacturing/warehousing facilities that functionally benefit from providing a showroom and sales area that is integrated into the overall business operation and customer convenience.
 3. Residential uses that are of such size, shape, type and location that their inclusion represents a logical and desirable attribute of the overall site plan and compatibility within the site and with the neighboring areas. Residential garages shall be de-emphasized or side/rear facing.
 4. Careful consideration shall be given to the orientation of the proposed use(s) with respect to setbacks, sizing of the respective properties, buffering between uses, proper separation of traffic patterns both on site and with respect to adjoining areas.
 5. Increased density may be allowed in exchange for greater retention of open green space.
 6. Retention of existing beneficial vegetation and natural resources is required to the extent possible. Non-motorized pathways should also be included and comply with the American with Disabilities Act.
 7. A traffic analysis shall be provided in conformance with the standards set forth elsewhere in this section.
 8. All uses shall conform with the restrictions set forth for the I-1 Light Industrial district regarding outside storage; outdoor displays shall not be permitted.
 9. Applicants shall be aware that due to the greater divergence of potential uses permitted under this option that a set of development restrictions, guidelines and any cross easement agreements will be required for city attorney review and approval prior to any final approvals.
- b. *Concept plans.* The first step in seeking approval of a flexible use is the preparation of a concept plan in accordance with the basic requirements set forth below. The planner will prepare an analysis of the plans for planning commission review and approval. Following such review the city council shall review the concept plan and planning commission comments and make a decision on the concept plan. Required information is as follows:
 1. A list of the principals involved including the name, addresses of the primary contact person, the site engineer, site planner, landscape architect and traffic engineer.
 2. A site inventory map that includes:
 - i. Existing trees of six inches or more in caliper and/or groupings of trees that may serve as buffers or be incorporated into a landscape plan;
 - ii. Wetland and/or floodplain areas that will influence site design;
 - iii. Any other natural features that will assist in developing a site plan that reflects concern for the environment;
 - iv. Any existing development to be retained.
 3. A preliminary site plan indicating preliminary layout of building footprint areas, parking areas and loading areas. Indicate the type of use proposed with an estimate of size and

nature of construction materials to be used. Indicate any departures contemplated from existing zoning ordinance requirements and any mitigating considerations.

4. Indicate on the site plan planned points of ingress and egress to the site and significant interior site circulation patterns. Preliminary results of the traffic study shall be provided.
5. Indicate plans to incorporate existing vegetation, wetland and floodplains into a comprehensive site plan. A summary of the methods and materials to be used in providing compatibility and buffering between proposed use(s) and neighboring areas
6. Provide a narrative summary of architectural features and concepts to be used in the development along with the basic building materials to be used. Illustrative drawings, if available, will be helpful.
7. An estimated time schedule for completion of the various phases of design and construction work.
8. Acknowledgement by the applicant of the need for any protective covenants and cross-easement agreements for a planned unit type of development with diverse ownership.
9. The applicant shall request a predevelopment meeting with a gathering of city officials to facilitate more efficient design and construction associations.
10. If the city determines that significant changes are necessary in the concept site plan they reserve the right to require modified plans be submitted in accordance with the discrepancies noted. If the changes are essentially minor in nature the applicant may proceed with preparation of the final site plan and information for the special use permit public hearing. The applicant shall also be aware that approval of the concept plan or final site plan does not infer or grant approval of any engineering, building, public safety or any other required agency approvals; therefore, they should maintain an ongoing relationship with appropriate authorities.

c. *Final site and development plan.* Following receipt of final concept plan approval or conditioned approval the applicant may proceed with preparation of the final site plan documents and information for the special use permit public hearing subject to compliance with all noted conditions of approval. Completed copies of the site plan and special use permit application forms shall be provided.

1. The site and building plans shall conform to all zoning ordinance requirements unless otherwise specifically waived and include any mitigation measures required by the traffic study.
2. The final traffic study shall be reviewed and conditionally approved by the city prior to scheduling the public hearing.
3. Illustrative boards shall be prepared for the public hearing(s) providing information on the site plan, building elevations, building materials, lighting plan and traffic patterns and improvements.
4. The applicant shall have submitted all necessary protective covenants and/or cross-easement agreements for city attorney review and approval in sufficient time prior to the hearing for comment.

(10) Other uses similar and no more objectionable than those in this section.

(11) Accessory structures and uses incidental in size and function to the regulated uses in this section.

(Ord. of 11-1-1967, § 11.2; Ord. of 8-4-1992, § 6; Ord. No. 08-121, §§ 1, 2, 7-1-2008; Ord. No. 09-039, 4-7-2009)

Sec. 110-414. Required conditions.

Unless otherwise specifically approved, the following conditions and requirements are applicable to all permitted uses in the I-1 district:

- (1) All manufacturing, assembling, processing and/or storage of materials, products, equipment and ancillary activities shall be conducted within completely enclosed buildings unless otherwise specifically provided for.
- (2) All materials and processes involved in any permitted uses shall not represent any hazard or risk to any human or animal life or to the environment due to dust, odors, smoke, fumes, radiation, other emissions, vibrations, noise, discharges or leaks of any hazardous or toxic materials or gases to the working or living environment.
- (3) Any activity which initially or subsequently utilizes any materials regulated by federal or state requirements shall first file all necessary documentation as required by law with the city fire marshal.
- (4) The outside parking and/or storage of trucks, semitractors and trailers shall not exceed one such vehicle for each 3,400 square feet of floor area in principal use buildings. All such vehicles shall be located in the rear yard and shall be screened from the view of any neighboring residential district or public thoroughfare by an obscuring wall, greenbelt, berm or greenbelt and berm in combination. All such vehicles shall be fully operational, moved off the site on at least a weekly basis and shall not be used for storage. Employee vehicles utilized for commuting purposes are excluded from this limitation.
- (5) All activities shall be limited to those which do not prevent or inhibit the reasonable use and enjoyment of neighboring properties.
- (6) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site and other related requirements for the I-1 district.

(Ord. of 11-1-1967, § 11.3; Ord. of 8-4-1992, § 6)

Secs. 110-415—110-440. Reserved.*DIVISION 11. I-2 HEAVY INDUSTRIAL DISTRICTS¹⁰***Sec. 110-441. Intent of district.**

The I-2 heavy industrial districts are designed to accommodate manufacturing, assembling and fabricating activities where the nature, scale and intensity of activities are more likely to exert external effects on surrounding districts. Manufacturing, processing and compounding of semifinished or finished products from raw material as well as from previously prepared materials is permitted. These activities can involve those which require extensive heavy equipment and/or equipment which requires special installation, separation and operational considerations to minimize adverse impacts on surrounding uses and the community-at-large. This I-2 district also accommodates large scale and specialized facilities which have regional importance and therefore require additional consideration of transportation needs and impacts. The more intensive use characteristics of this I-2 district indicates a need to regulate operations and locations so as to protect and insulate more restrictive use districts, particularly

¹⁰Cross reference(s)—Businesses, ch. 22.

residential, from adverse impacts. These operational and locational considerations reflect basic physical, functional and environmental concerns. The scale and nature of such activities, together with more intensive service functions and the potential need for expanded outdoor activities, also indicates a need to consider visual characteristics and impacts. Based upon these basic criteria, it is the intent of this I-2 district to establish principal permitted uses which are reasonably regulated with more standardized requirements and to require special use permit review and requirements for the more intensive heavy industrial uses which are more likely to exert adverse impacts on neighboring uses. Utilization of the special use permit will also permit some degree of latitude in determining appropriate requirements in differing situations.

(Ord. of 11-1-1967, § 12.0; Ord. of 8-4-1992, § 7)

Sec. 110-442. Principal uses permitted.

While principal permitted uses in the I-2 district include heavier types of manufacturing activities whose external effects may extend beyond property lines, these uses, by right, are limited to those whose effects are more predictable and therefore capable of being regulated under more standardized requirements. Principal permitted uses are therefore more restrictive and provide primarily for uses which: do not involve the more extensive use or production of hazardous or toxic materials either as a processing agent, product component or as a byproduct, and do not involve a total employment of any one shift of more than 500 persons or uses which require more extensive outside storage. Unless otherwise provided for in this chapter, no land or building shall be used or erected except for one or more of the following specified uses:

- (1) All principal permitted uses and uses subject to special use permits as set forth in the I-1 light industrial district, subject to the schedule of regulations for this district, unless otherwise provided for in this I-2 district.
- (2) Manufacturing, processing, compounding, assembling, fabricating and finishing of semifinished or finished products from raw material as well as from previously prepared materials. Permissible activities and uses, unless otherwise regulated, include the following:
 - a. Machine and tool shops.
 - b. Hardware and cutlery.
 - c. Clothing manufacturing.
 - d. Automotive parts and supplies.
 - e. Stamping, screw machine operations and automotive assembly activities, provided that there is no evidence beyond the property line by reason of dust, odor, noise, fumes or vibrations.
 - f. Household goods and furnishings.
 - g. Electronic equipment and supplies.
 - h. Similar uses and activities to the ones in this section.
- (3) Any other production, processing, servicing, repair or other use or activity similar to the above ones in this section and which complies with all other applicable regulations and requirements.
- (4) Accessory structures and uses customarily incidental to the uses in this section.

(Ord. of 11-1-1967, § 12.1; Ord. of 8-4-1992, § 7)

Sec. 110-443. Uses permitted subject to special use permits.

The increased intensity of uses which may be considered under I-2 heavy industrial usage presents a wider array of activities and facilities which can exert differing impacts on the site, the surrounding area, the community and the environment. For those reasons, a variety of more intensive industrial facilities will require review and approval under a special use permit. Requirements and procedures are set forth in division 5 of article V of this chapter, which are further supplemented by requirements and guidelines as set forth in the following:

- (1) Manufacturing uses and activities, as permitted in this division, which provide for 500 or more employees on any one shift shall provide a site plan which properly provides for:
 - a. A coordinated circulation plan which provides for employee and service vehicular movements which will avoid conflicts with traffic movements on abutting public thoroughfares providing access to the site.
 - b. Ingress and egress to the site which shall be from a major thoroughfare as designated on the city master plan. Any such access points shall be carefully coordinated with street intersections and other driveways in the area.
 - c. Projected traffic patterns in the area which shall not create adverse impacts on minor residential streets in the neighboring area or the community-at-large.
 - d. The site plan which provides proper relationships and transition areas between proposed uses on the site and existing and potential uses in the surrounding areas. The placement of large building masses or more intensive use areas in closer proximity to more restrictive use districts, particularly residential districts, should be accompanied by mitigating transitional devices such as enhanced greenbelts, increased setbacks or a combination of these alternatives.
 - e. Site design proposals which shall be coordinated with appropriate public agencies, and the applicant shall utilize the services of a qualified traffic engineer in the site plan preparation process.
- (2) Any uses which involve materials regulated by federal or state agencies shall file necessary documentation with the city fire marshal.
- (3) Uses which utilize materials or operations which may represent increased hazards to employees and/or the environment shall present a written plan for containment and control of these materials on the site and from contact with employees together with preventive measures proposed to prohibit their leaking or discharge onto the ground, into drains, wetlands or floodplains. Drawings shall be included as part of the plan when necessary. Activities which are considered more hazardous are as follows:
 - a. Chemical plants.
 - b. Lime, gypsum or plaster manufacturing and/or storage.
 - c. Oil/petroleum refining and/or storage.
 - d. Coal, coke and fuel storage.
 - e. Paint and varnish manufacturing and/or warehousing.
 - f. Dry cleaning plants.
 - g. Corrosive or acid alkali manufacturing and/or storage.
 - h. Corrosive gases manufacturing and/or storage.
 - i. Food processing plants.

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- j. Animal feeding and/or processing facilities.
 - k. Lumber and planing mills.
 - l. Paper and cardboard manufacturing/processing plants.
 - m. Brewing and/or distillation facilities.
 - n. Metal cleaning, polishing and plating facilities.
 - o. Junkyards and scrap yards.
 - p. Power generating plants.
 - q. Composting operations.
 - r. Incinerators.
 - s. Blast furnaces, steel furnaces, blooming or rolling mills or smelting operations.
 - t. Radioactive material production.
 - u. Tire manufacturing or processing facilities.
 - v. Other uses similar to the ones in this section which utilize or produce any hazardous or toxic material or emissions in any manufacturing, servicing, processing, warehousing or repair activities.
- (4) Junkyards and places so-called, for the dismantling, wrecking, storage and disposing of junk and/or refuse materials, subject to the following additional requirements:
- a. Any such area shall be located at least 300 feet from the boundary of any I-2 heavy industrial district.
 - b. Any such out-of-doors area shall be located at least 100 feet from any public road right-of-way and shall be so situated and screened that any materials located within any such area is not visible from any neighboring residential districts or from any passing traffic on adjacent or neighboring thoroughfares, bridges or overpasses.
 - c. Any of the junk material located at such a facility shall be placed within a building or within an area enclosed by an eight-foot high decorative masonry wall, a totally obscuring greenbelt or a totally obscuring berm and greenbelt in combination.
 - d. No junk or material located within any outdoor area shall be stacked higher than the enclosing device or eight feet, whichever is less.
 - e. All junk shall be stored in such a fashion as to prevent the burrowing of rodents and other vermin under or within the junk.
 - f. All junk shall be so arranged as to provide and maintain necessary yearround emergency access routes throughout all storage areas, as determined by the city fire marshal.
 - g. No hazardous or toxic materials shall be discharged, allowed to leak or otherwise be released to the ground or air. The storage and disposal of all such materials shall be in full accordance with all federal, state and local requirements. Any areas occupied by parts containing hazardous materials shall be so designed and constructed as to preclude any such material from penetrating into the soil or otherwise entering the environment.
- (5) Uses such as truck terminals, contractors yards, heavy equipment sales and service, major auto and truck repair facilities, lumberyards or service industries which involve open storage/loading and service

areas which exceed 20 square feet for each 1,000 square feet of principal building area shall be subject to the following additional standards and guidelines:

- a. Any such areas shall be located in the rear yard and shall be located at least 300 feet from any residential district boundary or 100 feet to any public thoroughfare right-of-way line.
 - b. Any such area shall be obscured from view from public thoroughfares and neighboring nonindustrial districts by an eight-foot high decorative masonry wall, a totally obscuring greenbelt or a totally obscuring berm and greenbelt in combination.
 - c. Materials stored within any such area shall be limited to the height of the obscuring device; this excludes trucks or equipment which is typically manufactured to a greater height. In the case of equipment, such as cranes or lift devices which may be extended to a greater height, they shall be stored in the lowest possible configuration.
 - d. When considering outside storage areas which contains larger quantities or volumes of large manufactured equipment (higher than eight feet in height) or is extensive in size, locations should be sought which minimizes their visibility from public thoroughfares and neighboring residential districts. Sites which are readily visible from roadway overpasses should be avoided or extensive greenbelt plantings should be distributed about the site to reduce the visual impact of a vast paved industrial area.
 - e. Points of ingress and egress shall be coordinated with traffic and turning movements in the area. There shall not be any displays of any items in required front yard greenbelts.
- (6) Flexible land uses to be considered in this district shall be evaluated upon their compatibility and conformance with the spirit and intent for planning and zoning as set forth in the city's master plan together with accepted principles of land use planning. It will remain imperative that any proposal(s) to expand the range of uses permitted will be reflected in plans and land use arrangements that provide areas of such size and arrangement that there is compatibility provided between the uses proposed together with neighboring uses and traffic ways. Uses to be considered with other basic requirements and procedures area as follows:
- a. *Basic uses and requirements.* In addition to those of this section and district:
 1. Uses as set forth and regulated in the IRO Industrial, Research and Office District and I-1 Light Industrial District.
 2. Manufacturing/warehousing facilities that functionally benefit from providing a showroom and sales area that is integrated into the overall business operation and customer convenience.
 3. Residential uses that are of such size, shape, type and location that their inclusion represents a logical and desirable attribute of the overall site plan and compatibility within the site and with the neighboring areas. Since the I-2 district provides for outside storage and more intensive industrial activities particular attention shall be focused on factors of land use compatibility. Residential garages shall be de-emphasized or side/rear facing.
 4. Careful consideration shall be given to the orientation of the proposed use(s) with respect to setbacks, sizing of the respective properties, buffering between uses, proper separation of traffic patterns both on site and with respect to adjoining areas. Again, due to the wider range of more intensive industrial activities permitted in the I-2 Heavy Industrial District very careful consideration shall be given to the provisions of proper and compatible land use arrangements.
 5. Increased density may be allowed in exchange for greater retention of open green space.

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6. Retention of existing beneficial vegetation and natural resources is required to the extent possible. Non-motorized pathways should also be included and comply with the American with Disabilities Act.
 7. A traffic analysis shall be provided in conformance with the standards set forth elsewhere in this section.
 8. All uses shall conform with the restrictions set forth for the I-2 Heavy Industrial district. However, the intermingling or abutting of lower density uses with more intensive industrial uses shall be given particular attention with respect to compatibility between uses.
 9. Applicants shall be aware that due to the greater divergence of potential uses permitted under this option that a set of development restrictions, guidelines and any cross easement agreements will be required for city attorney review and approval prior to any final approvals.
- b. *Concept plans.* The first step in seeking approval of a flexible use is the preparation of a concept plan in accordance with the basic requirements set forth below. The planner will prepare an analysis of the plans for planning commission review and approval. Following such review the city council shall review the concept plan and planning commission comments and make a decision on the concept plan. Required information is as follows:
1. A list of the principals involved including their names, addresses, phone numbers of the: primary contact person, the site engineer, site planner, landscape architect and traffic engineer.
 2. A site inventory map that includes:
 - i. Existing trees of six inches or more in caliper and/or groupings of trees that may serve as buffers or be incorporated into a landscape plan;
 - ii. Wetland and/or floodplain areas that will influence site design;
 - iii. Any other natural features that will assist in developing a site plan that reflects concern for the environment;
 - iv. Any existing development to be retained.
 3. A preliminary site plan indicating preliminary layout of building footprint areas, parking areas and loading areas. Indicate the type of use proposed with an estimate of size and nature of construction materials to be used. Indicate any departures contemplated from existing zoning ordinance requirements and any mitigating considerations.
 4. Indicate on the site plan planned points of ingress and egress to the site and significant interior site circulation patterns. Preliminary results of the traffic study shall be provided.
 5. Indicate plans to incorporate existing vegetation, wetland and floodplains into a comprehensive site plan. A summary of the methods and materials to be used in providing compatibility and buffering between proposed use(s) and neighboring areas.
 6. Provide a narrative summary of architectural features and concepts to be used in the development along with the basic building materials to be used. Illustrative drawings, if available, will be helpful.
 7. An estimated time schedule for completion of the various phases of design and construction work.
 8. Acknowledgement by the applicant of the need for any protective covenants and cross-easement agreements for a planned unit type of development with diverse ownership.

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9. The applicant shall request a predevelopment meeting with a gathering of city officials to facilitate more efficient design and construction associations.
 10. If the city determines that significant changes are necessary in the concept site plan they reserve the right to require modified plans be submitted in accordance with the discrepancies noted. If the changes are essentially minor in nature the applicant may proceed with preparation of the final site plan and information for the special use permit public hearing. The applicant shall also be aware that approval of the concept plan or final site plan does not infer or grant approval of any engineering, building, public safety or any other required agency approvals; therefore, they should maintain an ongoing relationship with appropriate authorities.
- c. *Final site and development plan.* Following receipt of final concept plan approval or conditioned approval the applicant may proceed with preparation of the final site plan documents and information for the special use permit public hearing subject to compliance with all noted conditions of approval. Completed copies of the site plan and special use permit application forms shall be provided.
1. The site and building plans shall conform to all zoning ordinance requirements unless otherwise specifically waived and include any mitigation measures required by the traffic study.
 2. The final traffic study shall be reviewed and conditionally approved by the city prior to scheduling the public hearing.
 3. Illustrative boards shall be prepared for the public hearing(s) providing information on the site plan, building elevations, building materials, lighting plan and traffic patterns and improvements.
 4. The applicant shall have submitted all necessary protective covenants and/or cross-easement agreements for city attorney review and approval in sufficient time prior to the hearing for comment.
- (7) Uses similar to the ones in this section subject to the establishment of appropriate standards and requirements.
- (8) Accessory structures and uses incidental in size and function to the regulated uses in this section.
- (Ord. of 11-1-1967, § 12.2; Ord. of 8-4-1992, § 7; Ord. No. 08-121, § 2, 7-1-2008; Ord. No. 09-040, 4-7-2009)

Sec. 110-444. Required conditions.

Unless otherwise specifically modified, the following conditions and requirements are applicable to all permitted uses in the I-2 district:

- (1) All manufacturing and other permitted uses shall be conducted within a completely enclosed building, unless otherwise provided for.
- (2) The outside storage of pallets or containers incidental to the principal permitted use shall be permitted when the following conditions are met:
 - a. Any such area shall be located within the rear yard and shall not be visible from any residential district or public thoroughfare.
 - b. The total amount of land occupied by such storage use shall not exceed 50 square feet for each 1,000 square feet of principal building area.

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- c. The area occupied by such storage shall be enclosed by at least a chainlink fence on those sides abutting other heavy industrial uses. On those sides visible to a public thoroughfare or a residential zoning district, a decorative masonry screen wall, totally obscuring greenbelt, berm or greenbelt and berm in combination shall be provided which is between six and eight feet in height.
 - d. Any materials placed within the required screening shall be limited to the height of the screen device.
- (3) All uses and activities as provided for in this section shall comply with all provisions relative to hazardous and toxic materials.
 - (4) The outside parking and/or storage of trucks, semitractors and trailers shall not exceed one such vehicle for each 3,400 square feet of floor area in principal use buildings when such areas are visible from public thoroughfares or residential use districts. Any such area shall be screened by a decorative masonry wall, greenbelt, berm, or berm and greenbelt in combination.
 - (5) All activities shall be limited to those which do not prevent or inhibit the reasonable use and enjoyment of other properties in the area.
 - (6) See articles IV and V of this chapter for regulations governing height, setback, lot requirements, parking, loading, landscaping, screening, signage, site plan and other related requirements for I-2 districts.

(Ord. of 11-1-1967, § 12.3; Ord. of 8-4-1992, § 7)

Secs. 110-445—110-470. Reserved.

DIVISION 12. P-1 VEHICULAR PARKING DISTRICTS¹¹

Sec. 110-471. Uses permitted.

Premises in the P-1 vehicular parking district shall be used only for an off-street vehicular parking area, but may contain essential services, and shall be developed and maintained subject to such regulations as are provided in this division.

(Ord. of 11-1-1967, § 13.1)

Sec. 110-472. Limitation of use.

- (a) The parking area in the P-1 district shall be accessory to, and for the use in connection with, one or more businesses, or industrial establishments, or in connection with one or more existing professional or institutional office buildings or institutions.
- (b) The parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- (c) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

¹¹Cross reference(s)—Traffic and vehicles, ch. 98.

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- (d) No building other than those for shelter of attendants shall be erected upon premises, and they shall not exceed 15 feet in height.
 - (e) Such parking lots shall be situated on premises which shall be contiguous to a B-1, B-2, B-3, O-1, I-1 or I-2 district. Parking areas may be approved when adjacent to such districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such B-1, B-2, B-3, O-1, I-1 or I-2 district.
 - (f) No commercial repair work or service of any kind, or sale or display activities, shall be conducted in such parking area.
 - (g) Applications for P-1 district rezoning shall be made to the planning commission by submitting a layout of the area requested showing the intended parking plan.

(Ord. of 11-1-1967, § 13.2)

Sec. 110-473. Parking space layout, standards, construction and maintenance.

Off-street parking lots in the P-1 district shall be laid out, constructed, and maintained in accordance with the standards and requirements of article V of this chapter, supplementary regulations.

(Ord. of 11-1-1967, § 13.3)

Sec. 110-474. Side and rear yards.

Where the P-1 district is contiguous to side or rear lot lines of premises within a residentially zoned district, the required wall shall be located on the lot line. There shall be a five-foot greenbelt provided between any such wall and the parking area.

(Ord. of 11-1-1967, § 13.4; Ord. of 10-18-1977, § 71)

Sec. 110-475. Front yards.

Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for such residential district, or a minimum of 25 feet, or whichever is greater. The required wall shall be located on this minimum setback line.

(Ord. of 11-1-1967, § 13.5)

Sec. 110-476. Screening and landscaping.

The parking area in the P-1 district shall be provided with a continuous and obscuring decorative obscuring concrete poured wall with brick veneer facing the residential area, four feet, six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. Whenever such a wall is required, all land between such wall and the parking area shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

(Ord. of 11-1-1967, § 13.6; Ord. of 10-18-1977, § 72)

Sec. 110-477. Approval and modifications.

- (a) The board of appeals, upon application by the property owner of the parking area in the P-1 district, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this division.
- (b) In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (c) In addition to the requirements of subsections (a) and (b) of this section, such parking area shall comply with such further requirements or conditions as may be prescribed by the board of appeals for the protection of the residence district abutting such parcels in which the parking area is to be located.

(Ord. of 11-1-1967, § 13.7)

Secs. 110-478—110-480. Reserved.

DIVISION 13. CBD CENTRAL BUSINESS DISTRICTS

Sec. 110-481. Intent of district.

The intent of the Central Business District, CBD, is to encourage high-quality and distinctive development that will further the goal of creating a viable downtown, shopping, entertainment, and cultural center in Woodhaven. The CBD is intended to encourage mixed use development, including multiple-family residential, office, retail, entertainment, and personal service uses. The CBD will reflect an inviting and vibrant identity for the city while requiring land use planning and development techniques that result in a pleasing visual character. Land uses, building design, signage, lighting, landscaping, and all aspects of development are regulated to further the intent and goals of the downtown development plan.

(Ord. of 10-7-2003(1))

Sec. 110-482. Implementation objectives.

In order to implement the concepts from the downtown development plan, the following objectives shall be followed:

- (1) Encourage a mixture of compatible uses including residential, retail, service and office.
- (2) The pedestrian environment within the downtown area is essential for developing a sense of community. All new developments within the CBD shall provide amenities designed to promote and enhance pedestrian facilities.
- (3) Vehicular circulation and parking shall be accommodated without impacting the pedestrian experience. Adequate measures shall be provided to reduce vehicular/pedestrian circulation conflicts.
- (4) The architectural character of new and renovated buildings shall be harmonious with the overall design plan for the downtown development plan.
- (5) Signs shall be of a scale, height, material, and illumination which reflect the traditional concepts being promoted in the CBD and the downtown development plan.

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- (6) Minimize the impact of commercial development on adjacent residential districts. Buildings located near the perimeter of the CBD shall be designed to provide a harmonious transition between the retail or mixed-use development and its residential neighbors.
 - (7) Provide for public and quasi-public cultural uses needed to compliment commercial development or that are compatible with commercial development.
 - (8) Ensure the provision of adequate infrastructure and services for the CBD including off-street parking and loading facilities.

(Ord. of 10-7-2003(1))

Sec. 110-483. Exceptions.

Exceptions to the requirements within this division may be made when renovation of a business existing at the time of adoption of the ordinance from which this division derives is proposed. The existing business may be permitted to renovate their site when traditional downtown design principles are applied and the planning commission finds that the site, after renovation, will meet the objectives of this division, and the downtown development plan. This only applies to existing businesses wishing to renovate their existing building. Exceptions would not be permitted for new development or redevelopment of a site. Generally redevelopment would include expansion of an existing building or the tearing down of an existing building for new development on the same site. The planning commission would determine when improvements constitute redevelopment of a site.

(Ord. of 10-7-2003(1))

Sec. 110-484. Uses permitted.

Permitted uses in the CBD include multiple family residential, office, retail and service establishments. Retail and service establishment shall be limited to those dealing directly with consumers, and all such activities shall be conducted wholly within completely enclosed buildings, unless otherwise specifically provided for. Uses allowed as principal uses include the following:

- (1) Retail business and service uses not exceeding 40,000 square feet in size for a single use:
 - a. Convenience stores
 - b. Specialty food stores
 - c. Bakeries
 - d. Flower shop including outdoor seasonal sales but without permanent outdoor storage
 - e. Grocery stores
 - f. Hardware stores
 - g. Dance and instructional studios
 - h. Photography studios
 - i. Clothing, apparel, and jewelry or similar accessories stores
 - j. Gift and specialty shops
 - k. Art galleries
 - l. Dry-cleaning and garment services

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- m. Personal service (including barber/beauty salon, small appliance repair)
 - n. Drug stores w/o drive through service
 - o. Restaurants (w/o drive through service)
 - p. Movie and performing arts theaters
- (2) Office:
- a. Professional business offices
 - b. Medical and dental offices
 - c. Financial institutions (w/o drive-through facilities)
- (3) Multiple family when part of a mixed use development, subject to the following conditions:
- a. Residential shall not exceed 50 percent of the total floor area of a project where the non-residential use occupies a separate building; or
 - b. Where residential is proposed within a mixed use building with residential over first floor retail, the residential use shall not exceed 67 percent of the total floor area of a project This percentage may be increased to 75 percent when a four-story building is proposed.
- (4) Publicly owned and operated recreational facilities such as: parks, parkways, trails (non-motorized, except power propelled wheelchairs for handicapped persons) and other recreational facilities that are part of community wide system that is mutually compatible and beneficial to the community and the nonresidential area involved.
- (5) Uses similar to those listed above, as determined by the city may be considered as uses permitted subject to special use permits (See subsection 110-485(4)).

(Ord. of 10-7-2003(1); Ord. No. 09-072, 5-19-2009)

Sec. 110-485. Uses permitted subject to special use permits.

All special land uses are subject to the review and approval process as outlined within sections 110-652 and 110-654 in addition to the DDA review outlined within section 110-493.

- (1) New car dealerships, provided that such areas are so located as to avoid disruptions to convenient vehicular and/or pedestrian patterns utilizing adjacent retail shopping areas. In addition, the structural arrangement and/or design of service buildings on-site shall prevent or minimize the visibility of numerous vehicular service doors from adjacent public thoroughfares. Service areas shall be so located and operated as to avoid adverse effects on neighboring uses; particularly residential areas during night hours. There shall be no outside storage of discarded parts, supplies, partially dismantled cars or other unsightly objects.
- (2) "Big box" commercial developments (single commercial user within a structure exceeding 40,000 square feet in gross area) that are designed, by virtue of their size, to serve a regional market are not considered consistent with the intent of the CBD. However, these large scale businesses may be considered as a special land use if unique design elements are incorporated into the facade and design of their building that represent a traditional downtown development, buildings are located close to the street, and the planning commission determines that the development will meet the intent of the central business district.
- (3) Financial institutions and other uses with a drive-through facility where the drive-through is determined accessory to the main use which excludes fast food uses, as determined by the planning

commission. The drive through facility must be located in the rear or side yard and effectively screened from view and may not interfere with pedestrian circulation.

- (4) The residential density permitted for a CBD development may be increased as permitted by subsection 110-653(6). The plan must show that all of the objectives of this section have been met or exceeded, as determined by the approving body, based on recommendations from the DDA, staff and consultants, and the planning commission.
- (5) It is recognized that every conceivable use cannot be identified in this chapter. Anticipating that new uses will arise over time, this section authorizes the city council, to permit a proposed use subject to a finding of compatibility with the permitted uses in the CBD. In determining similarity, the city council shall make the following findings:
 - a. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the downtown development plan (adopted April, 2003);
 - b. The proposed use shall meet the stated intent and implementation objectives of the CBD;
 - c. The proposed use shall not adversely impact the public health, safety and general welfare of the community; and
 - d. The proposed use shall share the characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed as uses permitted in the CBD.

(Ord. of 10-7-2003(1))

Sec. 110-486. Uses not permitted.

- (a) When a use is not specifically listed in this article, it shall be understood that the use is prohibited unless the standards of subsection 110-484(4) are met. In addition, the following uses are considered inconsistent with the intent of the CBD and would not be permitted:
 - (1) Uses that are principally of a drive-through or drive-in nature excluding those listed under subsection 110-485(3) above.
 - (2) Gasoline and auto service stations.
 - (3) Car washes, both enclosed and self-serve.
 - (4) Automotive repair shops.

(Ord. of 10-7-2003(1))

Sec. 110-487. Required conditions.

Unless otherwise modified through a special use permit, the following conditions and requirements are applicable to all uses in the CBD district:

- (1) All uses and use activities shall occur within a completely enclosed building, excluding restaurants with outdoor seating and unless otherwise specifically permitted. Under no circumstances shall any outside activities constitute any hazards to health, serve to attract or harbor animals, rodents or otherwise create any undesirable effects which adversely influence any adjacent properties and/or the community at large.

- (2) All developments shall be designed according to the central business district design guidelines developed by the city.
- (3) The outside, overnight parking and/or storage of any commercial vehicles is prohibited except for the storage of vehicle inventory for new car dealerships. Commercial vehicle parking will be considered temporary if the vehicle is removed from the site more than 50 percent of normal business hours.
- (4) Outdoor display and merchandising of goods or materials shall be prohibited except as provided for below:
 - a. The display of retail merchandise that is not of a permanent nature and is removed at the close of business each day or by 10:00 p.m., whichever is later;
 - b. The display is located against the building wall, does not extend more than three feet into the sidewalk and a minimum six-foot-wide pedestrian path maintained; and
 - c. The display area does not exceed 30 percent of the length of the storefront.
- (5) Restaurants are encouraged to have outdoor seating areas provided that a six-foot-wide pedestrian path remains clear between the building and the street, as illustrated on an approved site plan. Building features such as canopies and awnings may protrude into the public right-of-way as long as they conform to the terms and conditions of the Central Business District Design Guidelines I.06, and Woodhaven Commercial Design Guidelines—Awnings and Seasonal Outdoor Seating.
- (6) Noise levels shall be maintained as to protect the comfort, quiet and repose of persons in the area. Noise levels at all property lines shall not exceed 55 db(A) between the hours of 7:00 a.m. to 10:00 p.m. and 50 db(A) at all other hours. (Db(A) means the sound pressure level in decibels measured on the A scale of a standard sound level meter having characteristics defined by the American National Standards Institute).

(Ord. of 10-7-2003(1); Ord. No. 08-171, 10-7-2008)

Sec. 110-488. Nonresidential requirements.

- (a) *Minimum nonresidential yard setbacks.* Building and parking setbacks from other CBD zoned districts shall be a minimum of ten feet. Building setbacks for mixed use or residential buildings from nonresidentially zoned properties which are not zoned or planned for CBD shall be the greater of 30 feet or the height of the building. This setback may be reduced to no less than ten feet if the building is limited to nonresidential uses.
- (b) The placement of CBD residential uses adjacent to other single or multi-family dwelling districts is encouraged. At their discretion, planning commission may specifically approve a nonresidential or mixed use structures located adjacent to a one-family residential district. The building setback for any CBD use to a one-family district property line shall meet the requirements of section 110-511 footnote (d) for an R-M multiple family building abutting a one-family zoning district.
- (c) Parking is not permitted within any required yard; however, the setback may be waived if the site is designed to connect with the adjacent property. If the adjacent property is already developed, then in order to waive the required setback, parking must be connected with the adjacent property's parking lot and/or driveway. An irrevocable, reciprocal easement agreement for access will be required.
- (d) Unless otherwise provided for herein, front and street-side building and parking setbacks shall be measured from the centerline of each road right-of-way (R.O.W), as follows:

ROW	Buildings		Parking
	Maximum (in feet)	Minimum (in feet)	Minimum (in feet)

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(Supp. No. 8, Update 4)

West and Allen Roads	127	72	75
Secondary Arterial	127	72	75
Collector Street	110	55	58
Local Street	97	42	45
Private Streets	97	42	45

Note(s)—There is no maximum parking setback from a road right-of-way. Corner clearance as defined by this zoning ordinance must be maintained for all existing and proposed driveways and public and private streets.

- (e) Building and parking setbacks from rights-of-way or private road easements may be modified to reflect the street design recommendations within Chapter 9, Streetscape Design Plan of the Woodhaven DDA Plan for developments proposing to implement the recommendations of that section of the plan, including but not limited to Center Avenue and Sunset Avenue improvements.
- (f) The attaching of buildings is encouraged to promote a downtown character. Where nonresidential buildings are not attached the distances between buildings on the same lot shall be governed by section 110-511, footnote (d).
- (g) All business, services or processing, except for off-street parking or loading and, where permitted, outside dining, shall be conducted within a completely enclosed building. Loading and unloading shall take place in the rear yard or, in the case of a lot with frontage on more than one road, an interior side yard.

(Ord. of 10-7-2003(1))

Sec. 110-489. Residential requirements (including mixed-use).

- (a) The maximum density permitted shall be that permitted within the R-M multiple family residential district. Mixed-use developments with first floor retail or office and residential upper stories may use the entire net site area to calculate allowable density, less regulated wetlands and all rights-of-way or private road easements, subject to complying with parking, landscaping, and open space requirements for the combined residential and nonresidential uses. Where residential and nonresidential uses are separated on the same site, the maximum residential density is determined by taking the net site area less all areas used for nonresidential purposes including buildings, setbacks, parking and loading areas, landscaping, and screening. See also subsection (g) below.
- (b) Building heights for mixed use projects where residential uses are proposed above nonresidential uses, may be increased to a maximum of four stories or 44 feet.
- (c) Nonresidential uses shall not be permitted above a residential use, in any case.
- (d) Residential uses may be in the form of two-family and multiple family residential units. Stand-alone residential structures shall be constructed as townhouses, with a single unit occupying a minimum of two floors; provided however, that apartment flats or "stacked ranch" units are permitted if they provide an exterior facade with the appearance of townhouse-style construction, as deemed appropriate by the city.
- (e) No multiple family or mixed use building shall exceed 180 feet in length. This length may be modified to no more than 300 feet for senior housing/assisted living developments where common kitchen and community living areas are proposed within residential buildings.
- (f) Front and side entry garages are not considered consistent with the intent of the central business district. Garages shall be placed behind the main structure for both residential and mixed use developments so as to effectively screen them from major thoroughfares and roadways internal to the development. Garages may

be attached or detached and accessed by driveways or by use of alleyways. Parking may also be provided in underground garages.

- (g) Subject to conformance with the standards of this section, the final approval of overall density for residential uses shall be at the discretion of the municipality based on the development's consistency with the intent of the CBD, the downtown development plan, the standards contained in this division, and the impact such density would have upon open space, adjoining property, water and sewer services, storm water drainage, road capacity, traffic, fire and police services, schools, character of the area, and any planned public and private improvements in the area. In addition, the following standards shall be considered:
- (1) Innovative planning and design excellence;
 - (2) Relationship to adjacent land uses;
 - (3) Pedestrian and/or vehicular safety provisions;
 - (4) Aesthetic quality in terms of design, exterior materials and landscaping, and pedestrian character, including internal compatibility within the development as well as its relationship to surrounding properties;
 - (5) Provisions designed to enhance the project character for the users of the project.

(Ord. of 10-7-2003(1))

Sec. 110-490. Landscape and screening requirements.

- (a) The intent of this section is to improve the appearance of developments within the CBD, including off-street parking and vehicular use areas and property abutting public rights-of-way, require buffering between non-compatible land uses, and provide areas for pedestrian movement within paved areas and along public rights-of-way. The design recommendations within Chapter 9, Streetscape Design, of the downtown development plan is made part of this subsection. All landscaping and screening within CBD development should incorporate the standards outlined within that chapter of the DDA plan.
- (b) In order to provide for appropriate planting time, all landscaped areas must be planted within eight months of completion of a project or phase of a project, as outlined under section 110-632. Financial guarantees for landscaping will be required as provided for in section 110-633.
- (c) A landscape plan shall be required to be submitted with all final site plans for development within the CBD. The plan shall include at a minimum the following items:
- (1) Location, type and size of all existing plant materials showing those materials to be saved, to be moved and to be removed. If the site contains regulated wetlands, the plan shall so state and identify location.
 - (2) Location, type, and size of all proposed plant materials.
 - (3) Locations of all existing and proposed buildings, easements, parking spaces, driveways, and public rights-of-way.
 - (4) A planting list for all proposed landscape materials showing caliper sizes, height of material, method of installation, botanical and common names, type and amount of mulch, ground cover, grasses, and root type, and quantity of materials for each species.
 - (5) The depiction of typical straight cross-section including slope, height and width of berms and type of ground cover.
 - (6) Materials, height, and type of construction of all masonry walls including footings, where applicable.

- (7) An irrigation system plan for watering and draining landscaped areas.
- (8) A maintenance and installation plan.
- (d) Minimum plant type, location and size requirements are as follows:
 - (1) Trees shall not be planted closer than four feet to any property line.
 - (2) Staggering plantings into two or more rows and grouping plantings together in order to create visual appeal and variety in the landscaping is required.
 - (3) Large shade or evergreen trees shall not be located within public water, sewer, or storm drainage easements. Shrubs and small ornamental trees may be allowed.
 - (4) Minimum plant size shall be as follows:
 - a. Evergreens and similar plants shall be a minimum of five feet in height with an average spread of 30 inches.
 - b. Deciduous trees shall have a minimum caliper of three inches.
 - c. Shrubs shall have a minimum spread of two feet.
 - (5) The table below provides the standards for various types of screening and landscaping required:

Type	Height	Width	Planting requirements
Extensive land form buffer (A) (A)	6 ft. berm with a 2 ft. crown and maximum slope of 3:1	38 feet	1 large deciduous tree, 1 evergreen tree, and 4 shrubs for every 20 linear feet.
Land form buffer (B)	3 ft. berm with a 2 ft. crown and maximum slope of 3:1	20 feet	1 large deciduous tree, 1 evergreen tree, and 4 shrubs for every 30 linear feet.
Buffer strip (C)	5 foot visual barrier	10 feet	1 large evergreen or deciduous tree and 4 shrubs for every 30 linear feet.
Screen wall (D)	6 feet for loading areas, 4 foot for separation of uses, or 3.5 feet for parking lot screening from rights-of-ways.	8 inches of brick or decorative masonry. Front yard screening must be composed of brick	5 foot greenbelt adjacent to screen wall for its entire length. Wall should provide pedestrian openings when appropriate.
Streetscape (E)	N/A	See Chapter 9, Streetscape Design Plan, of the Downtown Development Plan (Adopted April, 2003)	

- (e) The following table specifies the minimum required screening and landscaping between different CBD uses and adjacent zoning district.

CBD Use	Adjacent Zoning				
	R-2	R-M	I-1	I-2	ROW
Commercial/Office building	A or D	B	C	C	E
Parking lot or vehicle inventory storage	A or D	B	C	C	D or and E
Loading Areas	A or D*	B	None	None	E
Open Space or Park areas	*None	None	C	C	E

All developments	N/A	N/A	N/A	N/A	E
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* Screen wall shall be a minimum of six feet in height.

- (f) A minimum of five percent of each development over 20 acres will be required to be developed as open space. Open space areas must be designed to provide an attractive natural and/or pedestrian environment within developments that achieve the recommendations for pocket parks or pedestrian plazas outlined within the Downtown Development Plan (Adopted April, 2003). Narrow landscaped strips, landscaped end islands, and similar areas that are less than 20 feet wide are not considered useable open space and shall not comprise more than ten percent of the required open space on the site. This requirement may not be circumvented by phasing a project where phases are less than 20 acres and where the development as a whole would meet this threshold. This requirement may be modified by the city council where appropriate and only for developments that meet the implementation objectives outlined under section 110-482 and exceed the standards outlined within this district with regard to quality of architectural design, pedestrian environment, connection and coordination with adjacent CBD development, and landscape design. Up to 25 percent of the required open space may be composed of areas required to be preserved as regulated wetlands or for storm water purposes. (Example: A 20-acre site is required to have at least one acre of open space, 0.25 acre of this open space could include a landscaped detention area, a maximum of 0.5 acre can be within small landscaped islands, and the remainder or 0.25 acres of the site must be within useable open space). The maintenance of all open space within the development shall be the responsibility of the owner(s) of the property.

(Ord. of 10-7-2003(1))

Sec. 110-491. Streetscape standards.

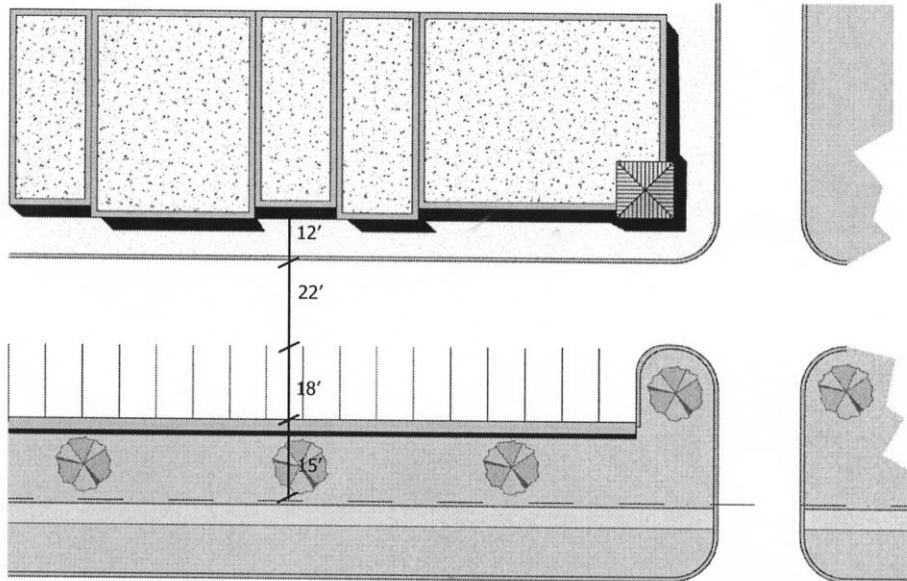
- (a) *Streetscape amenities.* The use of decorative, pedestrian-scale parking lot lighting, public pathways, bicycle racks, and similar site features shall be an integral part of any site plan in the CBD. The development of urban pocket parks, plazas, village greens and other pedestrian areas is required. All such amenities shall be privately owned and maintained and it is encouraged that such amenities will be available for public use and enjoyment. Significant recreation amenities, available for public uses, may be proposed for consideration as public parks to be owned, operated, and maintained by the city. Acceptance of such facilities as public parks shall be at the sole discretion of the city council.
- (b) *Sidewalks and bicycle paths.* Sidewalks are required along all roadways for all developments. In addition, there shall be a system of internal pedestrian connections within and between all developments and between all buildings within a single development to enable pedestrians to safely access buildings and adjacent developments.
- (c) *Pedestrian and vehicular connections.* Pedestrian and vehicular connections between adjacent parcels will also be required, as deemed appropriate by the planning commission.

(Ord. of 10-7-2003(1))

Sec. 110-492. Parking and loading standards.

- (a) Parking shall be required for all developments based on the minimum parking required for each individual use and designed according to the provision of this section and the standards within article V, division 3, Parking regulations.
- (b) All parking lots shall be located at the rear or side of buildings and screened. Limited parking in the front of buildings may be permitted within the parking setbacks mentioned under section 110-488 (See typical front

yard parking design below). Front yard parking cannot exceed one bay of parking, which includes one row of parking and parking aisle.



Typical Front Parking Lot Design

- (c) Off-street parking shall not be placed within ten feet of any wall of a dwelling structure which contains openings involving living areas, and no closer than five feet to any wall that does not contain such openings.
- (d) Shared parking may be permitted between two or more uses when the minimum parking requirements of the use requiring the largest number of parking spaces has been met and the applicant has demonstrated that the peak parking demand for one use will not overlap with the peak parking demand for other uses. A shared parking analysis prepared by the applicant and approved by the city will be required to justify a reduction in parking. In no case may parking be reduced by more than 30 percent than the minimum required for each individual use, as determined under subsection (a) above. Any area set aside for land banked parking cannot be used towards minimum open space requirements.
- (e) To help insure that future parking demands are considered, the planning commission may require 50 percent of the parking that is reduced to be land banked. One example where land banked parking may be necessary is when the potential exists for a change in use of a building from office to retail where peak parking demands would also change. The land banked parking area will be landscaped and provided in addition to minimum open space or park requirements.
- (f) An irrevocable, reciprocal use easement agreement may be required for all nonresidential developments that permit shared parking between uses within the same development.
- (g) Pedestrian and vehicular connections between adjacent parcels and parking lots will be required, as deemed appropriate by the planning commission.
- (h) Parking lots shall be screened from all public rights-of-way by either a three-foot ornamental brick wall or an alternative screening treatment that will effectively result in an equivalent opacity, as approved by the planning commission.

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- (i) All rows of parking shall include landscaped end islands. Islands must be a minimum of eight feet in width and designed to be four feet shorter than adjacent parking stalls. Islands must be curbed to prevent automobiles from encroaching into landscaped areas.
 - (j) Loading areas are required for all office and commercial developments. Loading areas must be placed within the rear yard and effectively screened from all public rights-of-way. More than one loading area per building may be required dependent on site and use demands. Plans must demonstrate how deliveries will be handled and must identify that all vehicular circulation can be accomplished on the site without interference to parking areas, pedestrian features, or public rights-of-way.

(Ord. of 10-7-2003(1))

Sec. 110-493. Review and approval process.

- (a) The review and approval process for all developments within the CBD will follow a three-step approach. If special land use review and approval is required, then the city council will have final approval authority.
- (b) Prior to submitting a concept plan for review and approval, a pre-application conference must be held with city staff, consultants, and other appropriate officials deemed necessary by the city. A general concept (the number of copies will be determined by the administration) for the proposed development must be submitted when the conference is scheduled. A minimum of one week review time will be allotted prior to holding the pre-application meeting.
- (c) The second step is concept plan review and approval as follows:
 - (1) A concept plan shall be required to be submitted for any use or development for which the city requires the submission of a site plan. The concept plan must be submitted to and approved by the DDA prior to submitting a site plan for approval to the city.
 - (2) A concept plan must be submitted to the city prior to a regularly scheduled DDA meeting. Deadlines for submitting completed applications shall be in accordance with city policy.
 - (3) The concept plan may also be reviewed by appropriate city and DDA officials who may include the city planner, the DDA director, city engineer and appropriate department heads.
 - (4) The concept plan, at a minimum, shall include the following information:
 - a. Identification of specific uses of a site;
 - b. Location of all buildings and parking areas;
 - c. Detailed building architectural and elevation plans, including the type and color of all materials proposed. A sample board may be requested;
 - d. Site topography; and
 - e. Conceptual park, open space, and landscaping layout.
 - f. Application form, which identifies the property address, the name and address of property owner(s), the proposed developer(s), and all design, team members.
 - (5) The DDA shall receive the concept plan and review the plan for compatibility with the approved DDA plan. The DDA will then provide a recommendation on the concept plan to the planning commission.
 - (6) After receiving a concept plan approval from the DDA, the applicant can proceed with review and approval of the site plan. If the concept plan is not approved, the applicant must revise their plan and resubmit it to the DDA and the review process outlined in subsection (2) begins again. If the applicant is unable to obtain approval of the concept plan by the DDA he/she may request site plan approval,

however, the planning commission shall not be required to grant site plan approval in the absence of concept plan approval by the DDA.

- (7) Approval of a concept plan provides a basis from which the applicant can develop their site plan and in no way guarantees or implies approval of the site plan.
- (d) The third step is review and approval of the site plan and special land use, if applicable. The site plan process for a CBD development would follow the same process as outlined in section article V, division 8, Site plan requirements.
- (e) The site plan shall contain the items required in article V, division 8 of the zoning ordinance as well as the following information:
 - (1) Landscape plan as outlined within this section;
 - (2) Lighting plan completed consistent with ordinance requirements;
 - (3) Detailed elevations of all proposed buildings;
 - (4) A sign plan that incorporates the elements of DDA sign design guidelines;
 - (5) If the concept plan includes a special land use the planning commission's recommendation will be sent to city council for approval.
- (f) Sign plan applications for new or modified signs for an existing site within the CBD will require planning commission review and approval to ensure conformance with the CBD design guidelines.

(Ord. of 10-7-2003(1); Ord. of 10-5-2004; Ord. No. 06-126, 12-5-2006; Ord. No. 12-182, 11-20-2012; Ord. No. 17-069, 6-6-2017)

DIVISION 14. TC-PUD, TOWN CENTER PUD DISTRICT

Sec. 110-494. Intent.

The town center PUD zoning district is intended to allow for a complementary blend of governmental, recreational, cultural, and institutional retail and service uses at a central location to serve as a gathering place or town center for residents of the city. Such uses are intended to complement office, recreational, institutional and residential uses in the area. Site development standards proposed and uses permitted herein are designed to achieve a development design and character which promotes multiple land uses and encourages this area as a central gathering place for city residents.

(Ord. No. 11-098, 7-19-2011)

Sec. 110-495. Eligible property; general procedure.

Property which is eligible for town center PUD district is designated for satellite retail/office, downtown, or flexible development according to the city master plan may be rezoned "Town Center PUD". The application for rezoning to town center PUD shall be made by the applicant and shall be reviewed by the planning commission and the city council according to the procedures provided by section 110-101, Changes and Amendments.

Any rezoning request for a town center PUD district must be accompanied by a site plan in accordance with the requirements of article 5, division 8, Site Plan Review. In addition, this plan must illustrate the total development of the land proposed for rezoning and the relationship of the development to other existing building and structures on adjacent lands zoned in the town center PUD district or designated for such use under the terms

of the master plan, so as to assist the planning commission and the city council in evaluating whether the proposed project complies with the intent and standards of the town center PUD district.

(Ord. No. 11-098, 7-19-2011)

Sec. 110-496. Use regulation.

Property which is zoned town center planned unit development shall not be used except in accordance with the submitted site plan approved under article 5, division 8, Site Plan Review, for one or more of the following permitted uses:

- (a) Governmental and public service uses, including offices for municipal, state, federal or other governmental agencies; public libraries, public museums and public art galleries.
- (b) Homes for the elderly or retired.
- (c) Retail and service uses permitted in the town center PUD district shall be as follows: coffee shop; bakery; ice cream shop; non-drive-through restaurants; book store; card and flower shop; barber and beauty shop; and bank. Permitted retail and service uses shall be of a size and nature complementary to existing nearby governmental, office, recreational and residential uses, and shall be intended to enhance the general purposes of the town center PUD as a gathering place.
- (d) Other principal uses which are determined by the planning commission to be:
 - (1) Similar in character and operation to the permitted uses described above;
 - (2) Closely complimentary and enhances the permitted uses; and
 - (3) Compatible with the intent and purposes of the town center PUD district.
 - (4) Legally non-conforming uses at the time of adoption of this district.
- (e) Accessory uses and buildings which are compatible with the intent and purposes of the town center PUD district.

(Ord. No. 11-098, 7-19-2011)

Sec. 110-497. Site development standards and conditions.

Development plans for the use of land within the town center PUD district shall at a minimum comply with the standards and conditions provided in this division, in addition to the standards and conditions applicable to all districts as set forth in article IV, Schedule of Use Regulations, design standards and any other applicable provisions of this article.

- (a) Area requirements. To be considered for rezoning to town center PUD, the minimum lot size shall be five acres unless this requirement is waived by the planning commission.
- (b) Landscaping and buffer zones.
 - (1) A 25-foot buffer or planting strip, landscaped and maintained as required by this article, shall also be provided along major thoroughfares.
 - (2) A 50-foot buffer or planting strip, landscaped and maintained as required by this article, shall be provided to serve as a protective screen between any permitted use within the town center PUD and adjacent property with is zoned residential.

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- (c) Off-street parking and loading. Off-street parking and loading spaces shall be provided as required by article V, division 3, Parking Regulations.
 - (d) Design, appearance, and mix of town center uses.
 - (1) The mix of uses proposed for a town center PUD project shall be compatible with and advance the intent and purpose of the Town Center PUD district to function as a central gathering place.
 - (2) Proposed buildings shall be grouped or positioned in appropriate relationship to existing lands, buildings and structures in the town center PUD district, so as to create the intended town center atmosphere and appearance.
 - (3) Walkways, paths, trails, bike paths, benches, picnic tables, and similar features shall be provided as determined necessary by the planning commission to enhance the use of the site by pedestrians.
 - (4) Outdoor enhancements or accessory uses (including flower gardens, pavilions, gazebos, nature trails, pools and streams, bridges and other similar amenities) shall be provided as determined necessary by the planning commission to promote the intended town center atmosphere within the town center PUD district.

(Ord. No. 11-098, 7-19-2011)

DIVISION 15. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT

Sec. 110-498. Intent and purpose.

The purpose of this section is to permit coordinated development on appropriate sites with unique conditions such as, but not limited to: significant natural features the property owner and city wish to preserve; land that exhibits development constraints; or the opportunity to mix compatible uses and/or residential development types in a unique and flexible way that could not otherwise be accomplished through traditional development methods.

The PUD overlay district standards are provided to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of recreational amenities; to ensure compatibility of design between neighboring properties; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The PUD standards shall not be used as a technique to circumvent the intent of the zoning ordinance, to avoid imposition of specific zoning ordinance standards, or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made to provide the applicant and city with flexibility in design on the basis of the total PUD plan approved by the city and consistent with the spirit and intent of the master plan.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-499. Qualifying conditions.

Planned unit developments may be allowed as an overlay of any zoning classification upon determination by the city council that all of the following criteria are met:

- (1) The planned unit development site shall be under the control of one owner or group of owners acting as a unified development team and shall be capable of being planned and developed as one integral unit.
- (2) The site size is a minimum of three acres of contiguous land. A smaller area of property contiguous to an approved PUD may be reviewed for addition to that PUD under the major amendment provisions of this chapter.
- (3) If a commercial component is part of a residential development proposed on residentially zoned property then the minimum site size shall be ten acres.
- (4) As determined by the city council, following review and recommendation by the planning commission, a finding shall be made that the site has significant natural or historic features which will be preserved through development under the PUD overlay standards; or

The PUD will provide a complementary mixture of uses considered desirable but not available at the proposed scale in the city; or

The PUD will provide a variety of housing types that are considered by the city to be desirable; or

The PUD shall provide a unique design that preserves common open space not likely to be realized under the requirements of the underlying zoning district.

- (5) The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, as demonstrated by the applicant to the satisfaction of city council, where such benefit would otherwise be infeasible or unlikely to be achieved.
- (6) In relation to development permitted by the underlying zoning, the proposed type and density of use(s) shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities unless the applicant proposes to construct adequate public improvements to mitigate the impact of additional demand on public facilities. In addition, the PUD shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants.
- (7) In relation to development permitted by the underlying zoning, the proposed development shall not result in an unreasonable negative impact upon surrounding properties.
- (8) For a PUD with a mixture of uses, the project shall be designed to achieve a synergistic relationship between the uses. The various uses shall be integrated with pedestrian and vehicular access systems and open spaces. For all PUD projects, site design elements should be developed in a consistent manner throughout the entire site (e.g. landscaping, signs, lighting, etc.).
- (9) The proposed development shall not have an adverse impact upon the city's master plan and shall be consistent with the master plan's spirit and intent, as well as the spirit and intent of the city's zoning ordinance.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-500. Project design standards.

Any planned unit development shall comply with the following project design standards:

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- (1) *Location.* A planned unit development may be approved in any location in the City, subject to qualifying conditions and standards for review and approval as provided for herein.
- (2) *Uses permitted.* The flexibility of the PUD provides opportunities to develop projects with either a single type of land use or a variety of land uses combined to form a unified development based on the underlying zoning. The following shall determine permitted uses:
- a. Underlying zoning is residential. Single-family, two—family, multiple-family dwellings, other uses permitted in the underlying zoning district, and accessory uses customarily permitted in residential districts. For residential PUDs less than ten acres, non-residential uses shall not be permitted except for the following: 1) limited retail and personal service uses for the exclusive use of the residents of the PUD may be permitted upon the city council finding, after review and recommendation by the planning commission, that the use is clearly accessory and that no advertising or marketing to patrons outside the PUD shall be permitted, and 2) non-residential uses listed in the underlying residential district may be permitted upon review in the context of the PUD site and impact on the surrounding area. The applicant shall demonstrate to the satisfaction of the city council that this section has been met.

Residentially-zoned PUDs of ten acres or more may be permitted to incorporate non-residential development dedicated to neighborhood office or neighborhood retail uses on up to ten percent of the developed acreage provided, however, that the total gross floor area devoted to retail and restaurant uses shall not exceed 50,000 square feet.
 - b. Underlying zoning is office or commercial. The city council may permit residential, office and commercial uses, and other uses, upon finding that the organization of uses meets the intent of this division and PUD design standards.
 - c. Underlying zoning is research and development or industrial. The City Council may permit office, commercial, light industrial, and research and development uses, and other uses, upon finding that the organization of uses meets the intent of this division and PUD design standards.
 - d. Underlying zoning contains multiple districts. If the property includes a combination of underlying zoning districts the resulting development mix shall be determined based upon a finding that the organization of uses meets the intent of this division and PUD design standards
 - e. Any PUD proposing a mixture of residential and non-residential uses may develop mixed-use buildings where residential is located above non-residential uses. This provision will be subject to approval by the planning commission subject to the adequacy of building, site, access, and parking design.
- (3) *Residential density.* PUD density shall be regulated as follows:
- a. *Underlying zoning is residential.* The number of dwelling units permitted shall be based on the density permitted in the underlying zoning district. The city council may increase the overall density by up to 20 percent (a "density bonus") upon a determination that significant natural features would be preserved that would otherwise be lost if the site were developed under a more traditional subdivision plan or that an open space/park area is to be developed as part of the PUD that is open to the public and is deemed by the city council to be a recognizable and substantial public benefit. Also, the city council shall find that city services can accommodate the increased density. The applicant shall submit a conventional conceptual plan (parallel plan) that illustrates that the number of units the applicant is proposing in the PUD is consistent with the standards in this division. Granting of a density bonus is at the sole discretion of the city council after a review of the PUD plan in relation to the master plan, zoning ordinance, and consideration of impact on the public health, safety and general welfare, public facilities, services, and adjoining properties.

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- b. *Underlying zoning is nonresidential.* The density established by the planning commission and city council shall be consistent with the spirit and intent of the master plan and the standards in this division, based upon a determination that such density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in this area. The density for any proposed residential uses in a nonresidential district shall be determined by the planning commission and city council, but in no case shall residential density exceed 20 percent more than the density permitted in the R-M Multiple Family Residential District for the area designated for residential or in the case of mixed-use (residential and non-residential) buildings for the portion of the site designed for mixed-use buildings.
- (4) *Buffering between uses in a mixed use PUD.* The placement of PUD residential uses adjacent to single or multi-family residential districts sharing a common boundary is encouraged. At its discretion, the city council may specifically approve a non-residential or mixed-use structure located adjacent to a residential district. Parking, loading, and vehicular traffic ways shall be separated and buffered from residential units within the PUD and other residential districts adjacent to the PUD project in a manner consistent with good site design and planning principles and as otherwise determined by the city, provided it is recognized that this provision may have limited application to multi-use buildings. When non-residential uses adjoin residentially zoned property outside of the PUD, noise reduction and screening methods including landscape berms or decorative walls shall be required at the discretion of the planning commission and city council.
- (5) *Open space.* The PUD development shall incorporate 15 percent of the total site as open space for the sole benefit, use and enjoyment of present and future occupants of the PUD. Required open space areas shall be contiguous to the maximum extent practical. If natural features are present on the site, such open space must include those natural features. Required open space shall be permanently set aside through covenant, deed restriction, easement or similar legal instrument acceptable to the city. If agreed to by the city council, in its discretion, the open space may be conveyed to the city for the use of the general public. Such open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds or structures. At least 30 percent of the open space required by this section shall be upland, non-wetland areas.
- (6) *Natural features.* The development shall be designed to promote preservation of natural resources and natural features, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features. Design guidelines to be considered are as follows:
- a. Wherever possible natural drainage shall be retained and improved if necessary.
 - b. Natural site amenities and sensitive environmental features shall be preserved to the maximum extent feasible.
 - c. The location of existing trees and unique vegetation should be considered in the selection of building location, utility placement, circulation patterns and paved areas.
 - d. Floodplain areas shall be preserved as permanent open space.
 - e. The natural topography of the site shall be considered in the design of the project. Major grade changes should be avoided and protective measures shall be taken to protect steep slopes and prevent unnecessary soil erosion.
- (7) *Dimensional standards.* The setbacks and other dimensional standards for various uses shall be based on the following:

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- a. Single family residential uses shall comply with the yard (setback), height and minimum floor area regulations applicable to the R-2 district, provided that the averaged lot size, one-family clustering and subdivision open space option standards may be utilized.
 - b. Multiple family uses shall comply with the regulations applicable to the Multiple Family District.
 - c. Office, commercial, industrial, and mixed uses shall comply with the zoning regulations for the least intensive zoning district which permits the use.
 - d. See subsection (9), additional considerations, which provides for flexibility in approving relaxation of dimensional requirements subject to conditions.
- (8) *Building appearance standards.* The PUD review process shall place significant emphasis on the quality of architecture design and exterior building materials. PUD projects shall demonstrate adherence to high standards of design. Building materials such as brick and stone are strongly encouraged. When big box retail, large office buildings, large industrial buildings and similar structures are proposed, large blank walls without articulation shall not be permitted. Notwithstanding any other provisions in this division, the city planner, the planning commission, and the city council will apply quality design standards on a case by case basis, whether or not such design standards are specifically enumerated in an ordinance, guideline or otherwise.
- (9) *Additional considerations.* The planning commission and city council shall take into account the following considerations, as the same may be relevant to a particular project: perimeter setback and berming; roadway, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; connecting internal pedestrian circulation systems with external paths, whether existing or proposed; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.

Consistent with the PUD concept, and toward encouraging flexibility and creativity in development, departures from compliance with the standards provided for in the zoning ordinance may be granted at the discretion of the city council as part of the PUD approval process. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the city council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. Any deviations from ordinance standards will require the applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the development plan.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-501. PUD application and review process.

All PUD applications shall follow a three-step review process including 1) pre-application conference, 2) conceptual PUD site plan review and approval, and 3) final site plan review and approval. If a rezoning of the subject site is required, the applicant may seek a rezoning concurrent with and contingent upon the application for conceptual PUD site plan approval. Prior to the preparation of the PUD application, the developer shall participate in two pre-application conferences: one with staff and one with the planning commission. After the pre-application conferences, the applicant may submit a formal request for PUD approval along with a conceptual PUD site plan for review by the planning commission. The conceptual PUD site plan and the adoption of the PUD overlay zoning district shall require the approval of the city council after the planning commission public hearing and recommendation. The final site plan shall be reviewed and approved by the planning commission.

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- (1) *Pre-application conferences.* Prior to formal submission of an application for planned unit development approval, the applicant shall meet with the administrator, city planner, building official, director of public works, fire chief, police chief, and other city personnel and consultants as the city planner deems appropriate. The purpose of such a conference is to provide information and guidance that will assist the applicant in preparation of the application and conceptual plan. This shall be followed by an informal pre-application conference with the planning commission. No formal action shall be taken at pre-application conferences.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned unit development; a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate regulations to be sought; the number of acres to be preserved as open or recreational space; and, the natural features to be preserved in general.

- (2) *Conceptual PUD application.* The applicant shall prepare and submit to the city a request for PUD approval with a conceptual PUD site plan meeting the submittal requirements in this division (subsection (5)) and a traffic impact study following section 110-741(c)(13) and (14). The conceptual PUD site plan shall illustrate uses within each component, road layout, parking area and open space.
- (3) *Planning commission review and public hearing.* The planning commission shall review the conceptual PUD site plan and the impact assessment. The planning commission shall set a date for a public hearing after the submittal requirements noted in subsection (5) have been met. Notice of the public hearing shall be given by one publication in a newspaper of general circulation in the city, and by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within the city. The notice shall be given not less than 15 days before the public hearing date, in accordance with Section 103 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). The notice shall specify that the city is considering both an amendment to the zoning map (to add the PUD designation for the subject site) and the conceptual PUD site plan. The notice shall also describe the nature of the request, indicate the property that is subject of the request including a listing of all existing street addresses within the subject property, state when and where the request will be considered, and indicate when and where written comments will be received concerning the request. The planning commission shall conduct the public hearing, and submit a recommendation on the requested PUD overlay zoning to the city council.
- (4) *City council review.* The city council shall review the requested PUD overlay zoning and the conceptual PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The city council may require a resubmittal of the conceptual PUD site plan reflecting the conditions for administrative approval by the city planner prior to submittal of a final site plan.
- (5) *Approval of development agreement.* Following approval of the conceptual PUD site plan, the applicant's attorney shall submit a draft development agreement in accordance with section K. [110-502]. The city council is the approving body of the development agreement after receiving comments from the city attorney and city planner.
- (6) *Final site plan.* The final site plan shall be submitted to planning commission for approval. If application for final site plan approval is not requested by the applicant within 18 months of the PUD development agreement — which is approved by city council following the preliminary conceptual PUD plan approval — the conceptual PUD site plan approval shall expire and resubmittal of the conceptual PUD application shall be required. The city council may extend the conceptual PUD approval period up to an additional two years, if requested in writing by the applicant prior to the expiration date.

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- (7) *Combined approval.* The applicant may submit for conceptual PUD site plan and final site plan concurrently in order to expedite the review process timeline. All required information for both approvals shall be provided at the time of submittal and all applicable review fees for each level of review shall be paid. The final site plan approval by the planning commission shall be subject to approval by the city council of both the conceptual PUD site plan and development agreement.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-502. Conceptual PUD submittal requirements.

The purpose of the conceptual PUD review is to provide a mechanism whereby the applicant can obtain approval of the proposed project in concept and then prepare a final site plan and engineering documents. Submittal requirements for the PUD conceptual site plan review are listed below.

- (1) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (2) A completed application form, supplied by the city clerk and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.
- (3) Fifteen copies of a traffic impact study. Additional copies may be required for city council packets.
- (4) The planning commission, city council or the city planner may request that the applicant provide a market study demonstrating the market demand and feasibility of the proposed PUD project.
- (5) Sheet size of submittal drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale. The applicant shall also submit a set of plans as a pdf file on 11-inch by 17-inch digital sheets, with at least one sheet in color, highlighting landscaped and open space areas.
- (6) Cover sheet providing:
 - a. The applicant's name;
 - b. The name of the development;
 - c. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license or registration in the state;
 - d. Date of preparation and any revisions;
 - e. North arrow;
 - f. Property lines and dimensions;
 - g. Complete and current legal description and size of property in acres;
 - h. Small location sketch of the subject site and area within one mile; and scale;
 - i. Existing zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site;
 - j. Lot lines and all structures on the property and within 200 feet of the PUD property lines;
 - k. Location of any access points on both sides of the street within 300 feet of the PUD site along streets where access to the PUD is proposed.
- (7) A plan sheet(s) labeled existing site conditions, including: the locations of existing buildings and structures; rights-of-way and easements; significant natural and historical features; existing drainage patterns (by arrow); surface water bodies and floodplain areas; wetlands over one acres in size; the limits of major stands of trees; and a tree survey indicating the locations, species and caliper of all trees

with a caliper over eight inches, measured four feet above grade. The detailed tree survey may be delayed until final site plan review, if approved by the city council, following review and a recommendation by the planning commission, if the applicant provides an outline of how significant stands of trees, if any exist on site, can be preserved. Replacement trees shall be as regulated in the city's commercial design standards (see Table 2, Approved Plant Materials). This sheet shall also illustrate existing topography of the entire site at two-foot contour intervals and a general description of grades within 100 feet of the site. A reduced copy of this sheet may be included in the impact assessment.

- (8) A conceptual PUD site plan sheet including:
- a. Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district
 - b. If the conceptual PUD plan includes a request for a residential density bonus, the applicant shall submit a parallel plan illustrating the number of units that could be developed on the site under a conventional development scenario. The parallel plan shall be based upon the underlying zoning and must demonstrate that the density proposed for the PUD is consistent with this division. If a parallel plan is required, there shall be a separate review fee charged in addition to the PUD review fee to cover the city's cost of reviewing the parallel plan.
 - c. Building footprints, setbacks and spacing; lot sizes; structures, roadways, parking areas, drives, driveways, pedestrian paths, existing signs, and any existing structures to be removed.
 - d. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD.
 - e. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
 - f. If all or part of the PUD project is expected to be a platted subdivision, the conceptual PUD site plan shall also meet all the submittal requirements for a tentative preliminary plat, as described in the city subdivision regulations.
 - g. If a multi-phase planned unit development is proposed, identification of the areas included in each phase and a demonstration that each phase shall meet the requirements of this division and the city's subdivision regulations. For residential uses, the number, type and density of housing by phase shall be identified.
 - h. General list of anticipated deviations from applicable underlying zoning ordinance regulations that will be sought, and a concise statement indicating the approach proposed to ensure that any such deviations will achieve the objectives and intent of this section.
 - i. A written narrative describing the recognizable and substantial public benefit to be provided to the project and the community as a whole as part of the proposed PUD development plan.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-503. Standards for approval of conceptual PUD site plan.

Based upon the standards below, the planning commission may recommend denial, approval, or approval with conditions, and the city council may deny, approve, or approve with conditions (including those recommended by the planning commission and/or additional conditions imposed by the city council) the proposed

conceptual planned unit development plan. Upon the approval of the conceptual PUD site plan and development agreement (below) by the city council, the property shall be designated as planned unit development overlay zoning on the official zoning map.

- (1) The planned unit development meets the qualification and project design requirements.
- (2) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- (3) The conceptual plan will be able to meet the final site plan review standards for design, setbacks, and all applicable standards of this zoning ordinance unless deviations are specifically requested and approved.
- (4) If the PUD includes a platted subdivision, the conceptual plan will comply with the city subdivision regulations and the requirements of the county department of roads. The conceptual PUD site plan may be considered a tentative preliminary plat for purposes of a concurrent review process or the applicant may submit the tentative preliminary plat at a later date, following approval of the conceptual PUD site plan.
- (5) The proposed development does not have an adverse impact upon the city's master plan and is consistent with the master plan's spirit and intent, as well as the spirit and intent of the city's zoning ordinance.
- (6) Judicious effort has been used to protect and preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
- (7) Public water and sewer facilities are available or planned in accordance with the city water and sewer ordinance.
- (8) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site will be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- (9) The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, as demonstrated by the applicant, where such benefit would otherwise be unfeasible or unlikely to be achieved.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-504. Final site plan submittal procedures and approval.

- (a) The purpose of the final review is to consider the final site plan that is consistent with the approved conceptual PUD site plan. Upon receiving approval for the overall conceptual PUD site plan the applicant may seek final site plan approval for the individual buildings or project components in phases, subject to consistency with approved phasing plan. Receipt of a building permit shall require signoff by the city planner and building department.
- (b) The final submittal shall include the materials required for all final site plans in the city, plus the following:
 - (1) A copy of the approved development agreement recorded with the county register of deeds that describes the terms and conditions of the approval and the rights and obligations of each party.
 - (2) A separately delineated specification of all the deviations from this division, which would otherwise be applicable to the uses and development proposed in the absence of these planned unit development regulations (i.e. a specific list of requested deviations vs. standard requirements).

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- (3) The reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall also be specified.
 - (c) The final site plan shall be reviewed by the planning commission according to the procedures outlined in section 110-741, site plan review. The final site plan for individual phases shall be subject to approval by the planning commission. The design and proposed uses shall be consistent with the approved conceptual plan. The planning commission may require an updated version of the traffic impact study for an individual phase if the proposed use or layout has changed from the approved concept plan.
 - (d) For any condominium section of a PUD, the applicant shall provide a copy of the master deed and condominium association bylaws for approval by the city council. The condominium documents shall provide limits on use of common areas or open space accessory structures such as swimming pools, decks, playground equipment and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.
 - (e) Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- (Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-505. Appeals and violations.

- (a) The zoning board of appeals shall have the authority to hear and decide appeal requests by individual property owners for dimensional, bulk, & height variances from the zoning ordinance. However, the zoning board of appeals shall not have the authority to reverse an order or decision of the city council, change conditions imposed by the city council or make interpretations related to the PUD site plan or development agreement.
 - (b) A violation of the PUD plan shall be considered a violation of this division.
- (Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-506. Amendments and deviations from approved final site plan.

- (a) Deviations from the approved final site plan may occur only when an applicant or its successor notifies the city planner of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The result shall be received prior to initiation of any construction in conflict with the approved final site plan.
- (b) Procedure. Within 14 days of receipt of a request to amend the final site plan, the city planner shall determine whether the change is major, warranting review by the city council, or (minor), allowing administrative approval, as noted below.
- (c) Minor changes. The city planner may approve the proposed revision upon finding the change would not alter the basic design nor any condition imposed upon the original plan approval by the city council. The city planner shall inform the planning commission and city council of such approval in writing. The city planner shall consider the following when determining a change to be minor:
 - (1) For residential buildings, the size of structures may be reduced; or increased by five percent, provided the overall density of units does not increase and the minimum square footage requirements are met.

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- (2) Gross floor area of non-residential buildings may be decreased or increased by up to five percent or 10,000 square feet, whichever is smaller.
 - (3) Floor plans may be changed if consistent with the character of the use.
 - (4) Horizontal and/or vertical elevations may be altered by up to five percent.
 - (5) Relocation of a building by up to five feet, if consistent with required setbacks and other standards.
 - (6) Designated "areas not to be disturbed" may be increased.
 - (7) Plantings approved in the final landscaping plan may be replaced by similar types of landscaping on a one-to-one or greater basis provided the trees are consistent with Table 2, Approved Plant Materials, from the city's commercial design standards. Any trees to be preserved, which are lost during construction, may be replaced by at least two trees of the same or similar species consistent with Table 2, Approved Plant Materials, in the city's commercial design standards.
 - (8) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (9) Changes of building materials to another of higher quality, as determined by the city planner.
 - (10) Slight modification of sign placement or reduction of size.
 - (11) Internal rearrangement of parking lot that does not affect the number of parking spaces or alter access locations or design.
 - (12) Changes required or requested by the city, county or state for safety reasons.
- (d) Major changes. Where the city planner determines the requested amendment to the approved final site plan is not minor, or if there is a request to expand the land area included within the PUD, submittal of an amended application for review and approval by the city council is required. If the city council determines that the proposed modifications to the final site plan significantly alter the intent of the conceptual PUD site plan or significantly modify the on-site or off-site impacts of the plan, a revised conceptual PUD site plan shall be submitted according to the procedures outlined in this section, including a new public hearing and review and recommendation by the planning commission prior to city council action. If the PUD is being expanded in size, the previously submitted impact assessment and traffic study shall be updated to reflect new conditions and the expected impacts associated with the subject area.

(Ord. No. 16-082, § 2, 7-5-2016)

Sec. 110-507. Development agreement.

- (a) Upon obtaining approval of a conceptual PUD site plan, the applicant and city council shall enter into a development agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The development agreement may be approved by the city council immediately following approval of the conceptual PUD site plan or it may be placed on a subsequent agenda of the city council. The applicant shall reimburse the city for all fees for city legal counsel and consultant participation and/or review of the development agreement.
- (b) The approved development agreement shall be recorded with the county register of deeds.
- (c) In the event that the conceptual PUD site plan requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded. Action to amend a development agreement requires approval by the city council.

Secs. 110-508—110-510. Reserved.

ARTICLE IV. SCHEDULE OF USE REGULATIONS

Sec. 110-511. Limiting height, bulk, density and area by land use.

Use Districts	Minimum Size Lot Per Unit		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet) Sides				Minimum Floor Area Per Unit	Maximum Percentage of Lot Area
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Least One	Total Two	Rear	(Square Feet)	Coverage
R-1 One-Family Residential*	8,500(a)	70	2	32(w)	25	6(b)	15	35	1,200	(t)
R-2 One-Family Residential*	7,500(a)	65	2	32(w)	25	6(b)	15	25	950	(t)
R-T Two-Family Residential*	4,000	40	2	35(w)	25	10(b)	20	35	780	(t)
R-M Multiple-Family Residential*	(c)		2(d)	35(d)	30(d)	30(d)	(d)	30(d)	(e)	(c)
B-1 Local Business	—	—	2	30	25(a)	10(f)	(f)	25(g, m, x)	None	(h)
B-2 Community Business District	—	—	2(l)	30(l)	40(i)	10(j, m)	(j, m)	25(g, j, m, x)	—	(h)
B-3 General Business	—	—	2(l)	30(l)	40(i)	20(f, m)	(f, m)	25(g, m, x)	None	(h)
O-1 Office Building	—	—	2(l)	30(l)	25(i)	10(f, m)	(f, m)	25(g, m)	None	(h)
I-1 Industrial 1	—	—	—	50(1)	75(n, r, s)	10(n, r, s)	(n, r, s)	30(n, o, r, s)	None	(h)
I-2 Industrial 2	—	—	—	75(l)	75(n, r, s)	20(n, r, s)	(n, r, s)	40(n, o, r, s)	None	(h)
IRO Industrial Research Office	—	—	—	(l)	75(n, r, s)	20(n, r, s)	(n, r, s)	40(n, o, r, s)	None	(h)
CBD Central Business District	(c)		2(u)	30(u)	(v)	(v)	(v)	(o, r, s, v, x)	(e)	(h)

*In those instances where public sewers are not provided, all lot area, per dwelling unit, shall equal at least 12,000 square feet.

FOOTNOTES TO SECTION 110-511

- (a) Section 11-512, entitled "subdivision open space plan," governs exceptions as to lot area and density controls. In no instance, however, shall the minimum depth of a lot be less than 110 feet. See section 110-513, lot averaging, and section 110-514, one-family clustering, for other flexibility provisions.

(b) The side yard abutting upon a street shall not be less than ten feet when there is a common rear yard relationship in such block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot when a side yard abuts on frontage across a common street, the side yard abutting a street shall not be less than the required front yard of the district. For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in section 110-173 or 110-511, whichever is greater.

(c) In the R-M multiple-residential district, the total number of rooms, to be not less than 100 square feet or more (not including kitchen and sanitary facilities), shall not be more than the area of the parcel in square feet, divided by 1,600. All units shall have at least one living room and one bedroom except that not more than ten percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

- Efficiency apartment, two rooms;
- One bedroom, two rooms;
- Two bedroom, three rooms;
- Three bedrooms, four rooms;
- Four bedrooms, five rooms.

Plans presented showing one-, two- or three-bedroom units and including a den, library or other extra room shall count such extra rooms as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads. Increases in densities for mid-rise structures are set forth in division 5, article V, of this chapter, special use permits, multiple-family mid-rise and/or senior housing facilities.

(d) In the R-M multiple residential district, an increase in height restrictions is provided for in division 5, article V, of this chapter, entitled, "special use permits." In the R-M multiple residential district, the minimum building setback to any exterior property line abutting a one-family zoning district or public thoroughfare (other than a freeway) shall not be less than 30 feet, or 1½ times the height of the building, plus one foot for each ten feet of building length adjacent to an exterior property line, whichever is greater. For the purposes of computing exterior building setbacks, the building length includes that distance along the exterior property line resulting from the extension of perpendicular lines from such property which intersect any portion of the building walls when viewed from above. The setbacks to any exterior property abutting any other zoning district or freeway shall not be less than 30 feet or a distance equal to the height of the building, whichever is greater. Parking shall not be located within any minimum yard required which abuts a public thoroughfare other than a freeway. The minimum distance between any two buildings shall be regulated according to the length and height of such building. In no instance shall the distance between two buildings be less than 30 feet. Parking may be permitted within a required side or rear yard which abuts an exterior property line. In no instance shall parking cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum yard distance is as follows:

$$S = LA + LB + 2 (HA + HB) \div 6$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongations of either.

LA = Total length of building A.

The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B.

The total length of building B is the length of that portion of a wall 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 of wall along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

DISTANCE SPACING FOR MULTIPLE DWELLING

The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

Requirements of this subsection (d) may be modified by the planning commission where the shape of the lot or parcel, or other unique or unusual factors applicable to the particular lot or parcel, make, such requirements unduly burdensome or impractical.

- (e) See definitions under section 110-2, row houses, terraces and other such multiple type structures, shall comply with the floor area requirements under apartments.
- (f) In B-1, B-3 and O-1 districts, no side yards are required, provided that:
 - (1) If walls of structures facing interior side lot lines contain windows, or other openings, the minimum yard requirements shall be met.
 - (2) Where B-1 and O-1 districts abut R-1, R-2, R-T and R-M districts, the minimum side yard requirement shall be ten feet.
 - (3) Where B-3 districts abut R-1, R-2, R-T and R-M districts, the minimum side yard requirement shall be 20 feet.
 - (4) In B-1, B-3 and O-1 districts, the minimum side yard requirement shall be met on a corner lot.
- (g) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front building and shall be computed separately from off-street parking requirements; except in the instance of O-1 districts, loading space shall be provided in the ratio of five square feet per front foot of building. Where an alley exists or is provided at the rear of a building, setback and loading requirements may be computed from the center of such alley.
- (h) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- (i) Off-street parking shall be permitted to occupy a portion of the required front yard after approval of the parking plan layout and points of access by the planning commission. Any such parking area shall maintain a minimum unobstructed and landscaped setback of five feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest side of existing and/or proposed right-of-way lines, whichever is greater. Proposed rights-of-way are indicated on the major thoroughfare plan.
- (j) In the B-2 district, no side yards are required, provided:
 - (1) If walls of structures facing interior side lot lines contain windows, or other openings, the minimum side yard is ten feet.
 - (2) Where a B-2 district abuts any residential district, the minimum side yard requirement shall be at least 50 feet.
 - (3) In the B-2 district, the minimum side yard requirement on a corner lot shall be 20 feet.

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- (k) The rear yard requirement shall apply, except where the B-2 district abuts any residential district, in which case the minimum setback shall be 50 feet.
 - (l) In the B-2, B-3 and O-1 districts, building heights may be increased to five stories on sites of two acres or more in size subject to the provisions of the following minimum setback requirements:
 - (1) A setback at least equal to one-half the height of the building when abutting any freeway or nonresidential district.
 - (2) A setback at least equal to the height of the building when abutting any other public thoroughfare.
 - (3) A setback at least equal to two times the building height when abutting any residential district.
 - (4) In no instance shall a setback be less than that required in the district in which it is located. In the I-1 and I-2 districts, increased heights are permitted on sites of three acres or more in size, subject to provision of the minimum setback requirements set forth in this subsection (l). In the IRO district, building height is subject to the provision of the minimum setback requirements set forth in this subsection (l).
 - (m) A four-foot, six-inch decorative obscuring concrete poured wall, masonry wall with brick veneer facing the residential area, or berm, shall be provided on those sides of the property abutting land zones for residential use.
 - (n) The front yard setback may be reduced to 50 feet on internal industrial drives not designated as major thoroughfares on the city master plan. Parking shall be located in the rear yard. Parking shall be permitted in the side yard after approval of the parking plan layout and points of ingress and egress by the planning commission. Similarly, the planning commission may approve limited guest parking in the required front yard, provided that any such parking does not exceed ten percent of that required for the facility or five spaces, whichever is less and is not located closer than 30 feet to any existing or proposed road right-of-way. The planning commission, when approving any point of ingress and egress abutting and/or adjacent to any residentially zoned area, shall determine if any adverse effect may be created. If potential problems appear possible, they shall hold a public hearing, as required for a special use permit, and determine a desirable and reasonable solution to such problems. Also see section 110-741, site plan review. Design alternatives may include, but not be limited to, eliminating access drive and the provisions of berms, etc.
 - (o) Loading shall be located in the rear yard except when the planning commission finds that: the loading area is located in the side yard near the rear of the building, it does not face any public thoroughfares or residentially zoned property, it is screened from view from any public thoroughfare or residential district by a decorative masonry screen wall, berm and/or landscape area, and no outside storage of any materials, pallets, etc., is permitted in this area. All open storage, when permitted, shall be located in a rear yard and enclosed by a decorative masonry wall or berm on those sides abutting any residential, office and commercial districts or any other public thoroughfare serving general vehicular movements in the city. In no instance shall any open storage areas or truck terminals be located closer than 300 feet to any residential district. The height of such walls and/or berms shall not be less than six feet and may, depending on land usage, be required to be eight feet in height. The planning commission shall determine the height of such screening devices based on usage, the height of such outdoor storage being restricted essentially to the height of the screening devices. Also see division 4 of article V of this chapter, greenbelts and plant materials, and section 110-744, walls and berms. A chainlink type fence with a 20-foot obscuring greenbelt may be approved by the planning commission when it is found that the type, size and location of such materials will fulfill the obscuring requirements afforded by a wall or berm.
 - (p) Off-street parking for visitors, over and above the number of spaces required under section 110-602, may be permitted within a portion of the front yard after approval of the parking plan layout and points of access by the planning commission. Any such parking area shall maintain a minimum unobstructed and landscaped setback of 30 feet between the nearest point of the off-street parking area, exclusive of access driveways,

and the nearest side of existing and/or proposed right-of-way lines, whichever is greater. Proposed rights-of-way are indicated on the major thoroughfare plan.

- (q) Loading space shall not be permitted in a front yard. Loading space shall be provided in accordance with section 110-604.
- (r) No building shall be closer than 75 feet to the other perimeter (property line) of such districts when such property line is adjacent to any residential district. When such transition occurs across a public thoroughfare, the required setback shall be measured from the existing or planned right-of-way, whichever is greater. Furthermore, the setback for any building adjacent to any residential district shall be increased, for any building over 15 feet in height, to provide five feet of horizontal setback for each one foot of vertical height.
- (s) A decorative masonry wall with a ten-foot greenbelt, a berm or a 20-foot obscuring greenbelt shall be provided on those sides of the property adjacent to land zoned for residential use. In any of the preceding instances, such traditional areas shall include deciduous trees, a minimum of ten feet in height at time of planting, placed at least 30 feet on centers along such transitional area. If the yard adjacent to a residential district abuts a public thoroughfare, then the required wall, berm or obscuring greenbelt shall be set back a minimum of 20 feet from the right-of-way line of such thoroughfare. The height of such obscuring screening devices shall not be less than eight feet; provided, however, that the height may be reduced when the transition between industrial and residential occurs across a public thoroughfare or dedicated utility easement which is 250 feet or more in width or other physical features providing significant separation. Such reduction may be permitted, after a public hearing by the planning commission, and it is found that the proposed alteration meets or exceeds the necessary standards and objectives as set forth in this chapter. Also see division 4 of article V of this chapter, greenbelts and plant materials, and section 110-745, walls and berms.
- (t) Limitations on lot coverage involve two basic areas of concern: first, the amount of lot area covered by building and secondly, coverage by open and uncovered improvements such as driveways, walks, patios, decks, etc. For purposes of this section the gross area of a lot excludes any easements set aside for general circulation of vehicles or pedestrians.
 - (1) All permitted buildings that involve covered (roofed) buildings/structures or areas are subject to the limitations on maximum percentage lot coverage. Such structures include, but are not necessarily limited to, permitted principal and accessory structures such as: dwellings, attached and detached garages, sheds, garden buildings, greenhouses, gazebos, covered porches and decks and similar types of permitted accessory uses. The aggregate amount of lot area occupied by the foregoing buildings shall not exceed 35 percent of the gross lot area. However, the aggregate amount of lot area occupied by detached accessory buildings/structures shall not exceed 75 percent of the lot area occupied by the principal permitted building. Uncovered decks that provide decking with gaps between the deck boards and are located over ground that is permeable in nature are not subject to the above lot coverage limitations. Similarly, pools without roof structures are also excluded from the above limitations.
 - (2) The limitation on lot coverage as set forth above shall also exclude covered and open, uncovered and unenclosed improvements that are primarily at grade, such as: required driveways, sidewalks. Patios, courtyards, playing courts, non required driveways and sidewalks, and other impermeable ground coverings are subject to the following limitations:
 - a. In front yards the amount of hard surfacing for driveways shall be proportional in width to the garage doors or up to two feet beyond the garage door(s) opening on each side of the garage, but limited to 20 feet at the sidewalk and 22 feet at the curb. In a situation where a principle garage is located in the rear yard and only a driveway passes through the front yard, the driveway may be widened to accommodate one additional parking space in the front yard area. Sidewalks in the front yard shall provide a direct and convenient approach to the front door and

shall not provide expansive hard surfaced improvement that will increase the amount of stormwater runoff.

- b. Hard surfacing in minimum required side yards shall be limited to necessary driveways leading to principle rear yard garages, up to a maximum width of ten feet or pedestrian walk ways up to a maximum width of three feet to access the rear yard area accessory structures unless otherwise provided for herein. A minimum of one foot of permeable surface must be maintained adjacent to the side yard property line.
 - c. At least 50 percent of the rear and side yard ground areas shall be maintained in living plant or permeable materials. The provision of planter boxes, urns, etc. on hard surfaced impermeable surfaces shall not be counted in complying with this requirement for open permeable type soils that will facilitate rain water absorption.
 - d. Paver products vary significantly in permeability. Factors affecting water runoff include paver material and type, slope, spacing between pavers, degree of compaction under and around pavers, and sealer applications. The majority of paver types are impermeable and contribute to water runoff and will be considered the same as hard surface pavement. Permeable paver applications would be acceptable if the applicant can demonstrate that the pavers are permeable.
- (u) Building heights for mixed use projects where residential uses are proposed above nonresidential uses, may be increased to a maximum of four stories or 44 feet.
 - (v) Refer to article III, division 13 for setback requirements.
 - (w) An increase in the height of a building from 32 to 35 feet is permitted subject to the following conditions: In the one-family districts the dwelling is located on a lot with not less than 75 feet of width and an area of not less than 8,500 square feet. In the two-family district the minimum width for a two-family dwelling building site shall be at least 85 feet with a minimum lot area of at least 9,300 square feet. Side yard setbacks shall be increased on each side of any such building by one foot for each one foot of increased height permitted. This increase in height in feet does not permit an increase in the number of stories as set forth.
 - (x) A 25-foot setback is required for trash storage areas to any lot line abutting a residential district.

(Ord. of 11-1-1967, § 14.1 footnotes; Ord. No. 20-27, § 6, 2-1-1973; Ord. of 10-18-1977, §§ 37—44, 73, 74; Ord. of 10-2-1979, §§ 4—7; Ord. of 2-17-1981, § 1; Ord. of 9-1-1981, § 2; Ord. of 6-16-1987, § 3; Ord. of 2-2-1988, § 3; Ord. of 5-16-1989, § 1; Ord. of 6-20-1989, § 3; Ord. of 8-4-1992, § 9; Ord. of 7-20-1993, §§ 1, 2; Ord. of 9-18-2001(3); Ord. of 10-7-2003(2); Ord. No. 09-080, 6-2-2009; Ord. No. 18-078, 9-4-2018)

Sec. 110-512. Subdivision open space plan.

The intent of this section is to permit a one-family residential subdivision to be planned as a comprehensive unit, allowing therefor certain modifications to the standards, as outlined in the schedule of regulations, to be made in R-1 and R-2 one-family residential districts when the following conditions are met:

- (1) The lot area in all one-family residential districts may be reduced by ten percent, provided that the population density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required under R-1 and R-2 districts. In accomplishing the ten percent lot reduction, no lot width shall be reduced by more than five feet. All calculations shall be predicated upon these one-family districts having the following number of dwelling units per acre:

R-1 = 3.84 dwelling units per acre.

R-2 = 4.36 dwelling units per acre.

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- (2) For each square foot of land gained, under the provisions of subsection (1) of this section, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in the schedule of regulations, equal amounts of land shall be dedicated to the subdivision. These dedications shall be either rights in fee or easement, and retained as open space for parks, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements of the city council.
 - (3) The area to be dedicated for public park and recreation purposes only shall in no instance be less than five acres, and shall be in a location and shape approved by the planning commission in reviewing the proposed subdivision plat. Such land shall be so graded and developed as to have natural drainage.
 - (4) In approving the application of subdivision open space plan technique, the planning commission must be cognizant of the following objectives:
 - a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, topography and similar natural assets.
 - b. To encourage developers to use a more creative approach in the development of residential areas.
 - c. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the site.
 - (5) This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the council and the subdivider or developer.
 - (6) Under this open space approach, the developer or subdivider shall dedicate the total park area (see subsection (2) of this section at the time of filing of the final plat on all or any portion of the plat).

(Ord. of 11-1-1967, § 14.2)

Sec. 110-513. Averaged lot size.

The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in this article for each one-family residential district. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area greater than ten percent below the area or a lot width greater than five feet below that required in this article, and shall not create an attendant increase in the number of lots.
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received city council approval, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

(Ord. of 11-1-1967, § 14.3; Ord. of 10-18-1977, § 45)

Sec. 110-514. One-family clustering.

- (a) *Intent; required site characteristics.* The intent of this section is to provide an alternative means for developing R-1 and R-2 one-family residential properties which possess certain physical and functional characteristics. These alternatives may permit modifications to the development standards as set forth in section 110-511. Utilization of this concept shall involve properties which front a major or secondary thoroughfare and shall not serve to preclude a normal continuity of interior local residential streets and/or utility arrangements. In approving an area for cluster housing, the planning commission shall find that the site also possesses at least one of the following characteristics:
- (1) The site basically parallels the thoroughfare and has a relatively shallow depth which would result in an excessive number of curb cuts to such thoroughfare if developed in a conventional plat.
 - (2) The site is basically perpendicular to the thoroughfare but is relatively narrow, which makes conventional platting inefficient and undesirable.
 - (3) The site contains unusual angles forming its boundaries, which makes conventional platting undesirable and impractical.
 - (4) The site has a substantial proportion of its perimeter bordering nonresidential zoning districts, high-density residential uses, and/or land uses of a nature which would result in a more desirable development through use of the cluster option.
 - (5) The site contains vegetation, floodplain, poor soils and/or topographic conditions which would be integrated into a cluster housing development plan more effectively and desirably than through development utilizing a conventional platting procedure.

The planning commission, in its evaluation process, shall consider existing and potential development in the area and the reasonableness of the request from the standpoint of established and acceptable principals of land use planning. Developers who plat or divide parcels of land and leave parcels of vacant land adjacent to major and secondary thoroughfares with the intent of seeking cluster housing shall submit a concept plan therefor to the planning commission for review and discussion prior to completing any final plans for the plat or land divisions. The intent of providing the cluster option is to provide for desirable residential development on problem parcels of land existing at the time of adoption of this option, or for portions of larger tracts which may reasonably and desirably coordinate with development of a conventional plat. This option shall not apply to those parcels of land which could have been reasonably and desirably developed through use of a conventional platting procedure.

- (b) *Density.* Maximum densities permitted within cluster developments are as follows:

R-1 District—3.84 dwelling units per acre.

R-2 District—4.36 dwelling units per acre.

These density factors include all land devoted to private interior driveways and circulation routes. When the site contains wetlands, floodplains or other unbuildable acres, a maximum of 25 percent of such unbuildable area may be included in the computations for density purposes.

- (c) *Dwelling unit requirements.* Utilization of the cluster option provides greater flexibility in grouping dwelling units and achieving more optimum development of problem site areas. Under this section, the attaching of at least two but not more than four dwellings shall be permitted subject to the requirements of this section. However, it is also necessary to provide some variation between dwelling units and also provide some visual and functional open space adjacent to each of the dwelling units. It is, therefore, required that each dwelling unit shall:
- (1) Have no more than 75 percent of the length of any exterior wall of a living unit in common with the garage or any other portion of an adjacent dwelling unit.

- (2) Not have common walls with a garage or any other portion of an adjacent dwelling unit on more than two exterior walls of any one dwelling unit.
- (3) Provide at least a six-foot variation in building setback between two adjoining dwellings along any common building facade. This offset may be achieved by a varied setback between separate living units or between the living unit and garage when attachments occur through common garage walls.
- (4) Have a maximum overall length on one general axis of not more than 160 feet.

The planning commission, in reviewing the site plan, may deviate slightly from these standards provided the proposed site plan complies with the basic spirit and intent of providing individuality, together with visual and functional open space, for each of the dwelling units.

(d) *Yard, height, floor area and garage requirements.* Yard, height, floor area and garage requirements are as follows:

- (1) A setback of at least 25 feet shall be provided between any living area, garage and required parking area and any public thoroughfare right-of-way line. Access drives/driveways which approximately parallel a public thoroughfare shall not be located in the required 25-foot setback along such thoroughfare.
- (2) The minimum setback between any living areas and garages and the edge of interior access drives serving a limited number of dwelling units shall be 20 feet. This setback shall be increased to 25 feet on access drives which collect traffic from more numerous dwellings and/or has continuity through the development.
- (3) The minimum main building setback to exterior property lines immediately abutting single-family zoning districts shall be 35 feet, unless a greater setback is required by the following formula which reflects the length and height of buildings:

$$S = L + 2H \div 3$$

S—Required setback.

L—Length of building which is determined by measuring the total distance along an exterior property line which would be intersected by perpendicular lines extended from a building when viewed from above. Minimum setbacks shall be measured from the closest point of a building to the exterior property line for the building which have reasonably consistent setbacks over a length of the building. Buildings which have a varied setback resulting in a continuously increasing setback when moving from one end of the building to the other may use the average setback of the building, provided that not more than 25 percent of the building length may be located within the required setback. In no instance shall the building be located closer than 35 feet to any exterior property line.

H—Height of building is the difference between the mean finished grade elevation and the mean height of the building.

The minimum main building setback to exterior property lines abutting other than single-family districts is 35 feet. The minimum setback to exterior property lines for an accessory building is ten feet, unless the preceding formula requires a greater setback when abutting a single-family zoning district.

- (4) The minimum spacing between buildings is regulated according to the length and height of buildings as set forth in the formula presented in footnote (subsection) (d) of section 110-511. The 30-foot minimum spacing between the ends of buildings may be reduced to 15 feet when the ends of such buildings contain no doors or windows; half windows serving bathrooms being excluded.
- (5) The minimum required floor area for a dwelling unit in the R-1 district is 1,200 square feet and 950 square feet in the R-2 district. Each dwelling unit shall be furnished with an attached one-car garage.

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- (6) A maximum building height of two stories and 25 feet shall be permitted for dwelling units.
- (e) *Review and approval procedures.* Review and approval procedures are as follows:
- (1) In order to achieve greater understanding between the city and the developer, it is suggested that a preliminary discussion of a potential project be requested prior to the preparation of a detailed site plan. Such a review should include a statement of how the developer feels the project qualifies under the preceding requirements and an explanation of the development concepts being proposed.
 - (2) Based upon the review and discussion of these items, the planning commission will be able to provide a preliminary indication as to whether they feel the project will qualify. The applicant should also gain added insight into site planning concerns of the planning commission if the project appears appropriate.
 - (3) A preliminary indication by the planning commission that the project may qualify does not ensure final approval of the site plan. It does, however, provide the applicant with an indication of the planning commission's position in the matter.
- (f) *Additional site plan review considerations.* Submission of an application for a cluster project shall require the following:
- (1) Submission and consideration of all data as required in section 110-741, site plan review.
 - (2) A statement and explanation by the applicant as to how the proposed project complies with the qualification requirements for a cluster project.
 - (3) The site plan shall be keyed to permit identification of the specific locations of dwelling units with reference to their floor plans and building elevations.
 - (4) Off-street parking requirements are those for one-family dwellings. The stacking of required parking spaces, one behind another, shall not be permitted.
 - (5) Any outside parking and/or dumpster area provided on the site shall be subject to the screening requirements of section 110-745, walls and berms.
 - (6) The site plan shall be arranged to provide consideration of physical and visual relationships between the proposed dwellings, their outside living space, and to adjacent uses. Consideration shall be given to the retention and enhancement of natural features which afford transitional features.
 - (7) At least two deciduous or evergreen trees having a caliper of at least 2½ inches shall be provided for each dwelling unit. Existing trees may be considered as meeting this requirement, or portions, when it is found they are distributed about the site in a manner which will complement the site appearance and complement each of the dwellings.
 - (8) Points of vehicular ingress and egress to adjacent public streets shall be kept to the minimum. The location of such access points shall be considered with respect to other street and drive locations in the area and proper sight distances. Internal circulation patterns shall be arranged to permit reasonable and proper access by emergency vehicles. Separation of vehicular and pedestrian traffic will be related to traffic flows. The installation of sidewalks will be related to the size and arrangement of the proposed development. Public sidewalks will be required along abutting public thoroughfares. Private sidewalks will be required on at least one side of internal drives serving as collector routes; in larger projects, this may be expanded to include both sides of such main drives. Private sidewalks may also be required along secondary drives serving more limited numbers of dwelling units. The planning commission shall make the determination for sidewalks based upon a review of all pedestrian walkways in the development, potential pedestrian travel patterns, size of projects and comments by the applicant.

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- (9) Approval of a site plan shall be effective for a period of one year. Failure to obtain a building permit within this period of time, and failure to commence construction as required, shall result in cancellation of the approval. Failure to complete reasonable progress on the project during any 12 consecutive months will also cancel the approval. Under either of these conditions, it will be necessary to seek reapproval of the plan by the planning commission. Changes to the site or building plans will also require reapproval by the planning commission.

(Ord. of 11-1-1967, § 14.4; Ord. of 5-16-1989, § 2)

Sec. 110-515. Storage of recreational and utility equipment.

The term recreational and/or utility equipment shall include: travel trailers, utility trailers, tent campers, antique and classic cars or other such items, motor homes, boats, snowmobiles, all terrain vehicles, motorcycles, motorbikes, racing vehicles/boats, horse trailers, personal watercraft, rafts, floats and items of a similar nature. Above items shall also include related trailers and equipment that cannot be practically stored inside a building. Any such vehicles and/or equipment shall be operable, currently registered status and shall be stored in a neat and orderly arrangement. In addition, none of the preceding items shall be construed to include the outdoor storage of any commercial or industrial equipment or supplies; such items are expressly excluded from outside storage on residential property. For purposes of this section recreational equipment or a "unit" shall count a boat with its own trailer as one unit as would two or more snowmobiles or jet skis on a trailer designed for their transportation. Individual snowmobiles and/or ATV's stored out of doors off a trailer shall be counted as individual units except during short periods of time during loading or repair activities. The parking and/or storage of permissible vehicles or equipment on residentially zoned property and outside of a legally established and fully enclosed garage or accessory building shall be subject to the following requirements:

- (1) The temporary parking of any such vehicle when it is in the active state of being loaded or unloaded may be allowed on a hard surfaced driveway area, in a front yard, for a period of up to 48 hours. It is also possible to provide basic maintenance and/or minor repairs to such vehicles or equipment provided any such activities not exceed more than ten days in any 12 consecutive months. However, any such parking shall not encroach into any public right-of-way or otherwise present an obstruction to proper visibility between vehicles and/or pedestrians in the area and thereby create a hazardous situation to the general public health, safety and welfare.
- (2) At no time shall any such vehicle be used for living or housekeeping purposes and shall not be connected to any utility for such purposes.
- (3) The outside storage of any such vehicle or equipment beyond that provided for purposes of loading/unloading or maintenance/minor repairs is permitted in the side and rear yards subject to the following requirements:
 - a. The storage of one vehicle or piece of equipment may be permitted in a side yard provided that the yard is sufficiently wider than required and the unit may then be stored in a nonrequired side yard provided it does not abut a public street. It is also required that any such vehicle and/or equipment not exceed six feet in height.
 - b. Storage in a rear yard is subject to compliance with all requirements applicable to an accessory building. For purposes of computing maximum percentage of rear yard lot coverage any such outside storage shall be considered as a structural area; however, in no instance shall the number of vehicles/units stored outside exceed two except as provided in subsection c. below.
 - c. On lots or parcels of one acre or more in size the owner may store up to four recreational/utility units out of doors provided the following conditions are met:

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1. All such units shall be located in the rear yard or nonrequired side yard provided it does not abut a public street.
 2. All such units shall be owned by the resident of the parcel.
 3. Such units shall comply with all setbacks for accessory buildings.
 4. The storage of more than two vehicles shall require the added units to be screened from adjacent properties by an obscuring greenbelt or six-foot privacy fence of a manufactured nature.
- d. In the case of multiple-family types of development, duplexes or mobile home parks any such vehicle/equipment shall be stored within an area approved by the planning commission for such storage and including any screening necessary to obscure the storage area from adjacent residentially zoned property.
 - e. The outside storage of any vehicle or equipment in a side or rear yard shall be stored and maintained in such a manner as to avoid their attracting or harboring rodents or other animals, or the creation of safety hazards in violation of building or safety codes. To this end any such storage area shall provide a ground surface area that considers the above concerns, permits permeation of surface water and thereby minimize increases in stormwater run-off.
 - f. Any such outdoor storage shall be considered as a structure for purposes of computing the maximum percentage of lot coverage as established in section 110-511, Limiting height, bulk, density and area by land use, or exceed two such items, whichever is less.

(Ord. of 8-3-2004(2))

Secs. 110-516—110-550. Reserved.

ARTICLE V. SUPPLEMENTARY REGULATIONS

DIVISION 1. GENERALLY

Sec. 110-551. Conflicting regulations.

Wherever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this chapter, then the provisions of such law or ordinance shall govern.

(Ord. of 11-1-1967, § 15.1)

Sec. 110-552. Scope.

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

(Ord. of 11-1-1967, § 15.2)

Secs. 110-553—110-570. Reserved.

DIVISION 2. NONCONFORMITIES

Sec. 110-571. General provisions.

- (a) When within the districts established by this chapter, or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (b) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (c) To avoid undue hardships, nothing in this chapter 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 chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(Ord. of 11-1-1967, § 15.3)

Sec. 110-572. Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitation imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width; or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance yard requirements shall be obtained through approval of the board of appeals.

(Ord. of 11-1-1967, § 15.4)

Sec. 110-573. Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

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- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter. This provision shall not apply to existing single-family residential uses, which may be altered so long as the alteration conforms with existing building codes, setback requirements, and safety codes.
 - (2) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
 - (3) If such nonconforming use of land, is abandoned, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. of 11-1-1967, § 15.5; Ord. No. 08-040, 3-4-2008)

Sec. 110-574. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the items of this chapter, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structures may be enlarged or altered in a way which increases its nonconformity. This provision shall not apply to existing single-family residential uses, which may be altered so long as the alteration conforms with existing building codes, setback requirements, and safety codes.
- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. This provision shall not apply to existing single-family residential uses, as such uses shall be permitted to be rebuilt or reconstructed subject to current building and safety codes.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. of 11-1-1967, § 15.6; Ord. No. 08-040, 3-4-2008)

Sec. 110-575. Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, which would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. This provision shall not apply to existing single-family residential uses, which may be altered so long as the alteration conforms with existing building codes, setback requirements, and safety codes.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate in the district than the existing nonconforming use. In permitting such change, the

board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure, or structure and premises in combination, is, abandoned, it shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. This provision shall not apply to existing single-family residential uses.

(Ord. of 11-1-1967, § 15.7; Ord. No. 08-040, 3-4-2008)

Sec. 110-576. Repairs and maintenance.

On any building devoted, in whole or in part, to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or its part declared to be unsafe by any official charged with protecting the public safety, upon order of such official. This section shall not apply to any existing single-family residential use, which may be repaired without regard to the stated percentage limitations.

(Ord. of 11-1-1967, § 15.8; Ord. No. 08-040, 3-4-2008)

Sec. 110-577. Uses under exception provisions not nonconforming uses.

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

(Ord. of 11-1-1967, § 15.9)

Sec. 110-578. Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided that there is no change in the nature or character of such nonconforming uses.

(Ord. of 11-1-1967, § 15.10)

Sec. 110-579. Accessory buildings and uses.

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

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter, applicable to main buildings.
- (2) Accessory buildings shall not be erected in any required yard, except a rear yard.

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- (3) For purposes of computing limitations of lot coverage by accessory uses in the R-1, R-2 and R-T districts, refer to section 110-511, schedule of regulations, the last column in the table.
 - (4) No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.
 - (5) No detached accessory building in an R-1, R-2, R-T or R-M district shall exceed one story, and no portion of the roof shall exceed 14 feet in height. No detached accessory building in a B-1, B-2, B-3 or O-1 district shall exceed one story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to board of appeals review and approval if the building exceeds one story or 14 feet in overall height.
 - (6) 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, such building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot.
 - (7) When an accessory building, in any residence, business or office district, is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the board of appeals.
 - (8) Satellite dish antennas shall be permitted, subject to the following conditions and procedures: Any such antenna shall be located in the rear yard, not be located in any required easement, be set back from any side or rear property line a minimum distance of three feet or the height of the antenna (whichever is greater), be so located and installed as to minimize its visibility from neighboring residential properties and public thoroughfares, conforms to all applicable building and electrical standards and also complies with the following requirements:
 - a. Any such antenna, which is ground-mounted, and does not exceed an overall height of six feet above the average normal grade elevation within 25 feet of the antenna location, may be approved by the building inspector when it is found that all of the applicable requirements have been met.
 - b. Satellite dish antennas, with a diameter of two feet or less, may be approved by the building official, subject to the following conditions:
 1. When located as a freestanding structure, it shall be placed in a rear or side yard, and no part of the antenna or its mounting pole shall be higher than 14 feet above the lot grade. No part of the antenna structure shall be closer than five feet to any lot line and shall not be located in any easement.
 2. When attached to a building or chimney, it shall be so located as to minimize its view from any public street. The antenna shall be positioned on the rear side of a roof or chimney, the top edge of the antenna being positioned lower than the height of the ridge line of the roof or as close to the height as possible.
 3. The installation of any such antenna shall conform to all building requirements of the city. Any deviations from these locational requirements shall be referred to the zoning board of appeals for variance approval.
 - (9) Private antennas, of an open element nature or monopole nature, accessory to residential uses, may be constructed to a maximum height of 35 feet in the R-1 and R-2 single-family districts. The maximum

height of any such antenna structure in the R-1 and R-2 districts may be increased to a maximum of 65 feet on acreage parcels, two acres in size or greater, provided that all other requirements with respect to location and setbacks are met. The maximum total wind resistant surface of any such antennas, excluding the supporting tower or mast, shall not exceed seven square feet in area. Private antennas constructed in the R-T and R-M districts or under the cluster options shall be reviewed and approved by the zoning board of appeals if they exceed the maximum height of a structure as provided for in article IV of this chapter. The board of appeals, in reviewing such requests, shall consider the location, size, heights, number of proposed and potential antennas and their relationship to structures on the site and adjacent property lines and the recommendation of the planning commission. Private noncommercial antennas, of an open element or monopole nature, in the O-1, B-1, B-2, B-3, I-1 and I-2 districts may be constructed to a height as provided for in article IV of this chapter. Any antenna which exceeds this height shall be subject to the review and approval of the zoning board of appeals. The board of appeals in reviewing any such request shall consider the height, size, location and number of antennas as related to structures and uses on the site and adjacent property lines and the recommendation of the planning commission. The maximum height of the structure shall be computed from the average grade of the lot or parcel of land within 25 feet of the antenna location. The antenna shall also be set back from any lot line a distance equal to the overall height of the antenna above the average lot grade. The location and assembly of the supporting tower and its transmitting and/or receiving antennas shall be so arranged that no portion of the tower or its antenna shall penetrate the vertical plane to any adjacent line if such tower and antennas were to topple over in its normal assemblage configuration. Any antenna constructed in the city shall comply with all applicable local, state and federal requirements with respect to construction and operation including prescribed requirements on interference.

- (10) The aggregate sum of the wind resistant surface of any antennas, excluding the supporting tower or mast, shall not exceed seven square feet in area for each residence or nonresidential establishment served by such antennas unless otherwise provided for, or unless approved by the board of appeals. The approval of a satellite antenna exceeding seven square feet in area does not infer approval of any additional antennas.
- (11) Wind generators may be permitted in rear yards when the following conditions are met:
- a. The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.
 - b. The generator device shall be placed no closer to any side or rear lot than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - c. The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30 percent of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - d. The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
- (12) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(Ord. of 11-1-1967, § 15.11; Ord. of 10-18-1977, § 46; Ord. of 5-3-1983, § 1; Ord. of 6-20-1989, § 4; Ord. of 8-4-1992, § 9; Ord. of 3-2-1993, § 1; Ord. of 4-4-1995, § 1)

Secs. 110-580—110-600. Reserved.

DIVISION 3. PARKING REGULATIONS¹²

Sec. 110-601. General requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as prescribed in this section.

- (1) Off-street parking for other than residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (2) Residential off-street parking spaces shall consist of a driveway, garage or a combination, and shall be constructed of hard-surfaced material in accordance with specifications approved by the city engineer, and shall be located on the premises they are intended to serve and subject to the provisions of section 110-579, accessory buildings. Supplemental vehicular parking may be permitted in the front yards of one- and two-family dwellings, subject to the following conditions:
 - a. Any vehicle parking shall occur on approved hard-surfaced areas only.
 - b. Approved parking surface shall not occupy more than 33 percent of any front yard.
 - c. Any vehicles parked in the front yard shall be licensed and operable vehicles which are moved on and off the premises on a regular, daily or not less than weekly basis. Such parking areas shall not be used for the storage and/or more than routine maintenance of a vehicle; it does not include dismantling and/or heavy repairs.
 - d. Any vehicles within this area shall have a rated capacity of one ton or less.
- (3) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (4) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or use.
- (5) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately
- (6) In the instance of dual functions of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- (7) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
- (8) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the board of appeals considers as being similar in type.

¹²Cross reference(s)—Traffic and vehicles, ch. 98.

- (9) For the purpose of computing the number of parking spaces required, the definition of the term "usable floor area," in section 110-2, parking terms, shall govern.

(Ord. of 11-1-1967, § 15.12; Ord. No. 20-35, § 1, 12-28-1973; Ord. of 8-15-1989, § 1)

Sec. 110-602. Off-street parking requirements.

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

	Use	Number of minimum parking spaces per unit of measure
(a)	RESIDENTIAL.	
(1)	Residential, one-family and two-family	Two for each dwelling unit.
(2)	Residential, multiple-family	1½ for each dwelling unit, plus one for each four bedrooms in such residential project.
(3)	Housing for the elderly	One space for each one unit, and one space for each employee. Should units revert to general occupancy, then parking shall be provided in accordance with the requirements for multiple-family usage.
(4)	Mobile home park	Two spaces for each mobile home site and one space for each employee of the mobile home park. In addition, one-third of a parking space per home site shall also be provided in parking sites conveniently located to mobile home sites for guests and supplemental parking needs.
(b)	INSTITUTIONAL.	
(1)	Churches or temples	One for each three seats or six feet of pews in the main unit of worship.
(2)	Hospitals	Three parking spaces for each bed, and where out-patient and/or emergency room services are extended, there shall be provided an additional one off-street parking space for each 50 square feet of usable floor area in the waiting room and one space for each examining room dental chair, office, laboratory, X-ray therapy room or similar use areas.
(3)	Homes for the aged and convalescent homes	One for each four beds.
(4)	Elementary and junior high schools	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.
(5)	Senior high schools	One for each one teacher, employee or administrator and one for each ten students, in addition to the requirements of the auditorium.
(6)	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by

			local, county or state fire, building or health codes.
	(7)	Private golf clubs, tennis clubs, racquet ball courts, handball courts or similar use	One for each five member families or individuals plus one for each employee. If clubhouses are provided, one additional space for each three persons allowed within the maximum occupancy load shall be provided. Tennis clubs, racquetball courts, handball courts and other similar uses shall provide seven spaces for each court, plus one space for each employee.
	(8)	Golf courses open to the general public except miniature or "par-3" courses	Six spaces for each golf hole and one space for each employee, plus spaces as required under this article for each accessory use, such as a restaurant or bar.
	(9)	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	(10)	Stadium, sports arena or similar place of outdoor assembly	One for each three seats or six feet of benches.
	(11)	Theaters and auditoriums	One for each three seats, plus one for each two employees.
	(12)	Nursery schools, day nurseries, or child care centers	One for each employee and one for each four students on the premises at any one particular time.
	(13)	Colleges, universities or other facilities offering general and/or specialized training	One for each administrator, employee and instructor, and one for each student in classroom attendance at any particular time. One for each two beds in dormitories.
	(c)	BUSINESS AND COMMERCIAL.	
	(1)	Planned commercial or shopping center	(a) Centers having a gross leasable area less than 400,000 square feet, 4½ spaces for each 1,000 square feet of gross leasable area.
			(b) Centers having a gross leasable area between 400,000 and 600,000 square feet, 4¾ spaces for each 1,000 square feet of gross leasable area.
			(c) Centers having a gross leasable area greater than 600,000 square feet, five spaces for each 1,000 square feet of gross leasable area. Note: If a convenience store and/or establishment(s) for the sale and consumption of food and/or beverage will constitute 20 percent or more of the total center, such uses must be evaluated separately.
	(2)	Auto wash	Two (2) spaces plus one for each employee plus one for each vacuum station or similar function. Also, stacking space (at 20 feet per vehicle) for three vehicles in advance of and 1½ vehicles after a self-wash bay; nine vehicles in advance of and 1½ vehicles after a fixed-position automatic

			wash (or any wash accessory to a gasoline station); and 20 vehicles in advance of and three vehicles after a tunnel wash.
	(3)	Beauty parlor or barbershop	Three spaces for each operating beauty or barber chair plus two spaces for each manicure/pedicure or similar service requiring an additional employee plus one for each employee.
	(4)	Bowling alley	Five spaces for each bowling lane plus parking for accessory uses.
	(5)	Dance hall, conference center, rollerblade or skating rink, exhibition hall, and assembly hall without fixed seats	One space for each two persons allowed within the maximum occupancy load as established by local, county, or state, fire, building, or health codes.
	(6)	Establishment for the sale and consumption of food and/or beverage	(a) Restaurant/lounge with sit-down capacity, 14 spaces for each 1,000 square feet of gross leasable area or one space for each two employees plus one for each two customers allowed under maximum capacity, whichever is greater.
			(b) Fast-food restaurant with sit-down capacity, 17 spaces for each 1,000 square feet of gross leasable area or one space for each two employees plus one for each two customers allowed under maximum capacity, whichever is greater. Also, stacking space (at 20 feet per vehicle) for a minimum of ten vehicles, including at least four in advance of the menu board.
			(c) Drive-through restaurant (all or almost all dining offsite), one space for each employee plus one for every two persons allowed in limited seating area. Also, stacking space (at 20 feet per vehicle) for a minimum of 21 vehicles, including at least 15 in advance of the menu board.
			(d) Walk-up (carry-out) restaurant, one space for each employee plus 15 spaces for the first service window and ten spaces for each additional window plus one for every two persons allowed in any customer sitting area provided.
	(7)	Establishments for repair of minor household appliances, televisions, electronic equipment, shoes, etc. where repairs and parts storage are conducted in a workshop area and are not displayed in the customer service area	One space for each 200 square feet of usable floor area and one space for each employee on the premises during the largest working shift.
	(8)	Establishments for the sale of furniture, electronic equipment, office equipment or similar use where products are displayed for selection by customers circulating by aisles	One space for each 400 square feet of usable floor area and one for each employee on the premises during the largest working shift.

	(9)	Vehicle fueling/service station	One space at each fueling position, plus stacking space (at 20 feet per vehicle) for one-half vehicle per fueling position, plus two spaces for each vehicle service position (if any), plus one space per employee, plus convenience retail parking of 4½ spaces per 1,000 square feet of gross leasable area.
	(10)	Laundromat or coin-operated dry cleaner	One space for each two machines.
	(11)	Golf Course	(a) Miniature golf course, 1¼ spaces per hole plus one space for each employee plus parking for accessory uses such as eating areas. (b) Par three golf course, three spaces per hole plus one space per employee plus parking for accessory uses such as restaurants. (c) All other golf courses, six spaces for each hole plus one space for each employee plus parking for accessory uses such as restaurants.
	(12)	Mortuary establishment	One space for each 50 square feet of usable floor area.
	(13)	Motel, hotel, or other commercial lodging establishment	One space for each occupancy unit plus one for each employee on the largest shift plus parking for conference centers, meeting rooms, restaurants, and other accessory uses.
	(14)	Motor vehicle sales and/or service establishment	Four spaces per 1,000 square feet of interior sales area plus three spaces for each service or body stall plus one space for each employee.
	(15)	Retail store except as otherwise specified in this section	Four and one-half spaces for each 1,000 square feet of gross leasable area.
	(d)	OFFICES.	
	(1)	Bank or credit union	Seven spaces for each 1,000 square feet of gross floor area. Also, stacking space (at 20 feet per vehicle) for six vehicles for each teller service position or ATM (can be pooled across positions).
	(2)	Business offices or professional offices except as indicated in subsection (d)(3) of this section	(a) Offices having a gross leasable area less than 100,000 square feet, 4½ spaces for each 1,000 square feet of gross leasable area. (b) Offices having a gross leasable area of 100,000 square feet or greater, 3½ spaces per 1,000 square feet of gross leasable area.
	(3)	Professional office of doctor(s), dentist(s), or similar profession(s)	(a) Offices having a gross leasable area less than 5,000 square feet, six spaces per 1,000 square feet of gross leasable area. (b) Offices having a gross leasable area of 5,000 square feet or greater, 5.7 spaces per 1,000 square feet of gross leasable area.
	(e)	INDUSTRIAL.	
	(1)	Industrial or research establishment	(a) Industrial establishment, five spaces plus one for each 1½ employees in the largest shift, or

			one space per 700 square feet of gross floor area, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
			(b) Research and development facility, three spaces for each 1,000 square feet of gross leasable area.
	(2)	Wholesale and warehouse establishment	Five (5) spaces plus one for each employee in the largest shift, or one for every 1,700 square feet of usable floor area, whichever is greater.
	(3)	Mini-warehouse facility	Five spaces at the office. Access to individual storage units shall be provided for loading/unloading of vehicles adjacent to units without impeding through traffic.

In the instance of dual function of off-street parking spaces by more than one land use, the planning commission may permit a reduction in the number of parking spaces required by this section. The applicant shall submit a shared parking study, prepared by a firm or individual with demonstrated experience in parking analysis, for consideration by the planning commission. The methodology used in the report shall be generally consistent with guidelines set forth in Shared Parking (4th Printing 1990) prepared for the Urban Land Institute. In the instance of phased projects, the applicant shall provide empirical evidence of the success of the shared parking approved in earlier phases prior to the approval of a subsequent phase.

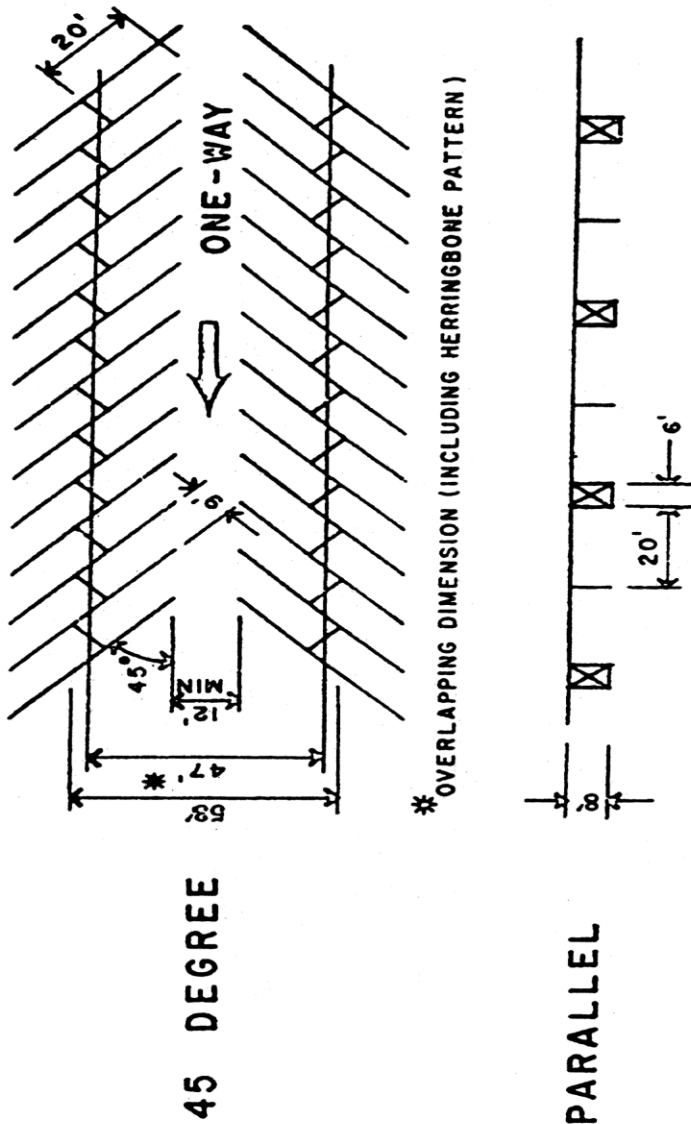
(Ord. of 11-1-1967, § 15.13; Ord. No. 20-23, § 2, 7-30-1971; Ord. of 10-18-1977, §§ 47—56; Ord. of 10-7-1980; Ord. of 2-2-1988, § 1; Ord. of 7-5-2005(1))

Sec. 110-603. Off-street parking space layout standards, construction and maintenance.

Wherever the off-street parking requirements in this chapter require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

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

Parking pattern	Maneuvering lane	Parking space width	Total width of one tier of spaces plus maneuvering lane	Total width of two tiers of spaces plus maneuvering lane
0° (parallel parking)	12 ft.	9 ft.*	21 ft.	30 ft.
30° to 53°	12 ft.	9 ft.*	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.*	36 ft., 6 in.	58 ft.
75° to 90°	22 ft.	9 ft.*	42 ft.	62 ft.



PARKING LAYOUTS (Cont'd.)

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drivers shall be provided for all vehicles. Ingress and egress to a parking lot lying in the area zoned for other than single-family residential use shall not be across land zoned for single-family residential use. The minimum width of an access drive shall be at least 11 feet per lot. Adequate radii shall be provided to permit the turning of cars, emergency vehicles and other vehicles necessary to service the site.
- (5) Drives shared by more than one site shall be required where possible. Cross access easements to facilitate vehicular and pedestrian traffic movement between sites served by shared drives shall be a condition of site plan approval where applicable.

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- (6) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
 - (7) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distance from adjacent property located in any single-family residential district.
 - (8) Obscuring devices. The off-street parking area shall be provided with a continuous decorative obscuring concrete poured wall, masonry wall with brick veneer facing the adjacent properties, or berm not less than four feet, six inches in height, measured from the surface of the parking area. This obscuring device shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and berm and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen materials, ornamental trees and living ground cover. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. Where commercial parking space abuts a thoroughfare, a three and one-half-foot high brick knee wall or berm shall be provided. An obscuring vegetation barrier which can be maintained at three and one-half feet in height may be considered where a wall or berm are not feasible due to underground utility easements.
 - (9) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be surfaced within one year of the date of the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 - (10) Parking lot landscaping. The off-street parking area shall have a planting area of at least five feet in width abutting and along any dedicated street right-of-way or easement. This area shall not be used in fulfilling any other landscaped open space requirements in this subsection. This area shall be planted and maintained in a living ground cover and shall be coordinated into the overall landscape planting for the site and parking lot. In addition to the preceding open space requirements, other landscaped areas amounting to at least 15 square feet for each parking space shall be provided. These areas shall be distributed about the parking lot and along the building façade to break up the expanse of paving and provide a more attractive setting for the site and building. In the event a covered walkway or other structural features makes the installation of foundation plantings impractical then planter islands in the parking lot shall be so located to provide plant material areas that soften the building façade. A minimum of at least one tree for each six parking spaces or portion shall be provided within the required landscaped areas in this section. Trees shall be at least ten feet in height or a minimum caliper of at least three inches for deciduous trees and five feet in height and 30 inches in spread for evergreens at the time of planting. Such trees shall be distributed about the landscaped areas as to further break up the expanse of parking and provide a more desirable setting for the site and building. When the planning commission determines that a four and one-half-foot tall wall is not appropriate between multi-family and single-family residential districts an obscuring barrier of plantings which can be maintained at a height of four feet shall be installed to obscure headlight glare. See section 110-631 et seq. for additional landscape requirements. The preceding requirements are exclusive of any required greenbelt transition areas or other open areas required under special use permit approvals unless otherwise specified. All required planting areas shall be landscaped in grass, ground cover, shrubs, trees or other living plant material.
 - (11) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed on to the parking area only.

- (12) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (13) Pedestrian walkway access shall be provided from sidewalks on abutting thoroughfares to commercial buildings.
- (14) The board of appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
- (15) Stop signs shall be included on both sides of all pedestrian crossings of parking lot roadways. Such crossings shall be identified by painted lines perpendicular to the roadway.
- (16) Acceleration and deceleration lanes shall be included at entrances to large developments that will significantly impact traffic conditions.

(Ord. of 11-1-1967, § 15.14; Ord. No. 20-36, §§ 1, 2, 12-28-1973; Ord. of 10-18-1977, §§ 57, 58, 75; Ord. of 8-4-1992, § 8; Ord. of 9-21-2004(1); Ord. No. 08-130, 8-5-2008; Ord. No. 14-009, 2-4-2014; Ord. No. 14-080, 7-15-2014; Ord. No. 14-123, § 2, 12-2-2014; Ord. No. 17-070, 6-6-2017)

Sec. 110-604. Off-street loading and unloading.

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

- (1) All spaces in B-1, B-2, B-3 and O-1 districts shall be provided in the ratio required in section 110-511, subsection note (g), under minimum rear yards.
- (2) All spaces in an I-1 and I-2 district shall be laid out in the dimension of at least ten by 65 or 650 square feet in area. Loading dock approaches shall be provided with a permanent, durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:

Gross floor area (in square feet)	Loading and unloading space required
0—20,000	One space
20,001—100,000	One space plus one space for each 20,000 sq. ft. in excess of 29,001 sq. ft.
100,001 and over	Five spaces

Secs. 110-605—110-630. Reserved.

DIVISION 4. PLANT MATERIALS

Sec. 110-631. Financial guarantee.

Wherever in this chapter a greenbelt or planting area is required, the developer shall provide a financial guarantee in the form of cash or certified funds to the city prior to the issuance of any building permit. The amount

of the guarantee shall be determined by the building official and shall reflect prevailing prices for the respective quantities and types of activities involved, together with field and seasonal conditions. If any planting program extends into the following construction season, an adjustment in the amount of the financial guarantee shall also be considered to properly reflect any projected changes in costs.

(Ord. of 11-1-1967, § 15.16; Ord. No. 20-37, § 1, 12-28-1973; Ord. of 10-2-1979, § 8; Ord. of 9-1-1981, § 3; Ord. of 12-18-1990, § 1; Ord. No. 09-023, 2-17-2009)

Sec. 110-632. Planting and approval; certificate of occupancy.

All greenbelt and planting areas shall be planted and approved prior to the issuance of any certificate of occupancy. A temporary certificate of occupancy due to incomplete plantings may be issued when it is demonstrated to the building official that sufficient progress has and is being made in the planting program and/or the season is not conducive to reasonable and acceptable planting conditions. The length of any such temporary certificate of occupancy shall provide for the earliest reasonable completion, but shall not exceed eight months.

(Ord. of 11-1-1967, § 15.16; Ord. No. 20-37, § 1, 12-28-1973; Ord. of 10-2-1979, § 8; Ord. of 9-1-1981, § 3; Ord. of 12-18-1990, § 1)

Sec. 110-633. Quality of materials; replacement.

Developers shall utilize healthy and vigorous planting materials and adhere to all appropriate standards of handling, installation, watering and maintenance. To ensure compliance with these requirements, the financial guarantees shall extend through the next full growing season. Any dead or unhealthy planting materials shall be replaced promptly in accordance with all appropriate standards. As a further safeguard, the building official may retain up to 90 percent of any financial guarantee throughout the guarantee period.

(Ord. of 11-1-1967, § 15.16; Ord. No. 20-37, § 1, 12-28-1973; Ord. of 10-2-1979, § 8; Ord. of 9-1-1981, § 3; Ord. of 12-18-1990, § 1)

Secs. 110-634—110-650. Reserved.

DIVISION 5. SPECIAL USE PERMITS

Sec. 110-651. Intent of division.

The intent of this division is to set forth the basic and specialized review process and requirements necessary to evaluate and control certain uses within the city, hereby declared to be special uses; and further to determine which uses are any other reasonable requirements which will provide for their development and operation without adversely affecting the public health, safety and welfare of the city as a whole. Various land use activities are provided for in one or more zoning districts. The criteria for such allocations is based upon similarities in the nature of the uses and their relationship to other such uses and in turn their relationship to adjacent land uses and thoroughfares. The zoning districts are established to coordinate with and provide for effectuation of the master plan in a logical and desirable manner. Various existing and specialized uses whose operational characteristics and influences require special consideration if they are to be effectively and reasonably permitted in the city.

(Ord. of 11-1-1967, § 15.17.1; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 6-16-1987, § 2; Ord. of 8-16-1988, § 1)

Sec. 110-652. Filing and processing procedure generally.

The procedure and requirements for filing and processing special use permits are as follows:

- (1) Applications for special use permits shall be filed with the city clerk on a form provided by the city.
- (2) Each application shall be accompanied by a fee as established by resolution of the city council.
- (3) The application shall also include such information as required by section 110-741, site plan review.
- (4) The complete application shall be signed by the fee holder of the affected property.

(Ord. of 11-1-1967, §§ 15.17.2.1—15.17.2.4; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 6-16-1987, § 2; Ord. of 8-16-1988, § 1)

Sec. 110-653. Basic requirements for review of specified and nonspecified uses.

The following are basic requirements for reviewing various specified and nonspecified uses:

- (1) *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being primarily used after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 districts only. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the building inspector and the city engineer as to adequacy of drainage, lighting and other technical aspects.
 - b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares (120-foot right-of-way or greater), and shall not be available from any residential street.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential area or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- (2) *Wireless communication towers.* Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication and similar communication services and facilities, shall be permitted when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:
 - a. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields or any other radiation emitted from the facility and any potential hazards to humans, animals and/or any other materials or property in the area.
 - b. A written explanation of the design characteristics and ability of the structures and attendant facilities to withstand winds, ice and other naturally occurring address the potential for the tower or other mounting structure and/or antennas to topple over, or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided together with actual tower conditions experienced when any such facilities were damaged in other locales. Monopole (stealth or equivalent type) antennae structures shall be encouraged where such are technologically feasible. Monopoles or other stealth type structures, as opposed to web or lattice type towers,

are considered particularly desirable when locations in closer proximity to residential zoning districts are involved.

- c. In order to maximize the efficiency of providing such services while minimizing the impact of such facilities on the city, colocation of such facilities on a tower are strongly encouraged. An applicant shall furnish written documentation as to why a colocation, at another site, is not feasible and whether they have in fact contacted the owners of existing facilities to determine if colocation is possible. If the application represents a new tower/antennae facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:

- 1. Promptly respond to any requests for information from a potential co-user of their tower/antennae.
- 2. Negotiate in good faith and allow for leased, shared use of the facility when it is technically practical.
- 3. Make no more than reasonable charge for a shared use lease.

If the application involves colocation on a tower previously approved under a special use permit and the additional facilities conform with the original spirit, intent and requirements of the special use permit, the public hearing requirement may be waived and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant.

- d. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community-at-large. Furthermore, the location and improvement of facilities, as provided for in this subsection (2), shall also be subject to the following additional requirements:

- 1. Towers may be located in IRO, I-1 and I-2 industrial districts, provided that the location of such facilities does not represent a hazard to the use and/or development of other permitted uses on the site and in the area. Tower locations within a B-2 or B-3 district may be considered when they are located adjacent to an industrial zoning district or an unbuildable parcel of land such as a wetland or floodplain or are so located on the commercial site as to not adversely affect the commercial development area or any neighboring residential areas.
- 2. The tower may be located on a site with existing or other potential principal uses. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the city, and any such tower/antennae shall not exceed 150 feet in height above the average grade around the structure it's mounted upon.
- 3. Setback requirements will be determined in relation to the tower/antennae design and collapse data previously required in this division. Minimum setback requirements, unless otherwise provided for, are as follows:
 - i. When adjacent to nonresidential zoning districts, the setback shall not be less than the overall height of the tower/antennas; this setback requirement shall also apply to any accessory buildings. If the design and collapse data the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line, abutting a nonresidential zoning district, may be reduced to one-half the overall height of the tower. In no instance shall any tower facility be located within a front yard. Accessory

buildings shall be screened from the view of any public right-of-way by an obscuring greenbelt.

- ii. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas plus 50 feet; this setback shall also apply to all accessory buildings. If the tower design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line, abutting any residential district, may be reduced to the overall height of the tower/antennas. In no instance shall any tower be located within a front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and residential zoning district by an obscuring greenbelt.
 - iii. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created.
- e. All structures, buildings and required improvements shall comply with all other applicable codes and ordinances, and shall be continuously maintained in a safe, healthful and complying condition. The permit may include a requirement for periodic structural and safety inspections and reports as deemed necessary by the city council.
 - f. The applicant shall submit a letter agreeing that should any tower/antennae facility, approved under this section, cease to be used for its approved use, it shall be removed from the site within 180 days of such cessation. Removal of the tower/antennae and its accessory use facilities shall also include removing the top three feet of the caisson upon which the tower is located and covering the remaining portion with topsoil. The letter of agreement may include a financial guarantee, if deemed appropriate by the city council, to ensure removal of any or all of the facilities approved under the special use permit. Any such agreement, including any financial guarantee, shall be in a form acceptable to the city council. The financial guarantee may also include a provision for periodic adjustments, to the guarantee, to reflect changes in the Consumer Price Index or other similarly established and accepted price indexes.
- (3) *Outdoor parks; commercial use.* Commercial recreational uses of an outdoor park (i.e., baseball, softball, tennis, racquetball, motocross, skateboard, amusement, etc.) may be permitted in B-3 or I-1 or I-2 districts when it is found that:
- a. Access to the site is from a major thoroughfare.
 - b. The location of the facility will not adversely affect the development and/or utilization of the commercial or adjacent land use area.
 - c. Lighting is shielded to the property in question.
 - d. Noises generated by participants, equipment or traffic will be compatible with adjacent uses.
 - e. All parking will be located on the subject site and meet all ordinance requirements.
 - f. The hours of operation will be compatible with adjacent uses.
 - g. Necessary screening and/or transitional area will be provided where deemed necessary.
- (4) *Adult entertainment uses.*
- a. It has been demonstrated that the establishment of adult businesses in business districts, which are immediately adjacent to and which serve residential neighborhoods, has deleterious effects

on both business and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid the clustering of certain businesses, which, when located in close proximity to each other, tend to create a skid row atmosphere. However, such prohibition fails to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of adult bookstores, adult motion picture theaters, adult minimotion picture theaters, adult motion picture arcade, adult motel, adult massage parlor, adult model studio, adult sexual encounter center, and adult cabarets in a business district which is immediately adjacent to and which serves residential neighborhoods. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood. The planning commission and the city council should be guided by the expressed will of those businesses and residences which are immediately adjacent to the proposed location of and, therefore, most affected by the existence of any adult bookstore, adult motion picture, adult minimotion picture theater, adult cabaret, etc. For purposes of this section, the provisions of this subsection (4) shall control.

b. *Definitions.* The following words, terms and phrases, when used in this subsection (4), shall have the meanings ascribed to them in this subsection (4)b., except where the context clearly indicates a different meaning:

1. *Adult entertainment use.* Any use of land, whether vacant or combined with structures or vehicles thereon by which such property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "specified sexual activities" or "specified anatomical areas." Adult entertainment uses shall include, but not be limited to, the following:
 - i. An adult motion picture theater is an enclosed building with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - ii. An adult minimotion picture theater is an enclosed building with a capacity for less than 50 persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas."
 - iii. An adult motion picture arcade is any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
 - iv. An adult bookstore is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes or other printed or recorded material which has a significant portion of its content or exhibit matter or action depicting, describing or relating to "specified sexual activities" or "specified anatomical area" or an establishment with (substantial) segment or section devoted to the sale of display of such material.
 - v. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers,

exotic dancers, strippers or similar entertainers, where a significant portion of such performances show, depict or describe "specified sexual activities" or "specified anatomical areas."

- vi. An adult motel is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
 - vii. An adult massage parlor is any place where, for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of, or in connection with, "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."
 - viii. An adult model studio is any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are painted, sculptured, photographed or similarly depicted by persons paying such considerations or gratuities, except that this subsection shall not apply to any bona fide art school or similar educational institution.
 - ix. An adult sexual encounter center is any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
2. *Significant portion.* As used in the definitions in subsection 4(b) of this section, the phrase "significant portion" shall mean and include:
- i. Any one or more portions of the display having continuous duration in excess of five minutes;
 - ii. The aggregate of portions of the display having a duration equal to ten percent or more of the display; and/or
 - iii. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.
3. *Display.* As used in the definitions in subsection (4)b. of this section, the word "display" shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
4. *Specified sexual activities* shall mean:
- i. Human genitals in a state of sexual stimulation or arousal.
 - ii. Acts of human masturbation, sexual intercourse or sodomy.
 - iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. *Specified anatomical areas* shall mean:
- i. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; and

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- ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 6. *Regulated uses.* Those uses and activities which require licenses, approval or permits by city regulations.
 - c. *Dispersal regulations.*
 1. *Location.* No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 600 feet of any of the uses set forth below. Such distance shall be measured along the centerline of the street or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the listed uses in this subsection (4)c. nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed in this subsection (4)c.
 - i. All class C establishments licensed by the state liquor control commission.
 - ii. Pool or billiard halls.
 - iii. Coin-operated amusement centers.
 - iv. Teenage discos or dancehalls.
 - v. Ice or roller skating rinks.
 - vi. Pawnshops.
 - vii. Indoor or drive-in movie theaters.
 - viii. Any public park.
 - ix. Any church.
 - x. Any public or private school having a curriculum including kindergarten or any one or more of the grades, one through 12.
 - xi. Any other regulated uses as defined in this subsection (4).
 2. *Prohibited zone.* No adult entertainment use shall be located within 600 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point of the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary line of a zoned residential area.
 3. *Acceptable zones.* No adult entertainment use shall be located in any zoning district except a B-3 and I-1 district.
 4. *Freestanding building required.* All adult entertainment uses shall be contained in a freestanding building.
 5. *Display content.* No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This subsection shall apply to any display, decoration, sign, show window or other opening.

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- d. *Variance requirements.* In addition to all other requirements for the obtaining of a variance from the provisions of this subsection (4), as set forth in other portions of this chapter, the city council may waive the limiting regulations of this division if all of the following findings are made:
1. The proposed use will not be contrary to the public interest or injurious to the nearby properties, and that the spirit and intent of this chapter will be observed.
 2. The proposed use will not enlarge or encourage the development of a skid row area.
 3. The person seeking to establish the adult entertainment use shall include a petition which affirmatively demonstrates the approval of the proposed adult entertainment use by 50 percent of the persons owning or occupying premises within a radius of 600 feet of the proposed use. The petitioner shall attempt to contact all occupied premises within this radius, and must maintain a list of all addresses at which no contact was made. The circulator of the petition requesting a variance shall subscribe to a sworn affidavit attesting to the fact that the petition was circulated and that the circulator personally witnessed the signatures on the petition and that to the best of their knowledge such signatures were affixed to the petition by the person whose name appeared thereon. The city council shall not consider the requested waiver under the previous section until the petition shall have been filed and verified to the satisfaction of that council.
- (5) *Arcades.* Arcades which represent a principal use of a structure shall only be permitted in the B-3 general business district, subject to the following conditions:
- a. Any such use shall not be located closer than 100 feet to any residential district.
 - b. The site shall be so located as to abut a major thoroughfare, and all ingress and egress shall be directly from such major thoroughfare.
 - c. The location and hours of operation shall be such that the facility, together with its users, shall not adversely affect the development and utilization of adjacent and neighboring properties. Particular concern shall be given to adverse effects resulting from the congregation and/or loitering on the premises, including areas outside the building. The applicant, together with the owner of the building and site area, if other persons are involved, shall agree that all necessary measures shall be taken to avoid any adverse effects and that any problems relating to the arcade operation that persist for more than a total of 30 days will result in immediate revocation of the occupancy certificate for the arcade.
- (6) *Multiple-family mid-rise and/or senior housing facilities.* In order to establish some flexibility in meeting a changing market demand for housing facilities, it may be possible to grant an increase in height limitations and a variation in density when certain conditions and objectives can be met. Any deviation from established standards will be considered in the context of the development patterns and character of the area around the proposed project and those of the city as a whole. It is not the stated or implied intent of this section to provide for unwarranted conversions of existing multiple zoned or planned areas to greater heights and densities. Existing development standards within the R-M multiple residential zoning district provide for proper and reasonable development and use of these areas and the attendant needs of accessory parking and necessary open space. The simple fact that an increase in height and consequently, an increase in density may be achieved, is not the mandated purpose of this division. The purpose of this division is to permit an increase in height to accommodate mid-rise residential structures in such locations which are properly related to resident needs and services, to the needs and rights of adjacent land uses and the abilities of the city to properly service the proposed use. It is also the intent of this division to consider variations in height and/or densities for independent living units for senior when it is demonstrated that the functional impact will not adversely impact the area. It is not the intent of the latter provision to permit mid-rise structures in the

middle of a single-family area. To this end, the following conditions shall be considered in evaluating requests for special land use permits:

- a. The proposed site shall be approximately two acres or larger in size and of such configuration as to permit proper development of the site.
- b. The location shall be compatible with adjacent zoning patterns and/or proposed land uses as designated on the master plan.
- c. Vehicular access to the site shall be from a major thoroughfare. In the instance of senior citizen independent living units, access via a collector or local thoroughfare may be considered when it is demonstrated that the resulting traffic will not represent any increase in volumes and character or traffic over that than if the subject site were development for single-family usage. The intent of this latter provision is to accommodate small scale independent senior housing facilities and may involve permitting such a use in a one-family zoning district when conversion of a school or quasi-public building is involved. In the instance of a senior assisted living facility, access may be via a collector or local thoroughfare.
- d. An increase in height shall be related to the nature and character of the abutting areas as presently zoned and as designated on the master plan. It is intended that heights will be increased on those sites having access from a major thoroughfare and when the abutting uses are either primarily nonresidential in nature and/or are unbuildable in nature. Increases in height shall be limited to five stories. Increases in height shall also be related to factors of accessibility as provided on the site plan and the abilities of the city to service the proposed construction.
- e. The site plan will also be carefully considered with respect to safe and convenient traffic and pedestrian movements to and from the site and within the site. Landscaping will also be considered in terms of its complimenting the building, its site and adjacent areas. Site plans resulting in a primary concentration of landscaping in the front yard, with the balance of the site occupied by building and parking, without any provisions for planting islands and transition greenbelts, are not considered desirable.
- f. Setbacks shall be related to those set forth in section 110-511 for R-M multiple residential districts. A reduction in setback may be granted only when it can be determined that there are special conditions and/or unbuildable areas in adjacent areas which indicate that uses involved will not be adversely affected by a reduction in setback.
- g. Increases in density may be permitted for four and five story buildings when it can be determined that any increased impacts can be accommodated and served by the city. The upper density limits for four- and five-story buildings will be related to the following schedule of lot area per dwelling unit:

	Senior Citizen Occupancy (sq. ft.)	General Occupancy (sq. ft.)
1 bedroom	1,400	1,700
2 bedroom	1,700	2,200
3 bedroom	2,200	3,000

Density increases, however, will also be reviewed in terms of the provision and maintenance of proper parking, landscaping and circulation requirements. There shall be no increase in functional densities and adverse impacts affecting single-family areas. Increases from two to three stories shall not involve increases in density and may be permitted when it is demonstrated that such an increase is warranted

by reason of floodplains, wetlands and/or the preservation of other significant environmental or physical site features.

- (7) *Uses not otherwise specified.* Other uses which have not been specifically mentioned may be processed under a special use permit if they possess unique or innovative operational or development characteristics. Any such use must be processed and reviewed in accordance with the procedures and requirements set forth in this division.

(Ord. of 11-1-1967, § 15.17.2.5; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 6-16-1987, § 2; Ord. of 8-16-1988, § 1; Ord. of 4-1-1997, § 1; Ord. No. 19-102, 10-1-2019)

Sec. 110-654. Public hearing; notice; council decision on application; conditions.

- (a) Upon receipt of a complete application which involves a discretionary decision, notice shall be given to including all owners of record of property and occupants of structures, within a radius of 300 feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the latest assessment roll and published in a newspaper of general circulation in the City of Woodhaven. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit of spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
- (1) Describe the nature of the special land use request;
 - (2) Indicate the property which is the subject of the special land use request including the existing street addresses contained in that property;
 - (3) State when and where the special land use request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request;
 - (5) Indicate that a public hearing on the application may be requested by owners of record or occupants of structures within 300 feet of the property being considered for a special land use, regardless of whether the property or occupant is located within the city.
- (b) At the initiative of city council, or at the request of the applicant, a real property owner whose property is assessed within 300 feet of the property or an occupant of a structure, within a radius of 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the request for a special land use. Following the public hearing, the planning commission shall forward a copy of the application, the minutes of the public hearing, and the planning commission recommendation to the city council. The city council shall review and make final determination on the application. The city council shall also have the authority to grant variances from zoning standards which are determined to be consistent with the terms, spirit and intent of the special use permit application and conformance to proper principals of planning and zoning.
- (c) Reasonable conditions may be required in conjunction with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to

protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- (d) Prior to approving any application for a special use permit, the city council shall find adequate evidence that the proposed use:
- (1) Will be harmonious with and in accordance with the general objectives of the master plan.
 - (2) Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - (3) Will not be hazardous or disturbing to existing or future neighboring uses.
 - (4) Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (5) Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - (6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - (8) Will be consistent with the intent and purposes of this chapter.
 - (9) Will be in compliance with all other applicable codes and ordinances.
- (e) 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 bases of the decision of any conditions imposed. Further, it shall be noted that all approvals of special land use are tied to the specific property noted in the special land use application.

(Ord. of 11-1-1967, § 15.17.2.6; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 6-16-1987, § 2; Ord. of 8-16-1988, § 1; Ord. of 6-1-1999; Ord. No. 07-114, 9-4-2007; Ord. No. 12-002, 1-3-2012)

Sec. 110-655. Compliance with division provisions.

In order to ensure that the proposed use under a special use permit fulfills the requirements of this division:

- (1) The planning commission may recommend and the city council require such additional conditions and safeguards as deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct such condition is issued by the city council, shall be reason for immediate revocation of the permit. Additional time for correction of the cited violation may be allowed by the city council upon submission of proof of good and sufficient cause. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property which such special use permit is in effect. Accordingly, the special use permit shall be recorded with the county register of deeds. The special use

permit may also require that a specified percentage of authorized construction be completed within a stated time, as a condition to the issuance of the permit.

- (2) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council, after recommendation of the planning commission, that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with standards and requirements in effect at the time that the renewal is requested.
- (3) If a use of a site is permitted by a special use permit and such use becomes authorized by a rezoning of the affected site, then the special use permit may be terminated. Such termination may be initiated only after determination by the planning commission that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed, and with the development plan of the city.
- (4) No application for a special use permit which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the planning commission. Each reapplication will be treated as a new application.

(Ord. of 11-1-1967, § 15.17.2.7; Ord. No. 20-19, § 1, 3-20-1971; Ord. of 6-16-1987, § 2; Ord. of 8-16-1988, § 1)

Secs. 110-656—110-680. Reserved.

DIVISION 6. PERFORMANCE STANDARDS

Sec. 110-681. Generally.

No use otherwise allowed shall be permitted within any use district which does not conform to the standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area.

(Ord. of 11-1-1967, § 15.18)

Sec. 110-682. Smoke.

- (a) It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of Ringelmann Chart; provided, however, that the following exceptions shall be permitted: Smoke, the shade or appearance of which is equal to, but not darker than, No. 2 of the Ringelmann Chart for periods aggregating four minutes in any 30 minutes. The council may also approve excessive smoke emissions when associated with an essential firefighting training program.
- (b) Method of measurement. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbra scope readings of smoke densities may be used when correlated with the Ringelmann Chart.
- (c) All other airborne emissions shall, at a minimum, comply with the applicable federal and state standards.

(Ord. of 11-1-1967, § 15.19; Ord. No. 17-071, 6-6-2017)

Sec. 110-683. Dust, dirt and fly ash.

- (a) No person shall operate or cause to be operated, maintain or cause to be maintained any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
- (b) Method of measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. Such requirements shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

(Ord. of 11-1-1967, § 15.20)

Sec. 110-684. Storage.

In all business, office and industrial districts, the open storage of any equipment, vehicles and all materials shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall which may, depending upon the land usage, be required to be eight feet in height. In no instance shall such wall be less than four feet, six inches, measured from the surface of the adjacent building footing. In all residential districts, the storage of dismantled vehicles shall be within completely enclosed accessory structures. Open storage of trailer coaches may be permitted upon review and approval of the board of appeals. In granting approval, the board of appeals shall require storage in the rear yard and shall prohibit connection of utilities to the stored trailer, and further, shall prohibit occupancy of the trailer. The board of appeals may establish specific conditions in approving storage to ensure that public health, safety and welfare are maintained.

(Ord. of 11-1-1967, § 15.21; Ord. of 11-4-1986, § 2)

Sec. 110-685. Glare and radioactive materials.

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(Ord. of 11-1-1967, § 15.22)

Sec. 110-686. Fire and explosive hazards.

The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.).

(Ord. of 11-1-1967, § 15.23)

Cross reference(s)—Fire prevention and protection, ch. 46.

Sec. 110-687. Noise.

- (a) Noise shall not be emitted in excess of the sound pressure levels specified in the table below (other than ambient background noises produced by sources not under the control of this ordinance such as from street traffic. In residential areas the occasional noise of a lawn mower, snow blower, church bells, etc. or a construction project shall be excluded when such events are conducted at times and locations to minimize interference with neighboring properties). The noise source shall be measured at any point along the property line or within the property line of the receiving premises to determine compliance with this section.

Allowable Noise Levels (in dBA) with Time of Day Allowance

Time of day	Receiving premises	
	Residential district or use	Business or office district or use
7:00 a.m. to 10:00 p.m.	60	70
10:00 p.m. to 7:00 a.m.	50	60

Measurement of the sound shall be made with a sound level meter using an A-weighted scale, which conforms to specifications of the American National Standards Institute, or the sound levels shall be measured by an equivalent, accepted method employed by the acoustical engineering profession.

- (b) Objectionable noises, due to intermittence, high frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.
- (c) Sound amplifying equipment shall be so shielded, directed, and/or placed so as not to become a nuisance to adjacent uses. Outside sound-amplifying equipment shall be prohibited if in any instance the equipment is louder than the noise levels specified in subsection (a) above.

(Ord. of 11-1-1967, § 15.24; Ord. No. 06-068, 7-5-2006)

Sec. 110-688. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

(Ord. No. 17-071, § 2, 6-6-2017)

Sec. 110-689. Waste disposal.

All solid, liquid, and sanitary wastes shall be treated and disposed of in accordance with the standards of the City of Woodhaven, Wayne County, and the State of Michigan. Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

(Ord. No. 17-071, § 2, 6-6-2017)

Sec. 110-690. Electrical disturbance, electromagnetic, or radio frequency interferences.

No use shall:

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- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
 - (2) Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. No. 17-071, § 2, 6-6-2017)

Sec 110-691. Hazardous substances.

Use, storage and handling of hazardous substances; storage and disposal of solid, liquid and sanitary wastes shall comply with the following:

- (1) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the city through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (2) Any person, firm, corporation or other legal entity operating a business or conducting an activity shall disclose the use, storage or generation of hazardous substances, in conjunction with the following:
 - a. Upon submission of a site plan;
 - b. Upon any change of use or occupancy of a structure or premises; or
 - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (3) Prior to city approval of a business or activity which uses, stores, or generates hazardous substances, the site plan and manner of storage shall be reviewed by the city fire department. All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month shall comply with the following standards:
 - a. *Above-ground storage.*
 1. Hazardous substances shall be stored only in product-tight containers within locations approved by the building department and fire department.
 2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 3. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism through secondary containment. Secondary containment shall be sufficient to store the equivalent of the primary container plus an allowance for the expected accumulation of precipitation.
 4. Facilities for above-ground storage shall be screened from public view. Such screening shall be designed to ensure access by the fire department and permit the circulation of air around the storage facility.
 - b. *Underground storage.* State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

(Ord. No. 17-071, § 2, 6-6-2017)

Secs. 110-692—110-710. Reserved.

DIVISION 7. SIGNS

Sec. 110-711. Applicable conditions.

The following conditions shall apply to all signs erected and located in any use district:

- (1) Except for the following nature of signs, none shall be erected, installed, altered or relocated unless and until all necessary building and zoning permits have been issued by the building official and/or ordinance officer for any such sign(s). When a development is proposed that involves a new freestanding sign or a new freestanding sign on an existing development the request shall be reviewed and approved as set forth herein. The replacement of panels on a conforming sign or on a nonconforming sign or a new wall sign on an existing development may be approved by the building official and/or ordinance officer subject to the conditions subsequently set forth in this section. In issuing any such permits factors of design and construction related to appropriate building and zoning requirements and the general public safety shall also be considered.
 - (a) Freestanding signs that include the name of the resident, or residence. See sections 110-713 and 110-714.
 - (b) Real estate signs used for advertising land or buildings for rent, lease or sale and when located on the land or building intended to be rented, leased or sold. See sections 110-713 and 110-714.
 - (c) Political signs in R-1 and R-2 districts. See sections 110-713 and 110-714.
- (2) Maximum sign area shall mean all sign faces, surfaces and/or sides including supplemental signs e.g. ATM and Lotto signs. In addition, when viewing any side of a sign and the visible surface area of the sign frame together with the surface area of any support, decorative panels and other panels exceed 40 percent of the sign area(s) the excess area over the 40 percent shall be counted as sign area for the purpose of computing the permissible sign area.
- (3) No sign, except those established and maintained by the municipality, county, state or federal governments, shall be located in, project into, or overhang public right-of-way or dedicated public easement.
- (4) No sign otherwise permitted shall project above or beyond the maximum height limitation as provided for in sections 110-713 and 110-714, except that for a planned commercial or shopping center development involving five acres or more under one ownership.
- (5) All directional signs required for the purpose of orientation, when established by the municipality, county, state or federal government shall be permitted in all use districts.
- (6) Signs shall not be painted directly on the wall or roof of a building.
- (7) Non-accessory signs (billboards) shall be permitted only in I-2 industrial districts, as provided for in section 110-713 and 110-714, except that non-accessory signs pertaining to real estate development located within the municipality and designed to promote the sale of lots or homes within a subdivision located within the municipality may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the city.

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- (8) Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of persons on the adjacent highway or adjacent property owners and shall comply with all other requirements of the city.
 - (9) No signs or billboards shall be located in a manner that will obscure the vision of drivers using streets, access drives or otherwise conflict with any traffic control devices.
 - (10) All signs and billboards shall be maintained in a neat, orderly and safe condition.
 - (11) Signs painted on, or otherwise affixed to, trucks, trailers, or other vehicles shall be subject to the terms and conditions set forth in this division for portable signs unless the following conditions are met:
 - (a) The vehicle or trailer has a valid license.
 - (b) The vehicle or trailer is operable and usable for transportation, deliveries and/or service accessory to the principal on-site use it serves.
 - (c) The vehicle or trailer is moved from the site more than 50 percent of time during normal business hours.
 - (d) Any such truck and/or trailer parked on the site during non-business hours shall be located either in the rear yard, loading service area or side yard but only if obscured from view from a public thoroughfare.
 - (12) Replacement signs. When a sign is to be replaced, it shall thereafter conform to all requirements of this zoning ordinance. This shall not prevent the lawful continuance of non-conforming signs that were legally established prior to the current requirements of the zoning ordinance. The following provisions shall apply to replacement of panels and signs intended to replace nonconforming signs:
 - (a) The owner of a non-conforming sign may replace a panel or face of the sign in order to identify a new tenant, use or occupant or refurbish such sign as permitted in that zoning district provided the sign is not enlarged or otherwise made more non-conforming. Approval of replacement panels may be granted by the building official and/or ordinance officer, if they conform to building and safety requirements of the city. All signs located within the downtown development district shall be reviewed by the DDA for conformance with the CBD study and adopted design guidelines for the DDA and shall advise the city official, board, commission or council responsible for approving any such sign of its conformance or nonconformance with said guidelines.
 - (b) The replacement of a non-conforming sign or signs with a sign that conforms to the current requirements of the zoning ordinance may be approved by the building official and/or ordinance officer, following review by the DDA if the sign is located within the DDA district, without the need for formal planning commission review and approval.
 - (13) Lighting of signs. Lighting shall be decorative in nature, shielded and shall not interfere with pedestrians or drivers.

(Ord. of 11-1-1967, §§ 15.25(a), 15.25(b); Ord. No. 20-10, § 1, 2-20-1969; Ord. of 12-17-1974, §§ 1, 2, 6; Ord. of 10-18-1977, § 1; Ord. of 8-15-1989, § 3; Ord. of 8-15-2000; Ord. No. 06-069, 7-5-2006)

Sec. 110-712. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning:

Accessory sign means a sign which pertains to the principal use of the premises.

Advertising sign means a non-accessory sign and shall relate to a business, use or service not carried on the premises upon which the sign is placed.

Billboards mean a non-accessory sign.

Bulletin board or announcement sign means a business sign of the following nature:

- (1) Church name and service, school activities, etc.
- (2) A directory of offices, commercial or industrial activities, activities within a building or planned grouping of buildings.

Business sign means an accessory sign and shall relate to the business, activity or service conducted on the premises upon which the sign is placed.

Canopy sign means a sign attached to the underside of a permanent structure that essentially serves as a covered pedestrian walkway that is attached to a building and is in close proximity to the use it serves. Maximum display area of such a sign is one square foot for each one lineal foot the structure extends out from the building facade. The sign shall not project out beyond the edge of the structure it is mounted under nor shall be closer than two feet to any curb line. The maximum size of any such sign shall not exceed eight square feet. A minimum clearance of eight feet shall be provided between the bottom of the sign and the grade below.

Directional sign means a sign to direct vehicular or pedestrian traffic to parking areas, loading areas or portions of buildings and shall not be used for advertising purposes.

Electronic message center (EMC) is that portion of permitted sign that contains electronically programmed or controlled changeable information. Such information may include temperature and time, product prices, products, special events or activities taking place on the premises. All EMC's shall be subject to a public hearing by the planning commission.

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

Flashing or animated sign means a sign that intermittently reflects lights or has movement from an artificial or natural source or has movement that is of a flashing or scintillating nature or has varying intensities of illumination that may distract drivers or possible confusion with emergency vehicle warning lights.

Freestanding sign means a sign not attached to a building, subject to the conditions and requirements of this chapter where otherwise applicable, includes pylon, monument/ground and other freestanding signs.

Identification and nameplate sign means a sign stating the name of a person, firm or name of or description of, a certain permitted use.

Maximum size of sign means the area encircled within a continuous outer perimeter boundary encompassing all letters, logos, symbols, filigrees, frames, etc. or grouping of signs including supplemental signs e.g. ATM and Lotto; includes all solid and open surface areas and shall include all faces of a sign or signs. Excluded from this computation when viewing a sign face from its respective sides are any surface area(s) created by supporting uprights, columns, panels or other features where their aggregate surface areas is less than 40 percent of the sign area of the associated sign face. Street address numbers up to 12 inches in height are also excluded from area computations. Wall signs that are located on a panel or framed area that differentiates between the sign and the

surface upon which they are located shall include the panel or framed area in the size computation. Channel type letters mounted on a facade without any distinguishing background shall include the area encompassed within the perimeter boundary line drawn around the outer edges of the letters.

Monument sign is a freestanding sign attached to a base or structure having a permanent location on the ground and characterized by a lower sign height. Any such sign shall comply with the lower height restriction for such signs in the respective zoning districts.

Non-accessory sign means a sign that does not pertain to the principal use of the premises.

Political sign means a sign relating to the election of person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body.

Portable sign means a sign affixed to a vehicle or trailer, carried by a person or any other sign not permanently attached to the ground that permits it to be moved or transported.

Projecting (hanging) sign means a sign attached to a building or other structure and extending in whole or part, more than 18 inches beyond the surface of the portion of the building to which it is affixed. Such sign shall not extend over public property.

Pylon sign is a freestanding sign with a majority of the space between the sign and the grade being open in nature and thereby facilitating better visibility between vehicles and/or vehicles and pedestrians. The minimum required distance between the bottom of the sign and the ground that is to be primarily open is ten feet.

Real estate development signs mean a business sign relating to a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

Real estate sign means a sign placed upon a property advertising that particular property for sale, lease or rent.

Replacement sign means the lawful replacement of a sign panel within an existing sign or sign structure that does not increase the sign area or otherwise modify the size of the sign.

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

Temporary window sign means any paper, poster board, plastic film, cloth or similar material and its associated message sign, when permitted, that is designed to be placed on or behind a display window and be visible from outside a business building; such sign shall occupy not more than 25 percent of the window area.

Wall sign means a sign erected on or fastened against the wall or mansard of a building structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 18 inches beyond the surface of the building wall or mansard on which erected or fastened. Wall signs also include window signs whether permanent or temporary but exclude signs indicating hours or being open.

(Ord. of 11-1-1967, § 15.25(b); Ord. No. 20-10, § 1, 2-20-1969; Ord. of 12-17-1974, §§ 1, 2, 6; Ord. of 10-18-1977, § 1; Ord. of 8-15-1989, § 3; Ord. No. 06-069, 7-5-2006; Ord. No. 08-120, §§ 1, 2, 7-1-2008; Ord. No. 13-182, 12-3-2013)

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

Sec. 110-713. Requirements relative to height, area and type.

In addition to sections 110-711 and 110-712, the following requirements relative to height, area and types of signs apply as follows:

	R-1, R-2 One- Family	R-T Two- Family	R-M Multiple- Family	O-1 Office Building	B-1 Local Business	B-2 Community Business	B-3 General Business	CBD Central Business	IRO Ind/ Res/ Off	I-1 Indus- trial 1	I-2 Ind- trial 2
No accessory signs:											
Advertising	0	0	0	0	0	0	0	0	0	0	0
Billboard	0	0	0	0	0	0	0	0	0	0	(a)
Political	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Accessory signs:											
Business Signs	0	0	0	(c)	(c)	(d)	(d)	(e)	(d)	(d)	(f)
Directional	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)
Flashing	0	0	0	0	0	0	0	0	0	0	0
Electronic	(g)	(g)	(g)	(c)	(c)	(d)	(d)	(e)	(d)	(d)	0
I.D. Sign— One- and Two- Family	(i)	(i)	0	0	0	0	0	0	0	0	0
I.D. Sign — Multiple	0	0	(j)	0	0	0	0	0	0	0	0
Other Uses in Residential	(g)	(g)	(g)	0	0	0	0	0	0	0	0
Real estate	(k)	(k)	(k)	(k)	(k)	(k)	(k)	(k)	(k)	(k)	(k)
Real estate development	(l)	(l)	(l)	(l)	(l)	(l)	(l)	(l)	(l)	(l)	(l)
Residential entranceway	(m)	(m)	(m)	0	0	0	0	0	0	0	0
Special events	(n)	(n)	(n)	(n)	(n)	(n)	(n)	(n)	(n)	(n)	(n)
Structure type:											
Canopy	0	0	0	X	X	X	X	X	X	X	X
Free- standing	Pylon	X	X	X	X	X	X	X	X	X	X
	Monum.	X	X	X	X	X	X	X	X	X	X
Projecting	0	0	0	0	0	0	0	X	0	0	0
Wall	X	X	X	X	X	X	X	X	X	X	X

Legend:

(a) — Indicates applicable footnote

0 — Denotes type of structure not permitted

x — Denotes type of structure permitted

(Ord. of 11-1-1967, § 15.26 tablenotes; Ord. No. 20-10, § 1, 2-20-1969; Ord. of 12-7-1974, §§ 3—5; Ord. of 10-18-1977, § 2; Ord. of 10-7-1980; Ord. of 9-4-1984, §§ 3, 4; Ord. of 2-21-1989, § 1; Ord. of 8-15-1989, § 4; Ord. of 4-3-1990, § 1; Ord. No. 06-069, 7-5-2006; Ord. No. 08-120, § 3, 7-1-2008; Ord. No. 14-123, § 3, 12-2-2014)

Sec. 110-714. Footnotes to table of section 110-713.

- (a) *Non-accessory billboard signs.* Non-accessory billboard signs shall be permitted in the I-2 heavy industrial district only, but shall be spaced no closer than 1,000 feet between signs on the same side of the right-of-way. The maximum height of any sign shall not exceed 40 feet and shall be setback at least 75 feet from any property line except those abutting any residential district, in which case the setback shall be a minimum of at least 300 feet. The maximum size of any such sign with one sign surface is 500 square feet. Signs with dual sign surfaces shall not exceed 720 square feet, with no one side exceeding 360 square feet in sign area. Dual faced signs shall be constructed as one basic sign structure, having at least one edge of the sign surface in common with the other sign surface, the interior angle formed by a two-sided sign shall not exceed 30 degrees.

Electronic message centers are permitted subject to special use permits. Light output shall not be greater than reflected light from illuminated billboards. Programming shall not include scrolling or flashing lights.

- (b) *Political signs.* Political signs shall be subject to other applicable conditions and requirements of this section for an election called by a public body. Such signs shall not be located in, project into or overhang a public right-of-way or dedicated public easement and shall not exceed 16 square feet in all districts except I-1 or I-2 districts, in which such signs may be up to 200 square feet. Permits shall be required for all such political signs other than those erected in residential districts. All political signs erected must be erected by the landowner or with the written permission of the landowner. No such sign shall create any problem of visibility between vehicles and/or between pedestrians.

- (c) *B-1 and O-1 districts business signs.*

- (1) *Basic requirements.* Only monument signs are permitted and the size of such sign is related to the parcel frontage along an abutting major or secondary thoroughfare as designated on the city's master plan. The permitted size of a sign shall include all sign surfaces and shall include window signs unless otherwise excluded. The size of the sign shall also require that when a sign face is viewed from a particular side the surface area of any frame, pole, panel or other supporting structure(s) for the sign shall not exceed 40 percent of the visible sign area.
- (2) *Freestanding signs.* Monument signs shall be setback not less than 15 feet from any street right-of-way line. In situations where uses are served by a marginal access drive the sign shall be setback at least ten feet and so located as to provide proper sight distances between vehicles and pedestrians. The minimum setback to any abutting residential zoning district is 40 feet.

Unless otherwise provided for herein the maximum total size of all such sign surfaces shall not exceed one-half square foot for each lineal foot of lot frontage on a particular major or secondary thoroughfare. In no instance shall the size of said sign exceed 75 square feet. The maximum height of a monument sign above grade shall be eight feet.

Unless otherwise provided for herein a maximum of one monument sign shall be permitted per structure or planned grouping of structures. In the event that a use has frontage on two major and/or secondary thoroughfares and each such thoroughfare has at least 200 feet of frontage one such sign may be placed on each frontage.

- (3) *Wall signs.* Wall signs involve "primary" and "secondary" signs. A primary wall sign is oriented toward the public entrance(s) to a facility or to the facade that is most visible from a major or secondary thoroughfare without adversely affecting neighboring residential areas as determined by the building official. Once the permissible size of the primary sign is established it also becomes the basis determining the size of a secondary wall sign. The maximum size of all primary wall sign areas is related to a ratio of three-quarters square feet for each one lineal foot of facade adjacent to interior space occupied by said user. In the event a user does not have signage on a freestanding sign the ratio for

determining the sign size may be increased to one square foot for each one lineal foot of facade adjacent to interior space occupied by said user. However, a primary wall sign shall not exceed five percent coverage of the facade area involved in the calculation or 100 square feet whichever is less.

A secondary wall sign may be permitted subject to the following limitations. Any such sign shall be located on a facade that is at least 300 feet from any residential zoning district boundary. One secondary sign shall be permitted provided such sign shall not exceed 20 percent of the permissible primary wall sign area nor occupy more than two percent of the facade it is located upon or 30 square feet whichever is less.

When tenants share a common public entrance a common wall sign may be placed near this entrance. Each tenant is limited to three square feet of such signage with the aggregate size of the overall sign not exceeding 50 square feet.

Establishments serving food or beverages on the premise may place a daily menu display on the building wall near the door in a weatherproof case without product advertisements. The size of the case shall accommodate the menu provided to customers but shall not exceed two square feet.

- (4) *Electronic message center (EMC).* An electronic message center (EMC) may be permitted subject to approval under a special use permit. Conditions of such approval are the following:
- a. Size of the EMC is limited to 50 percent of the total sign surface it is a part of up to a maximum of 15 square feet;
 - b. Location of sign with respect to conflicts with safe traffic movements on neighboring roadways;
 - c. EMC's may be operated from 8.:00 a.m. to 10:00 p.m. only;
 - d. Frequency of message change shall be no more than once every 60 seconds;
 - e. There shall be no message change from dusk to 10:00 p.m.;
 - f. All EMC's shall include light sensors; and be capable of programming variable light output;
 - g. Light output shall be programmed to dim in response to ambient light;
 - h. Light output shall be dimmed to 30 percent after dusk;
 - i. Scrolling messages are not permitted;
 - j. EMC owners shall permit city, state, and federal governments to post messages in the event of an emergency;
 - k. Message copy shall not include flashing light.

(d) *B-2, B-3, IRO and I-1 signs.*

- (1) *Basic requirements.* The size of freestanding signs (pylon and monument) is related to the parcel frontage along an abutting major or secondary thoroughfare major and secondary thoroughfares are designated on the city's master plan. The permitted size of such sign shall include all sign surface areas and shall include window signs unless otherwise excluded. The permitted size of such signs shall also require that when a sign face is viewed from a particular side the aggregate amount of visible surface areas created by any frame, pole, decorative or other panels or other supporting members for the sign shall not exceed 40 percent of the sign face area.
- (2) *Freestanding signs.* Unless otherwise provided for herein a freestanding sign shall be setback not less than 15 feet from any street right-of-way line. In situation where uses are served by a marginal access drive a pylon sign shall be setback at least two feet toward the building from the service drive and monument type signs shall be setback at least ten feet and so located as to provide proper sight distances between vehicles and vehicles/pedestrians. The minimum setback to a property line abutting

a residential zoning district is 100 feet for a pylon sign and 40 feet to a monument sign. The minimum setback to an abutting nonresidential zoning district is 30 feet for a pylon sign and 20 feet for a monument sign.

Unless otherwise provided for herein the maximum size of all sign surfaces shall not exceed three-fourths of a square foot for each lineal foot of lot frontage on the abutting thoroughfare; maximum sign size is 150 square feet unless otherwise provided for herein. In instances where a development does not elect to use any pylon type signs a monument type sign(s) maybe increased by ten percent in size provided proper sight distances are observed in all traffic and/or traffic pedestrian areas. The maximum height of a pylon sign shall not exceed 20 feet or eight feet for a monument sign.

Unless otherwise provided for herein a maximum of one freestanding sign shall be permitted per structure or planned groupings of structures. An additional freestanding sign may be permitted for a second frontage when such a development has frontage on two major/secondary thoroughfares and each such area has at least 300 lineal feet of frontage. An additional freestanding sign may also be permitted, along a particular major or secondary thoroughfare, when such frontage exceeds 500 feet in length provided the aggregate size of such signs shall not exceed that permitted by the lineal frontage involved nor the maximum permitted sign size and that any such signs shall be spaced at least 200 feet apart and shall comply with all other setback requirements.

- (3) *Wall signs.* Wall signs involve "primary" and "secondary" wall signs. A "primary wall sign" is oriented toward the public entrance(s) to a facility or to a facade that is most visible from a major or secondary thoroughfare without adversely effecting neighboring residential area. Once the permissible size of the primary wall sign is established it also becomes the basis for determining the size of any "secondary wall sign(s)". The maximum size of all sign surfaces for a primary sign is related to a ratio of 1.5 square foot for each one lineal foot of facade adjacent to interior space occupied by said user up to a maximum to 250 square feet. In the event a user does not have any signage on a freestanding sign the ratio for determining size may be increased to 1.75 square feet for each one lineal foot of facade occupied by said user. If a use is setback over 100 feet from any major or secondary thoroughfare and it does not have more that four square feet of signage on a freestanding sign listing tenants in a planned development the ratio of 1.75 maybe used for determining wall sign sizing. However, a primary wall sign shall not exceed eight percent of the primary facade or 300 square feet whichever is less.

"Secondary wall signs" may be permitted up to three additional facades when deemed appropriate subject to the following limitations: Any such sign shall not exceed 25 percent of the permissible primary wall sign area and shall be located more than 200 feet to any residential zoning district boundary. Such secondary signs may be increased a square foot for each square foot the primary wall sign is less than permitted. However, no secondary sign shall be larger than the primary sign. Signs shall not occupy more than five percent of the facade it is located upon or 70 square feet, whichever is less.

When tenants share a common public entrance a common wall sign may be placed next to this entrance. Each tenant is limited to three square feet with the aggregate size of such a sign not exceeding 60 square feet.

Establishments providing food and beverages on the premises may place a daily menu display on the building wall near the door in a weatherproof case without product advertisements. The size of the case shall accommodate the menu provided to customers but shall not exceed two square feet.

- (4) *Electronic message center (EMC).* An EMC may be permitted subject to approval by the planning commission following a public hearing. Conditions of such approval are the following:
- a. Size of the EMC is limited to 50 percent of the total sign surface it is a part of up to a maximum of 38 square feet per side (e.g. 3'8" X 9' 11");

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- b. Location of sign with respect to conflicts with safe traffic movements on neighboring roadways;
 - c. Frequency of message change shall be no more than once every 30 seconds;
 - d. All EMC's shall include light sensors; and be capable of programming variable light output.
 - e. Light output shall be programmed to dim in response to ambient light;
 - f. Scrolling messages are not permitted;
 - g. EMC owners shall permit city, state, and federal governments to post messages in the event of an emergency;
 - h. Message copy shall not include flashing light.

(e) *CBD (central business district) signs.*

- (1) *Basic requirements.* The size of freestanding signs is related to the parcel frontage along an abutting major or secondary thoroughfare as designated on the city's master plan. The permitted size of such a sign shall include all sign surface areas and also requires that when a sign face is viewed from a particular side the aggregate amount of visible surface area created by any frame, pole, decorative panel or any other solid or filigreed surface area shall not exceed 40 percent of the visible sign face area. Window signs shall be included within the total permitted sign area, unless they are exempted by another provision herein.

It is understood that the basic intent of the central business district (CBD) zoning district is to create a vital business area assuming the role of a more traditional downtown shopping area. Toward that end the use of freestanding signs is discouraged; however, it is also recognized that a number of the existing businesses in this area have preexisting freestanding signs and the city requests that property owners consider modifications that would either eliminate or bring such signs into closer harmony with the design concepts proposed for the CBD district. It should be noted that the permitted signs in the CBD district are oriented to provide for a greater diversity of sign types, particularly when efforts are made to incorporate elements recommended in the DDA (downtown development authority) central business district study and its related design concepts.

The design of signs within this district shall seek to enhance architectural features of a building and the district. In this respect consideration shall be given to the size, shape, color, texture and lighting of signs in relation to the architecture of the building. Use of quality materials is required. Materials such as metal, stone, hard wood and brass plating are permitted. Exposed neon tubing may be used in conjunction with other types of materials to artistically emphasize the business name or logo. Back-lit, halo-lit illumination, or reverse channel letters with a halo illumination are highly encourage for lighting purposes. Transformers, raceways and other mechanical equipment for signs shall be hidden from public view.

Within the CBD zoning district any sign installation or modification, shall require planning commission approval prior to issuance of a building permit by the building official and/or ordinance officer.

- (2) *Freestanding signs.* The installation of new freestanding signs is strongly discouraged within the CBD district to minimize clutter and distractions to the overall environment of a downtown type area. In view of some existing development patterns it may be reasonable to provide for a freestanding sign to serve uses that are setback a substantial distance from the public roadways serving the site. In terms of any new signs they shall be of a monument nature and shall be predicated on a size that limits all sign surfaces to an aggregate total of not more than three-quarters of a square foot of signage for each lineal foot of lot frontage along a major/secondary thoroughfare as designated on the city's master plan. One such sign per structure or planned grouping of structures is permitted with a maximum of all freestanding sign surfaces on a sign not exceeding 150 square feet with a sign height not exceeding eight feet. In the event the site fronts on two major/secondary thoroughfares and the frontage on each

such street is 300 feet or more one such sign may be permitted on each such street. Freestanding signs must maintain the minimum corner clearance defined in section 110-744.

In the event the proposed sign activity involves the refacing of an existing sign the applicant and the city shall seek to achieve a compromise in size and/or design if the applicant presents a compelling case that the sign is a legal nonconforming use, is in proper structural condition and is essential to the reasonable use of the property. If a compromise arrangement cannot be reached then a public hearing under the basic terms and conditions of a special use permit, division 5 of this article shall be held to determine the individual merits of presentations by both parties.

- (3) *Wall signs.* Wall signs involve "primary" and "secondary" wall signs. A "primary wall sign" is oriented toward the public entrance(s) to a facility or to a facade that is most visible from a major or secondary thoroughfare without adversely affecting neighboring residential areas. Once the permissible size of the primary sign is established it also becomes the basis for determining the size of any "secondary wall sign(s)". The maximum size of a primary sign is related to ratio of 1.5 square feet for each one lineal foot of facade adjacent to interior space occupied by said user provided that the total sign area contained in all primary signs not exceed eight percent of the facade involved in the size determination or 250 square feet whichever is less primary signs include: wall, awning, canopy, marquee, projecting/hanging, window/door, plaque, permanent banners and restaurant menus. In situations where the city finds an applicant is developing an improvement plan that reflects comprehensive coordination with the design and development guidelines provided by The DDA development plan exclusions to the sign area limitations are permitted to be granted. Potential exclusions involve the following types of signs:
- a. Projecting (hanging) sign or permanent banner - An applicant may elect to utilize one of these two types of signs. Either sign shall be installed with at least eight feet of clearance between the bottom of the sign and the grade level below it and shall not overhang any public right-of-way. Such a sign(s) shall have 12 inches of clearance to the wall it is affixed to and shall not exceed five square feet in total sign area nor project more that 36 inches from the wall. Signs may only contain the business name and logo.
 - b. Canopy - Is applicable only when fixed canopy or covered walkway is provided at the front of the building. Such colors shall be coordinated and compatible with the awning and the rest of the building's facade. Sign lettering or logo shall comprise no more than 30 percent of the exterior surface of the awning or canopy. Backlit awnings/canopies are prohibited. Awnings should be projected over individual doors and windows, and shall not be continuous over the entire width of the facade. Awnings shall be mounted on wood or metal framing of the door or window, and not the wall surrounding the opening. Appropriate materials for awnings and canopies are matte finish canvas or similar fabrics, glass or metal.
 - c. Plaque - A small version of wall sign not extending outward more than two inches from the wall listing the name of the facility and placed close to the entrance doorway and not exceeding two square feet in area.
 - d. Restaurant menu - A weatherproof case where the daily menu may be exhibited without product advertisements and shall be placed on the building wall near the public entrance. The size shall accommodate the menu provided to diners at the table but shall not exceed two square feet in area
 - e. Permanent window signs - Permanent window signs shall not exceed 25 percent of the window area so that visibility into and out of the window is not obscured. Sign copy shall not exceed eight inches in height. Window sign copy shall be applied directly to the glazed area or hung inside the window there by concealing all mounting hardware and equipment.

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- f. For multiple store buildings where upper floors may be to leased to separate nonresidential users, 25 percent of the permitted wall sign area for the building will be allowed to these upper floor tenants.
 - g. Signs indicating the hours of operation and indicating whether the facility is open or closed are excluded from sign area limitations provided they are of a standard size and design and do not exceed four square feet in area.

"Secondary wall signs" may be permitted (up to three) additional facades provided the facades are oriented to public access points or are readily visible to the public thoroughfare providing primary access to the facility. Any such sign shall not exceed 25 percent of the permissible primary sign area and shall be located at least 200 feet from any residential district boundary. Such secondary signs may be increased a square foot for each square foot the primary wall sign is less than permitted. However, no secondary sign shall be larger than the primary sign. Such signs shall not occupy more than five percent of the facade it is located upon or 70 square feet whichever is less.

When tenants share a common public entrance a common wall sign may be placed next to this entrance. Each tenant is limited to two square feet with the aggregate size of sign not exceeding 60 square feet.

- (4) *Electronic message center (EMC)*. An electronic message center (EMC) may be permitted subject to approval by the Planning Commission following a public hearing. Conditions of such approval are the following:
 - a. Size of the EMC is limited to 50 percent of the total sign surface it is a part of up to a maximum of 38 square feet per side (e.g., 3'8" X 9' 11");
 - b. Location of sign with respect to conflicts with safe traffic movements on neighboring roadways;
 - c. Frequency of message change shall be no more than once every 30 seconds;
 - d. All EMC's shall include light sensors; and be capable of programming variable light output;
 - e. Light output shall be programmed to dim in response to ambient light;
 - f. Scrolling messages are not permitted;
 - g. EMC owners shall permit city, state, and federal governments to post messages in the event of an emergency;
 - h. Message copy shall not include flashing light.

(f) *I-2 signs.*

- (1) *Basic requirements.* The size of freestanding signs is related to the parcel frontage along any abutting major or secondary thoroughfare as designated on the city's master plan. The permitted size of such a sign shall include all sign surface areas and also required that when a sign face is viewed from a particular side the aggregate amount of visible surface area created by any frame, pole, decorative panel or any other solid or filigreed surface area shall not exceed 40 percent of the visible sign face area. Unless otherwise excluded window signs are considered in size limitations on wall signs. Electronic message centers and flashing signs are not permitted. (I-2 signs are intended to identify the business and not for advertisement).
- (2) *Freestanding signs.* Freestanding signs shall be setback not less than 15 feet from any street right-of-way line. In situations where uses are served by a marginal access drive a pylon sign shall be setback at least two feet toward the building from the service drive and monument type signs shall be setback at least ten feet and so located as to provide proper sight distance between vehicles and vehicles/pedestrians.. The minimum setback to a residential district zoning district line is at least 100

feet for a pylon sign and 50 feet for a monument sign. The minimum setback to an abutting nonresidential zoning district is 40 feet for a pylon sign and 20 feet for a monument sign.

Unless otherwise provided for herein the maximum size of all sign surfaces shall not exceed three-fourths square feet for each lineal foot of lot frontage along a particular major, secondary or internal industrial drive. The maximum size of such a sign shall not exceed 150 square feet. The height of a pylon size shall not exceed 20 feet or eight feet for a monument sign.

Unless otherwise provided for herein a maximum of one freestanding sign shall be permitted per structure or planned group of structures. In the event that a use has frontage on two major/secondary thoroughfares or internal industrial drive and each such roadway has a frontage of at least 300 feet, one such sign may be placed along each such frontage and shall be subject to the above ratios of sign area per lineal footage of frontage.

- (3) *Wall signs.* Wall signs involve "primary" and "secondary" signs. A "primary wall sign" is oriented toward the public entrance(s) to a facility or to a facade that is most visible from a major or secondary thoroughfare without adversely effecting neighboring residential areas. Once the permissible size of the primary wall sign is established it also becomes the basis for determine the size of any "secondary wall sign(s)". The maximum size of a primary is related to a ratio of one and one-half square feet for each one lineal foot of facade adjacent to interior space occupied by said user. In the event a use does not have any signage on a freestanding sign the ratio for determining sign size may be increased to one and three-quarters square feet. If a use is setback over 100 feet from any major/secondary thoroughfare or internal industrial drive and does not have more than four square feet of signage on a pylon or monument sign listing tenants in a development the ratio for determining sign size may also be increased to one and three-quarters. However, a primary wall sign shall not exceed eight percent of the primary facade or 250 square feet whichever is less.

Up to three secondary wall sign may be permitted when deemed appropriate subject to the following limitations: any such sign shall be located on a facade that is at least 300 feet from any residential zoning district line. Such secondary signs may be increased a square foot for each square foot the primary wall sign is less than permitted. However, no secondary sign shall be larger than the primary sign and it does not exceed 25 percent of the permissible primary wall sign area or exceed five percent of the facade it is located upon or 70 square feet whichever is less.

When tenants share a common public entrance a common wall sign may be placed near this entrance. Each tenant is limited to four square feet with the aggregate size of the sign not exceeding 80 square feet.

(g) *Nonresidential uses in residential districts.*

- (1) *Basic requirements (nonresidential uses).* In any residential districts, such signs shall be restricted to such uses as are permitted and regulated.
- (2) *Freestanding signs.* One freestanding accessory sign shall be permitted in a required yard, provided that it is located no closer than 15 feet to: any existing or proposed right-of-way line (whichever is greater) or driveway offering access to the site. Furthermore, any such sign shall be located at least 50 feet to residential zoning district boundary and 15 feet to any exterior property line abutting any nonresidential zoning district. The maximum area of any such sign shall not exceed one-quarter square feet for each lineal foot of lot frontage on a major or secondary thoroughfare as designated on the city's master plan and shall not exceed a total of 32 square feet for all sign surfaces. The height of the sing shall not exceed a total of 32 square feet for all sign surfaces. The master plan and shall not exceed a total of 32 square feet for all sign surfaces. The height of the sign shall not exceed six feet above the average established grade within 50 feet of the sign.

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- (3) *Wall signs.* One wall sign facing the frontage access street shall be permitted provided it does not exceed ten percent of the façade upon which it is located or 30 square feet whichever is less.
- (4) *Electronic message center (EMC).* An electronic message center (EMC) may be permitted subject to approval by the planning commission following a public hearing. Conditions of such approval are the following:
- a. Size of the EMC is limited to 50 percent of the total sign surface it is a part of up to a maximum of 15 square feet;
 - b. Location of sign with respect to conflicts with safe traffic movements on neighboring roadways;
 - c. EMCs may be operated from 8:00 a.m. to 10:00 p.m. only;
 - d. Frequency of message change shall be no more than once every 30 seconds;
 - e. There shall be no message change from dusk to 10:00 p.m.
 - f. All EMC's shall include light sensors; and be capable of programming variable light output;
 - g. Light output shall be programmed to dim in response to ambient light;
 - h. Light output shall be dimmed to 30 percent after dusk;
 - i. Scrolling messages are not permitted;
 - j. EMC owners shall permit city, state, and federal governments to post messages in the event of an emergency;
 - k. Message copy shall not include flashing light.
- (h) *Directional signs.* On-site directional signs for other than residential uses are permitted behind the minimum front yard setback line excluding such a sign at the access drive point provided it is located at least 15 feet from the right-of-way one. Any such sign shall be limited to not more than four feet in height and four square feet in area and shall not contain any advertising and shall be used to direct traffic to parking areas, loading areas or portion of the building. In the event directional type signs are used to create guides or information stations along a pedestrian trail all such signs shall seek to follow the size and placement guidelines as closely as possible but shall also convey all necessary information in a manner that does not create any unsafe traffic or pedestrian conditions.
- (i) *Residential identification signs—One- and two-family.* Unless otherwise provided for herein a dwelling shall be limited to its house numbers and an identification nameplate not exceeding two square feet in area.
- (j) *Identification sign—Multiple developments.* A freestanding sign identifying a multiple-family development is governed by the standards set forth in footnote (h).
- (k) *Real estate sales signs.* Signs used for advertising individual land and/or buildings for sale, rent and/or lease shall be permitted when located on the land or building intended to be sold, rented and/or leased. Such signs shall not exceed eight square feet in area.
- (l) *Real estate development signs.*
- (1) *Basic requirements.* Real estate development signs pertaining to the promotion of sales and/or rental of new development projects are permitted as both accessory and non-accessory signs. Such signs may be permitted on a temporary basis to facilitate such sales and/or rentals and shall require an approved building permit from the building official that states the conditions and time period during which the permit is valid. Approved signs may be erected approximately 60 days prior to anticipate construction and shall be removed within 14 days of the selling or leasing of the last unit(s). Temporary sign permits shall not initially exceed 18 months in duration any may be considered for renewal on up to 12 month extensions. In the instance where multiple signs are involved on larger projects the process of renewal

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- shall consider the reasonableness of reducing the number of signs to avoid site clutter, interference with occupied units and/or sight restrictions.
- (2) *Residential developments.* Residential development signage shall be related to the scale of the development and the type of street the project fronts on. Along a major or secondary thoroughfare, the aggregate size of signs shall not exceed one-quarter-square-foot of signage for each lineal foot of frontage: no one sign surface shall contain more than 24 square feet or an aggregate total of over 100 square feet along any such frontage. Unless it is demonstrated to the building official that adverse conditions would be created such signs shall be setback at least 15 feet from the right-of-way; setbacks of 50 feet shall be observed to any adjacent nonresidential zoning district and not less than 100 feet to any residential district. A distance of at least 300 feet shall be provided between any such signs.
 - (3) *Nonresidential developments.* In the case of nonresidential types of development, the ratio of signage per front foot may be increased to one-half-square-foot per lineal foot of frontage. The maximum size of any sign surface shall not exceed 32 square feet or an aggregate sign area total of 128 square feet along any one particular thoroughfare.
 - (4) *Off-site signs.* Off-site signs relating to any such development shall not be located on subdivided or developed residential properties or minor residential streets unless it can be demonstrated that such a sign is essential to directing people to the development project and written permission is obtained from the property owner(s). The placement of off-site signs in a nonresidential zoning district shall require frontage on a major thoroughfare and any sign surface shall not exceed 32 square feet nor shall all such signs exceed a total signage area of 64 square feet. The number of off-site signs pertaining to a development project area shall be kept to a minimum and shall not exceed three such signs under any circumstances.
- (m) *Entranceway structure signs.* When an entranceway structure is proposed in conjunction with section 110-743 a sign may be placed on such a structure indicating the name of the development subject to the following limitations: no advertising is permitted on the sign; the sign shall not extend above or beyond the structure. The maximum size of a sign is 32 square feet per structure and shall include all sign faces.
- (n) *Special event signs—Temporary signs.*
- (1) *Basic requirements.* Special event signs shall include those permitted for grand openings and/or special promotion events. The building official shall be responsible for issuing such permits. All such temporary signs and/or devices shall be anchored, mounted or otherwise secured in a manner that will avoid creating danger to the public, distraction to drivers, dangerous traffic movement or create inappropriate stress on components or electrical services that represent a potential hazard to the structures and/or public. Unless otherwise specifically provided for inflatable devices are not considered as appropriate temporary sign devices and shall not be permitted.
 - (2) *Grand openings.* For a grand opening involving a new business activity or a change in ownership additional signage utilizing two of the following options will be considered: a temporary sign banner stating "grand opening", a portable sign or pennants (festoons). A temporary banner shall conform to the size limitation of the primary permitted wall sign. A portable sign whether trailer or ground mounted shall not exceed 100 square feet of total sign surfaces. The location of such signs shall observe, as closely as possible, the 15-foot setback from public street rights-of-ways and shall not create sight distance problems between vehicular movements or between vehicles and pedestrians. A string of pennants (flag) with a length not exceeding two lineal feet for each lineal foot of principal building faced with direct public visibility. The maximum aggregate length of all such strings shall not exceed 200 feet nor contain pennants with area exceeding one-half-square-foot per lineal foot of string. In the case of a vehicular or similar type of dealer individual pennants or balloon may be mounted to vehicles provided the pennants or balloons not exceed one square foot of pennant or balloon per two feet of permissible string length. Balloons and/or other inflatable devices shall be

specifically limited to those of a smaller nature, approximately 14 inches in diameter or smaller. The authorization of special event signage as set forth above shall only be permitted for not more than 15 days during any 12 consecutive months.

- (3) *Sales promotion events.* In the case of a planned shopping center or grouping of buildings special event signage shall not involve more than 15 consecutive days at one time and the aggregate number of days for any such displays shall not exceed 60 days in any 12 consecutive months.
- (4) *Residential area events.* Special event signs may be permitted in residential areas when accessory to "permitted uses" in said areas. Signs shall be located on the premises involved and shall be limited to non-profit organizations. Permits for such activities shall not be issued for more than 15 days at a time nor more than 60 days during any 12 consecutive months. The location of such signs shall observe the 15-foot setback from public street rights-of-ways as closely as possible and shall not create sight distance problems between vehicles or between vehicles and pedestrians. All such temporary signs and/or devices shall be anchored, mounted or otherwise secured in a manner that will avoid creating dangers to the public, distractions to drivers and/or create inappropriate stresses on building components or any electrical services that may result in danger to the public.
- (5) *Municipal events.* Municipal signs pertaining to public event activities, serving the city, may be placed in strategic locations as public notices.

(Ord. of 11-1-1967, § 15.26 footnotes; Ord. No. 20-10, § 1, 2-20-1969; Ord. of 12-7-1974, §§ 3—5; Ord. of 10-18-1977, § 2; Ord. of 10-7-1980; Ord. of 9-4-1984, §§ 3, 4; Ord. of 2-21-1989, § 1; Ord. of 8-15-1989, § 4; Ord. of 4-3-1990, § 1; Ord. No. 06-069, 7-5-2006; Ord. No. 08-120, §§ 4—13, 7-1-2008; Ord. No. 11-097, §§ 1—3, 7-19-2011; Ord. No. 14-008, 2-4-2014; Ord. No. 14-123, § 4, 12-2-2014)

Secs. 110-715—110-740. Reserved.

DIVISION 8. SITE PLAN REQUIREMENTS¹³

Sec. 110-741. Site plan review (all districts).

- (a) A pre-application conference is required prior to all major site plan applications to ensure that Woodhaven ordinances, policies, and guidelines are considered at the beginning of site design. Such conferences will include the planning consultant and representatives from all of the affected city departments. Formal pre-application conferences may be waived for minor and low impact applications by agreement of the planning consultant, building official, and planning commission chair.
- (b) A site plan shall be submitted to the planning commission for approval of:
 - (1) Any use or development for which the submission of a site plan is required by any provision of this chapter.
 - (2) Any development, except one-family residential, for which off-street parking areas are provided as required in section 110-602, off-street parking requirements.
 - (3) Any use in OFA, R-M, B-1, B-2, B-3, O-1, I-1 or I-2 district lying contiguous to or across a street from a single-family residential district.

¹³Cross reference(s)—Buildings and building regulations, ch. 18.

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- (4) Any use which lies contiguous to a major thoroughfare.
 - (5) All residentially related uses permitted in one-family districts such as, but not limited to: churches, schools and public facilities.
- (c) Every site plan submitted to the planning commission shall contain such information and be in such form as the planning commission may prescribe in its rules and/or as set forth herein. Applicable data to be provided shall provide accurate and sufficient data for all buildings and/or structures that effect or involve factors of visibility, site circulation and safety and the reasonable review and analysis of any proposed buildings, structures or other improvements required as part of a proposed development. Such information may include but is not limited to such data as:
- (1) Floor plans and elevations of proposed buildings together with all other proposed accessory buildings and/or structures on an accurate composite site plan as set forth on the site plan check sheet.
 - (2) Adjacent zoning districts.
 - (3) Building setbacks together with the foot print of adjacent buildings/structures within 100 feet of the property boundaries.
 - (4) The location of all driveways on abutting properties and those on the opposite side of the street within 100 feet of the property boundaries or as projected across the right-of-way.
 - (5) A landscape plan indicating the location and type(s) of materials proposed together with the schedule of proposed planting materials. Wet lands must be identified and preserved or mitigated in accord with state and/or local requirements. A vegetation plan shall identify protected trees and ensure preservation or mitigation in accord with local requirements. A financial guarantee in the form of cash or certified funds for the minimum landscaping required by subsection 110-603(9) and the city commercial design guidelines "planting requirements" shall be provided prior to issuance of any building permit.
 - (6) Required schedules of floor areas, living units, off-street parking requirements, loading areas and landscaping.
 - (7) Details of proposed screening devices and dumpster enclosures.
 - (8) Site lighting plans including fixture details, locations and lighting levels over the site.
 - (9) Required site plan information shall be provided on sheets that are signed and sealed.
 - (10) Existing and proposed public and private sidewalks. Sidewalks shall be provided along all thoroughfares and extend into developments along all access roadways. Stop signs shall be included on both sides of all pedestrian crossings of parking lot roadways. Such crossings shall be identified by painted lines perpendicular to the roadway.
 - (11) With the exception of permissible replacement signs as set forth in section 110-711 the location of any new freestanding or wall sign with all necessary supporting documentation shall be submitted for site plan approval.
 - (12) The location of any surface or underground stormwater detention areas.
 - (13) A traffic assessment for all developments expected to generate 500 to 749 one-directional trips during an average day or 50 to 99 trips one-directional trips during the peak hour. A traffic assessment would include the following:
 - a. Trip generation analysis based on the anticipated peak hour trips according to the latest edition of Trip Generation published by the Institute Transportation Engineers;

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- b. A description of the site, surroundings, and study area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.);
 - c. Description of proposed use including number and type of dwelling units, floor area, and number of employees;
 - d. Description of existing traffic conditions including peak-hour traffic volumes on streets adjacent to the site, roadway characteristics, and all existing driveways;
 - e. Projected traffic generated shall be distributed on to the existing street network to project turning movements at site access points and at nearby intersections. Projected turning movements shall be illustrated in the report.
 - f. Access design and access management standards that support the proposed driveways will provide safe and efficient traffic operation and be in accordance with the standards of the city and applicable road agencies;
 - g. Service drives, interconnected parking, appropriate curb cut spacing and shared driveway curb cuts are encouraged.
- (14) A full traffic impact study (TIS) for all developments expected to generate 750 or more one-directional trips during an average day or 100 or more one-directional trips during the peak hour. A TIS would include the information required for a traffic assessment outlined above, as well as the following:
- a. A level of service or capacity analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.
 - b. A level of service or capacity analysis at off-site intersections where forecasted site-generated traffic would constitute at least five percent of existing traffic unless specifically waived in advance by the city or its designated consultant.
 - c. The study should outline mitigation measures and demonstrate any changes to the level of service achieved by these measures.

No site plan shall be approved until such plan has been reviewed by the planning commission for compliance with all applicable ordinances and regulations of the city. Any use which handles materials regulated by state or federal agencies, due to their hazardous nature, shall file all required information with the city fire department as prescribed by law. In any situation where a proposed development involves a site which has been occupied or is believed to be effected by an activity involving materials which are regulated by the federal or state governments, due to their hazardous nature, an environmental site assessment phase I will be required to be filed with the site plan. This assessment shall be prepared by experienced and qualified professionals. Should the phase I report or any subsequent required report indicate any site contamination, improvement of any portion of the site adversely impacted or effected by the contamination shall be delayed until the applicant can furnish proof that the problem is corrected or that a mitigation plan has been approved by MDEQ, or other regulating agency, and that such due care plan is satisfactorily underway and the proposed site improvements will not adversely effect the mitigation operation.

- (15) Acceleration and deceleration lanes shall be included at entrances to large developments that will significantly impact traffic conditions.
- (d) In the process of reviewing the site plan, the planning commission shall consider:
- (1) One-family residential development on the basis of a subdivision.
 - (2) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.

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- (3) The traffic circulation features within the site and location of automobile parking areas, and shall make such requirements with respect to any matters as will ensure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including perimeter and interior sidewalks for pedestrian traffic except when the planning commission shall find no necessity for such sidewalks.
 - b. Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. Adequate and efficient movements of handicapped persons, emergency vehicles and other vehicles necessary to service the site.
 - (4) In order to achieve desirable circulation and development, the planning commission may recommend and the council may require the dedication of public right-of-way through the site area to any site plan approval.
 - (5) The planning commission may further require landscaping, fences and walls in pursuance of these objectives and the landscaping fences and walls shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - (6) In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares and/or creating other traffic, and/or land use transitional problems, they may require marginal access streets as defined in the city's subdivision chapter (chapter 58 of this Code) or marginal access drives as defined in this chapter, as follows:
 - a. In approving the site plan, the planning commission may recommend marginal access drives or marginal access streets. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money be placed in escrow with the city so as to provide for such streets or drives equal in length to the frontage of the property involved. Marginal access streets and drives shall be so designed and arranged as to promote efficient and safe traffic and turning movements. Sufficient separation shall be provided between any public roadways and/or drives to provide a proper turning radius which will seek to minimize any interruptions in traffic flow in either traffic way. A marginal access drive shall have a minimum pavement width of 22 feet, back-of-curb to back-of-curb. Landscaping adjacent to marginal access drives or streets shall not obscure the visibility of vehicular and/or pedestrian traffic and freestanding signs between such streets or drives and major or secondary thoroughfares shall not be permitted.
 - b. The planning commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the planning commission shall require side lot or rear lot relationships to major thoroughfares.
 - c. Drives shared by more than one site shall be required where possible. Cross access easements to facilitate vehicular and pedestrian traffic movement between sites served by shared drives shall be a condition of site plan approval where applicable.
 - (7) All site plan approvals granted by the planning commission, pursuant to the requirements of this section, shall be valid for a period of one year from the date of approval.
 - (8) That parking spaces are adequate for the proposed land use in accord with section 110-602 and meet all other requirements of division 3, Parking Regulations. (Building Code 2003) Chapter 11 - Accessibility and ICC ANSI 1998). Due to the regions higher than average number of assessable parking permits, the number of required assessable spaces should be 25 percent greater than the required minimum rounded to the next higher number of spaces. Consideration should be given to shared

parking where appropriate and supported by a professionally prepared shared parking study and approved by the city traffic analyst.

- (9) A planning commission finding of compatibility with the master plan shall be part of all special use permit, and flexible development, and rezoning approvals.
 - (10) For all major developments and rezoning requests, consider sewer capacity and the municipal cost of services as detailed in the Woodhaven Master Plan of 2006 Table A2-4 Cost revenue—Hierarchy of land use. Ensure that appropriate service providers find that existing services are adequate or that additional service infrastructures or mitigation is required.
 - (11) Commercial developments shall adhere to the Woodhaven Commercial Design Guidelines adopted on July 8, 2008 or the Central Business District Guidelines adopted on December 23, 2003.
- (e) When, in reviewing a site plan, the planning commission determines a special and/or unique problem exists which requires additional consideration, they shall schedule a public hearing to determine the appropriate requirements and improvements.
 - (f) Prior to the issuance of a building permit, the applicant shall file, or have filed, with the clerk a cash deposit or certified check. The city council may also accept, at their discretion, a guarantee furnished by a subcontractor or a lending institution when the municipality is listed as an interested body of such a guarantee. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, reclamation, etc. The guarantee shall include a schedule of costs assigned to the different improvements and shall properly reflect the size and scope of the project, current prevailing costs, and the cost of making such improvements. Monies may be released to the applicant in proportion to work on the different elements after inspection of work and approval of the building official and/or director of engineering. Any such partial release of funds shall be less ten percent (except as otherwise provided for the landscape guarantee) which shall be retained by the city until all work has been completed and subsequently inspected and approved by the building official and/or director of engineering. In instances where all improvements, as required in this section, are not completed and a temporary certificate of occupancy is requested, the estimated cost of such remaining improvements shall be reviewed and verified by the building official. Due consideration shall be given to any economic effects resulting from changing costs and/or extension into another construction season. If the estimated cost has changed, then a revised guarantee, acceptable to the city council, shall be filed with the city clerk covering such improvements.

(Ord. of 11-1-1967, § 15.27; Ord. No. 20-27, § 2, 2-1-1973; Ord. of 6-15-1976, § 1; Ord. of 8-16-1977, § 2; Ord. of 10-18-1977, §§ 3, 59, 60; Ord. of 10-2-1979, § 10; Ord. of 12-18-1990, § 1; Ord. of 8-4-1992, § 10; Ord. of 7-5-2005(2); Ord. No. 06-125, 12-5-2006; Ord. No. 08-129, 8-5-2008; Ord. No. 09-024, 2-17-2009; Ord. No. 14-009, 2-4-2014; Ord. No. 14-081, 7-15-2014; Ord. No. 14-123, § 5, 12-2-2014)

Sec. 110-742. Exterior lighting.

- (a) *Intent.* It is the intent of this section to regulate exterior lighting for such things as parking lots, buildings, and signs in a manner that establishes appropriate minimum levels of illumination, prevents unnecessary glare for drivers on adjacent thoroughfares, reduces spill-over onto adjacent residential properties and reduces unnecessary transmission of light into the night sky. This section is not intended to eliminate the need for an applicant to seek out professional assistance to determine appropriate lighting for the use and design proposed.

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- (b) *Exterior lighting for nonresidential uses.* Exterior lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination, but shall not result in excessive nighttime illumination. The following conditions shall apply to exterior lighting for all nonresidential uses:
- (1) Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the planning commission or the building inspector/zoning administrator, based upon a lighting plan submitted with the applicant's site plan.
 - (2) To control glare, all light fixtures shall have a cut-off angle of less than 90 degrees, except decorative pedestrian fixtures of 100 watts or less.
 - (3) Light fixtures shall be located at least five feet from any property line and shall be directed and shielded to cast light away from adjacent properties and streets. No direct light source shall be visible at the property line five feet above grade, and the maximum illumination levels at any property line shall not exceed 1½ footcandles.
 - (4) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
 - (5) Lamps with true color rendition are preferred, such as incandescent and metal halide lamps. The use of mercury vapor and low and high pressure sodium lamps are prohibited. However, the planning commission may permit the use of high pressure sodium lighting at the intersections of driveways with public streets when the average illumination level on the ground does not exceed six footcandles.
 - (6) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
 - (7) Maximum permitted fixture height:
 - a. Parking lot luminaries shall not exceed 20 feet when located in the interior and 16 feet when located around the perimeter of the parking area.
 - b. Unshielded pedestrian fixtures shall not exceed ten feet.
 - c. All building mounted light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located.
 - (8) Lighting used to accentuate an architectural element of a building may be appropriate in limited circumstances. Architectural lighting, if proposed, shall be accomplished through the use of full cut-off fixtures positioned to enhance an architectural feature while not permitting lighting above the roof-line. The use of bare bulb fixtures, strings of lights and the like are considered inappropriate lighting applications due to their uncontrolled light distribution. The planning commission may consider limited use of tube lighting and/or neon lighting if it is found to be complimentary to the design of a development and used only to enhance an architectural element of a building rather than an entire face of a building. Only "halo" lighting shall be approved for these applications, where the source of the light is not directly visible. The reduction and control of glare and light trespass will also be considered by the planning commission.
- (c) *Exterior lighting for residential uses.* Residential exterior lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination, but shall not result in excessive nighttime illumination. The following conditions shall apply to exterior lighting for all residential uses:
- (1) Light levels shall meet the minimum need for safety, security and illumination of the residence, as determined by the building inspector.

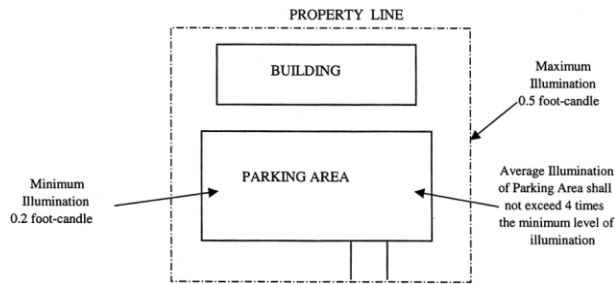
- (2) To control glare, all light fixtures shall have a cut-off angle of less than 90 degrees, except decorative pedestrian fixtures and wall-mounted lights of 100 watts or less.
- (3) Light fixtures shall be located at least five feet from any property line and shall be directed and shielded to cast light away from adjacent residential properties and streets. No direct light source shall be visible at the property line five feet above grade, and the maximum illumination levels at any property line shall not exceed one-half footcandle.
- (4) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
- (5) Maximum permitted fixture height:
 - a. Driveway and parking area luminaries shall not exceed 14 feet when located in the interior and ten feet when located around the perimeter of the residential parcel.
 - b. Unshielded pedestrian fixtures shall not exceed eight feet.
 - c. All other light fixtures shall be building-mounted so as not to exceed the maximum height limitation of the district.
- (d) *Exterior lighting levels in all districts.* The intensity of exterior lighting in all use districts shall be limited to the following minimum / maximum levels:

Minimum¹ Footcandle Amounts
for Various Land Uses

LAND USES ⁴			
	Illumination of:	Residential Uses (R-1, R-2, RT, MH)	Nonresidential uses
	Driveway, Parking and walkways	0.2min	0.2min
	Protective	0.2min	0.5min
	Building Entrances	0.5min	1.0min
Gas Station/Convenience Store	Loading Areas	N/A	0.2min
	Apron ²	N/A	0.2min
	Canopy ³	N/A	5.0min 30 max

Notes:

- ¹ The maximum allowable footcandle levels shall be governed by the 4:1 ratio of average to minimum illumination of the surface being lit, expressed as the average across the total area of the site or building being lighted, or directly beneath a canopy, divided by the minimum. The planning commission may modify these requirements where they determine it is necessary to protect nearby residences or driver visibility on adjacent roads.
- ² Apron areas are away from the gasoline pump island, used for parking or vehicle storage.
- ³ Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy.
- ⁴ The planning commission may require special conditions for properties adjacent to residential uses and districts.



(e) *Exemptions.* The following uses shall be exempt from the provisions of this section:

- (1) Roadway lighting required by the appropriate public agency for health, safety and welfare purposes;
- (2) Construction lighting approved by the building department as part of a building permit;
- (3) Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
- (4) Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
- (5) Other temporary lighting determined to be reasonable and appropriate by the City of Woodhaven.

(Ord. of 11-1-1967, § 15.28; Ord. of 9-21-2004(2))

Sec. 110-743. Entranceway structures.

When the planning commission determines that an entranceway structure shall be necessary and/or complimentary to the identification of a development, they shall utilize the following standards in reviewing and approving such a structure:

- (1) Any such structure shall be adjacent to a major or secondary thoroughfare and directly related to the points of ingress or egress from such thoroughfare.
- (2) Any such structure shall be set back at least 15 feet from any existing or planned right-of-way, whichever is greater, or any driveway surface offering ingress and/or egress to such development.
- (3) Any such entranceway structure shall not exceed six feet in height or 20 feet in length. One such structure may be permitted on either side of the approved major access points to the development. The approval of any structure within a private drive median shall only be approved after specific consideration of proper sight distances. The planning commission shall obtain the recommendation of the public service director prior to approving any entranceway structures which do not meet the setbacks required to a main building.
- (4) The approval of such a structure is further regulated by section 110-744, corner clearance, and the placement of any identification sign upon such a structure is also limited by section 110-713.

(Ord. of 11-1-1967, § 15.29; Ord. of 94-1984, § 1)

Sec. 110-744. Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way

lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Ord. of 11-1-1967, § 15.30)

Sec. 110-745. Walls and berms.

- (a) For use districts and uses listed in this section, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall or landscaped berm as required in this section. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

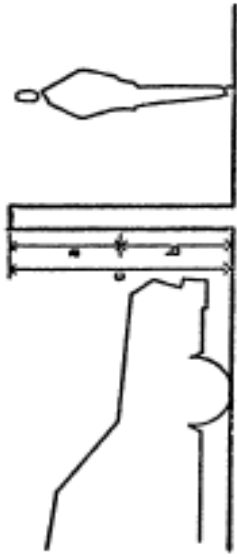
	Use	Height Requirements
(1)	Off-street parking area (other than vehicular parking district)	4 feet, 6 inches
(2)	O-1, B-1, B-2 and B-3 districts	4 feet, 6 inches
(3)	I-1 and I-2 districts, storage areas, loading and unloading areas and service areas	6 feet to 8 feet (Height shall provide most complete obscuring possible see sections 110-412 and 110-511)
(4)	Hospital-ambulance and delivery areas	6 feet
(5)	Utility buildings, stations and/or substations	6 feet

- (b) In the case of variable wall or berm height requirements such as in subsection (a)(4) of this section, the extent of obscuring wall or berm shall be determined by the planning commission on the basis of land usage. If the planning commission finds, after review, that a height greater than the minimum is desirable, then a public hearing shall be scheduled to determine the specific requirement. However, no wall or berm shall be greater than the required maximum height.
- (c) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (d) Required walls shall have no opening for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the planning commission. All walls required in this section shall be constructed of decorative face brick or comparable nonporous facing materials on the exterior sides facing a residential district, and shall be approved by the planning commission to be durable, weather resistant, rustproof and easily maintainable; and wood or wood products shall be specifically excluded. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the planning commission.
- (e) Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace or other means approved by the planning commission. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance. Berm slopes shall be protected from

erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition. A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material as set forth in division 4 of article V of this chapter.

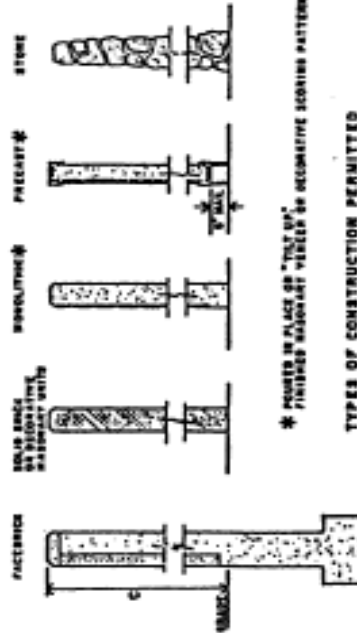
- (f) The planning commission, after public hearing, may waive or modify the requirements of this section where cause can be shown that no good would be served, provided that in no instance shall a required wall or berm be permitted to be less than four feet, six inches, in height. In consideration of request to waive wall or berm requirements between residential and nonresidential districts, the planning commission, after public hearing, shall determine whether or not the residential district is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines, the residential district to be future nonresidential area, the planning commission may temporarily waive wall or berm requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as described in this section for each subsequent waiver after a public hearing.

(Ord. of 11-1-1967, § 15.31; Ord. of 10-18-1977, § 76; Ord. of 10-2-1979, § 11; Ord. No. 14-123, § 6, 12-2-2014)



REINFORCED WALLS SHALL BE CONSTRUCTED OF FACE BRICK OR COMPARABLE NON-POROUS FACING MATERIALS ON THE EXTERIOR SIDE FACING THE RESIDENTIAL SIDE AND SHALL BE APPLIED BY THE FOLLOWING METHODS TO BE DURABLE, WEATHER RESISTANT, PESTPROOF, AND EASILY MAINTAINABLE. WOOD AND WOOD PRODUCTS SHALL BE SPECIFICALLY EXCLUDED.

ALSO, WALLS MAY BE CONSTRUCTED WITH OPENINGS WHICH DO NOT, IN ANY SECTION HEIGHT AND WIDTH EXCEED 50% OF THE SURFACE.

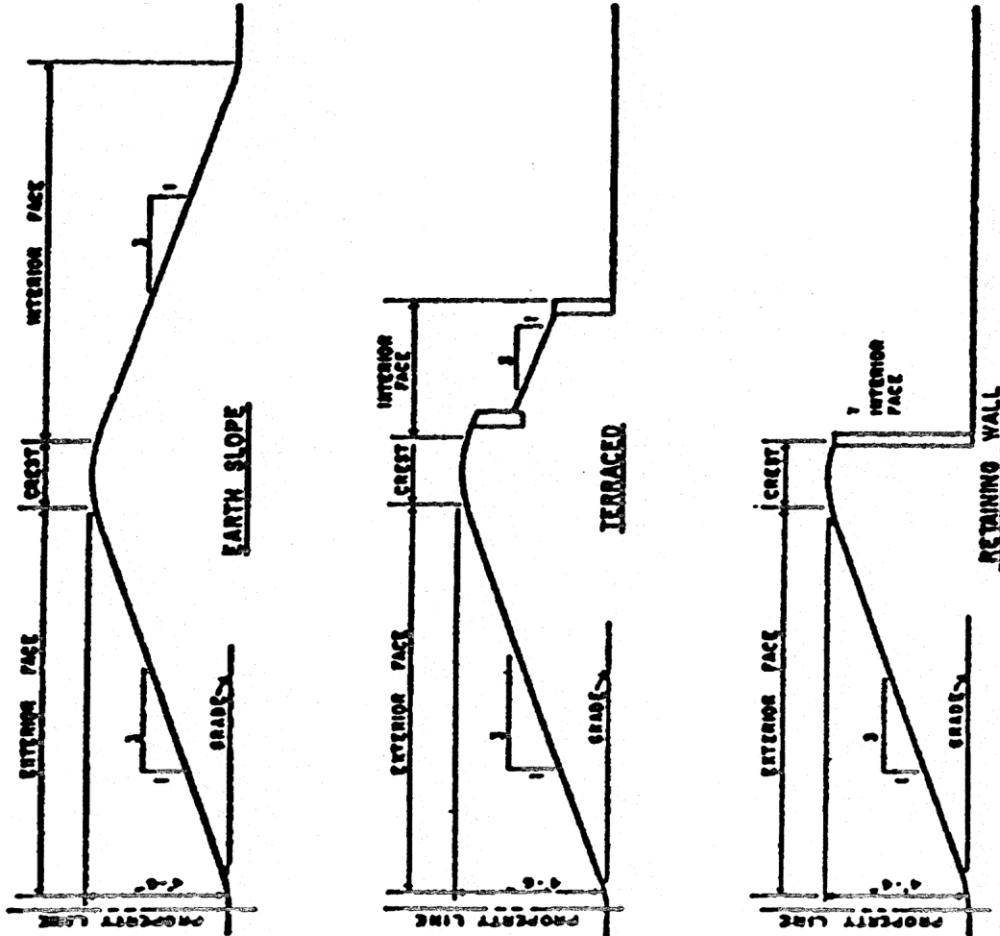


- a - MAY BE CONSTRUCTED WITH OPENINGS NOT TO EXCEED 50% OF THE WALL SURFACE.
- b - TOTAL DRIVING EFFECT SECURED TO HEIGHT 3'.
- c - TOTAL HEIGHT SECURED VARIES BETWEEN 4' AND 8'.

* FINISHED IN PLACE OR "TIE UP" FINISHED AGAINST VEHICLE OR RESIDENTIAL SIDE.

TYPES OF CONSTRUCTION PERMITTED

WALLS TRANSITION DETAILS



BERM

**BERM ILLUSTRATIONS
TRANSITION DETAILS**

Sec. 110-746. Moving of buildings.

No building, in whole or semicomplete form, or any portion of a building, which has been wholly or partially erected on any premises located outside the municipality shall be placed on any premises within the municipality. Furthermore, no structure which has been wholly or partially erected on any premises located outside the municipality shall be placed on any premises within the municipality without the approval of the council based upon inspection by the building official of the city.

(Ord. of 11-1-1967, § 15.32; Ord. No. 20-3, § 1, 7-15-1968; Ord. No. 20-22, § 1, 5-25-1971)

Sec. 110-747. Fences (residential).

Fences are permitted or required, subject to the following:

- (1) Fences in all residential districts that are located within side and/or rear yards shall not exceed six feet, three inches in height. Fences located in front yards shall be limited to decorative types that are constructed for limited landscape effects only and shall not be used for enclosure. Decorative fences may include those of a split rail, picket or other durable manufactured nature that do not exceed 24 inches in height. The forgoing height limitations exclude any required railings on permitted porches and/or barrier free ramps.
- (2) The height of fences shall be measured from the average grade of the lot within 50 feet of any point of the fence and shall not be increased by berms or other artificial features that would elevate the fence. Decorative caps on fence posts may be permitted provided such caps do not exceed eight inches for fences or four to six feet in height and a proportional height for fences of a lesser height. The use of decorative caps shall be limited to those line and corner posts used in the installation of standardized fence panels and shall not involve a subterfuge to increase the permitted fence height.
- (3) In addition to the corner clearance requirements set forth in this ordinance, no fences, plantings or other improvements shall be constructed that will obstruct visibility between a driveway and a sidewalk or traffic way. Such minimum sight restrictions shall apply to a ten-foot triangle at the corners of a driveway as it intersects a sidewalk, street or alley. The ten-foot legs of the triangle shall extend away from any such intersection and no fence, wall, shrub, or tree shall obstruct vision between two and eight feet above the grade of the intersection.
- (4) In situations where a proposed fence is adjacent to an existing fence, the new fence shall be placed in such a manner as to permit convenient and proper maintenance of the intervening area with conventional lawn equipment. Any such area shall not be permitted to be occupied by weeds, debris or otherwise attract or harbor animals.
- (5) When a rear lot line of a home on a corner lot abuts the front yard of an adjacent lot, the fence shall be setback 25 feet from the side street line and for a distance of 25 feet from the lot line of the adjacent home.
- (6) Fences on lots of record shall not contain: electric current or charges, barbed wire, other sharp and/or any other hazardous material or projections, unless otherwise specifically proved for herein.
- (7) An approved zoning permit shall be obtained from the building inspector or ordinance officer prior to any fence erection, movement or alteration in accord with section 110-32.

(Ord. of 11-1-1967, § 15.33; Ord. No. 20-5, § 2, 9-3-1968; Ord. No. 20-30, § 1, 7-26-1973; Ord. of 5-17-1977, § 1; Ord. of 10-18-1977, §§ 61, 62; Ord. of 3-5-2002; Ord. No. 10-052, 2-16-2010)

Sec. 110-748. Fences and walls (nonresidential).

Fences or walls in all nonresidential districts are permitted or required, subject to the following:

- (1) Fences and walls in all office, business and industrial districts which enclose property and are located within side or rear yards as provided in section 110-474 shall not exceed the following heights:

Districts	Maximum height
O-1, B-1, B-2, B-3	4 feet, 6 inches
I-1, I-2	8 feet

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- (2) Fences or walls shall not be located in required front yards unless approved by the zoning board of appeals or when required as screening to adjacent residential property. In no instance shall a fence or wall be located in a required front yard so that it obscures the visibility of traffic at an intersection, as it enters or leaves the premises in question. When the use has a common frontage along any street with a residential district, the fence or wall shall have a setback of at least 25 feet.
 - (3) Fences shall not contain barbed wire, electric current or charges of electricity, unless approved by the zoning board of appeals as being needed for security purposes.
 - (4) All fences or walls shall comply with the requirements of the building code, city Ordinance No. 12 (chapter 18 of this Code), as it applies to installation and materials, and all other relevant laws and ordinances not in conflict with this section including, but not limited to, section 110-684 regarding walls and fences used for screening open storage.

(Ord. of 11-1-1967, § 15.34; Ord. No. 20-11, § 1, 10-1-1969)

Sec. 110-749. Building sites.

- (a) The building inspector, when receiving plans for new construction, shall review the proposed building and its conformance with applicable setback and accessory use requirements. This review shall also consider the size, shape and configuration of any vacant portion of the site which would be difficult or impossible to utilize and/or develop in subsequent expansion or development phases, the concern being that the approval of any proposed building plans not landlock a parcel of land and/or encourage a rezoning request which would be inconsistent with the master plan and reasonable standards of land use development. When such a situation is deemed to exist, the building inspector shall inform the planning commission and planner of such concerns when the proposed development involves a site plan requiring planning commission approval. The planning commission and planner shall consider any adverse effects which may be created and may require such modifications to the site plan as deemed necessary and reasonable to avoid and/or minimize such problems.
- (b) In the case of unplatted or other larger parcels of land which could accommodate additional development in the future, consideration shall be given to the placement of structures which would encourage rezonings or other variances when additional development is desired. The construction of dwellings across platted lot lines shall be avoided when the resulting building sites and/or dwellings exceed the average site and/or dwelling unit sizes within 300 feet of the proposed use. The concern being that such sites and/or dwellings (will or may) result in rezoning or variance requests which are inconsistent with existing or potential development in the area.

(Ord. of 11-1-1967, § 15.35; Ord. of 9-4-1984, § 2)

Sec. 110-750. Screening of trash storage area.

Any new or altered use which requires site plan review under section 110-741, site plan review, and has an outdoor trash storage area shall comply with the following requirements:

- (1) Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition.
- (2) In no instance shall any such refuse be visible above the required enclosure.
- (3) A decorative masonry wall of six feet in height shall enclose three sides of the storage area. Bollards or other protective devices shall be installed at the opening and to the rear of any storage area to prevent

damage to the surrounding walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.

- (4) Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
- (5) A 25-foot setback is required for trash storage areas to any lot line abutting a residential district.

(Ord. of 11-1-1967, § 15.37; Ord. of 11-4-1986, § 1; Ord. No. 18-077, 9-4-2018)

Sec. 110-751. Donation drop-off boxes.

Donation drop-off boxes are prohibited on all public and private property in the city except under the following conditions:

- (1) Donation drop-off boxes are allowed on property where the primary structure is used by a not for profit organization, as defined by the state, and the box is used exclusively to support said organization.
- (2) Drop boxes must be placed within the buildable area of the lot.
- (3) There shall be no more than two donation drop-boxes per property.
- (4) Drop boxes shall not be larger than six feet wide, six feet high and six feet deep.
- (5) All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the city at the owner's expense.
- (6) Any signage directing vehicles to the donation drop-off boxes is prohibited.

(Ord. No. 12-175, § 1, 11-7-2012)

Secs. 110-752—110-770. Reserved.

DIVISION 9. GARAGE SALES AND OTHER TEMPORARY SALES

Sec. 110-771. Garage sales.

Garage sales shall be permitted in residential districts, subject to the following requirements:

- (1) Only used household effects common to normal daily household living may be sold to consumers. Typically, sales items include: household furniture, home fixtures and appliances, shop equipment, homeowner repair items, clothing, homeowner lawn and garden equipment and supplies. These types and quantities of items being sold shall reflect those normally acquired by a family and shall not include commercial and industrial items. Re-sale of newly purchased items is prohibited. A garage sale is for the purpose of selling normal and conventional household items no longer needed by a household in their daily living. It is not a means of conducting a business in any residential zoning district.
- (2) Sale items may be displayed in the home, yard, garage and driveway but shall not occupy any public property. Any items displayed outside of a building shall not be so located longer than 24 hours prior to, or subsequent to, the sale.

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- (3) Not more than four garage sales shall be permitted at the same location in any 12 consecutive months. Any such garage sale shall not exceed 72 consecutive hours in duration. If a subdivision or apartment wide sale proposes closure of a public thoroughfare, then specific council approval shall also be obtained for the sale, and other special requirements and closure of the public right-of-way. Sale hours shall not commence earlier than 8:00 a.m. or extend beyond 8:00 p.m. each day.
 - (4) The applicant shall be able to demonstrate that there is adequate parking on the site and/or adjacent streets and also that no problems will be created due to abnormal noise or lights.
 - (5) The occasional parking of a single car, in the parking area, with a "for sale" sign in the window does not constitute a garage sale.
 - (6) A maximum of three temporary signs not exceeding two square feet in area each may be permitted. Any such signs shall only be displayed during the actual sale period, shall not be placed upon public property, and shall require authorization of the owner/resident of any private property involved.

(Ord. of 11-1-1967, § 15.38; Ord. of 4-17-1990, § 1; Ord. No. 13-003, 1-2-2013)

Sec. 110-772. Temporary outside sales.

Upon review and approval of the building official, permits may be issued for temporary outside displays and/or sales of seasonal and/or certain specialty items. The building official, in issuing any such permits, shall, however, find that any such activities shall not occupy parking and/or loading areas required during the same period; shall not obstruct proper pedestrian movements in parking lots and/or along sidewalks; that the area and mass occupied by such activities shall not obstruct proper sight distances; shall be located on private property; and shall not occupy required planting areas. In addition, the amount of land occupied by any such use area shall represent a minor and incidental activity in proportion to the principal permitted use and shall not create any conflicts between any permanent uses and temporary uses permitted under this division. The types of temporary uses and further limitations on such uses are as follows:

- (1) The outside display of produce, fertilizers, plants and gardening supplies may be permitted, subject to the preceding limitations, and provided that any such activities do not occur for more than 60 days during any 12 consecutive months, and such displays are clearly incidental and directly related to the principal use permitted.
- (2) Sidewalk sales, subject to the preceding limitations and, furthermore, that any such sales shall not occur for more than 30 days out of any 12 consecutive months, and that such sales are clearly incidental and directly related to the principal use permitted.
- (3) The sale of Christmas trees, bazaars, fairs and other such sales activities by nonprofit and/or private organizations may be permitted, subject to the preceding limitations. Furthermore, any such activities shall be limited to 45 days out of any 12 consecutive months.
- (4) The area utilized for any such activities shall attempt to observe building area setbacks as required and as related to adjacent sites.
- (5) The building official shall make, or cause to be made, sufficient inspections to ensure the compliance with the provisions of this chapter and other applicable provisions of the city ordinances by the personnel conducting such sales.

(Ord. of 11-1-1967, § 15.39; Ord. of 12-18-1990, § 1)

Secs. 110-773—110-790. Reserved.

DIVISION 10. HOME OCCUPATIONS¹⁴

Sec. 110-791. Generally.

Home occupations may be permitted in residential dwelling units when the applicant demonstrates that such uses are secondary and incidental to the principal use of the dwelling as a residential living unit. The planning commission shall determine that any such home occupation will not adversely effect neighboring residential uses nor detract from a desirable residential environment in the neighborhood area. The city council shall then approve or disapprove such application after planning commission review and referral. Uses may be permitted as a home occupation where it conforms with the various standards and requirements set forth for type I (incidental) or type II (special use permit) home occupations. The standards and procedures are contained in this division.

(Ord. of 9-17-1996, § 1(15.40))

Sec. 110-792. Basic requirements.

The following requirements shall be applicable to all home occupations:

- (1) No outside storage of materials, goods, supplies or other items is permitted.
- (2) Only full-time residents of the premises shall be involved in home occupation activities occurring on the premises. Other persons who may be involved in off-site activities related to the home occupation shall not park on the premises while so involved.
- (3) No structural modifications or exterior changes in the appearance of the building shall be made, including the providing of a separate means of entrance and exit. No visual evidence of the activity shall be possible from outside the building.
- (4) No equipment, materials or processes which are incompatible with the use of the dwelling for residential purposes shall be used or stored upon the site.
- (5) No such use or activity shall create any noise, dust, fumes, odors, vibrations, electrical or electronic emissions or magnetic fields, intermittent or flashing lights or glare which are detectable to the normal senses of persons or equipment located off the premises.
- (6) The activity shall be in full conformity with all local, state and federal laws and requirements.
- (7) No signs relating to the home occupation shall be permitted other than the street address and name of the resident as provided for in this division.

(Ord. of 9-17-1996, § 1(15.40(a)))

¹⁴Cross reference(s)—Businesses, ch. 22.

Sec. 110-793. Type I, incidental home occupations.

Incidental home occupations shall be minor in physical and functional characteristics and shall be strictly incidental to the principal use and occupancy of the dwelling for residential purposes. Such type I uses shall be deemed as permitted accessory uses in single-family, two-family, multiple-family, and mobile home dwellings when they fully and continuously comply with the preceding basic requirements and the following additional requirements:

- (1) Such uses shall only involve those activities, processes, products and/or services which are provided to a user, buyer or subscriber primarily through telephone, fax, modem, and off-site contacts.
- (2) Client pickups shall be by appointment only, within a limited number of hours, which do not conflict with adjacent or neighboring properties. Acceptable levels of vehicular trips, generated by other than residents of the premises, shall not exceed five visitations per week by clients and/or delivery/pickups. All such trips shall involve only personal type vehicles or delivery type vans.
- (3) Home occupations shall only involve equipment and/or processes characteristic of a home office, home workshop or home handicraft activity.
- (4) All home occupation activities shall be conducted entirely within the main residential dwelling and not more than 15 percent of the floor area within such dwelling shall be devoted to such home occupation. Freestanding accessory buildings, together with attached garages, patio areas and breezeways, are excluded from such use and computation.
- (5) The building department shall issue a violation notice for anyone who violates required conditions and shall obtain full compliance or cause the activity to be terminated. If applicable, the operator of any activity in violation of type I requirements may seek approval of the use under terms and conditions of a type II home occupation as set forth in section 110-794.

(Ord. of 9-17-1996, § 1(15.40(b)))

Sec. 110-794. Type II, special use home occupations.

In limited situations, home occupations may be considered which involve a higher-intensity use characteristic than the incidental home occupation. Any such consideration shall provide for the protection and maintenance of a reasonable and desirable residential environment expected by residents in a residential neighborhood area, as determined by planning commission review and city council approval. Such home occupations shall be considered under the basic procedures and requirements established in division 5, article V, of this chapter, together with the provisions of this division and according to the following additional requirements:

- (1) The proposed use is located within a detached single-family dwelling and attached accessory structure unless otherwise provided for in this division. No more than 20 percent of the dwelling and attached accessory building shall be devoted to such home occupation. Further, the home occupation shall not reduce the amount of garage parking to a point where on-street parking is required.
- (2) The use shall not involve products, services and/or activities resulting in traffic patterns inconsistent with those normally experienced in a residential neighborhood. Vehicular visitations generated by clients and pickups/deliveries related to the home occupation shall not exceed ten such visitations during any weekly period.
- (3) The applicant shall agree in writing on forms to be provided by the city, that all activities related to the home occupation, which results in visits to the premises by nonresidents, shall be provided in such a

manner as to avoid conflicts with adjacent and neighboring properties. Any such agreement shall specifically set forth the number of hours and days during which these contacts will take place and such contacts shall be substantially less than those provided in a conventional business or office setting.

- (4) Home occupations involving periodic sales gatherings in the home shall indicate in writing on forms provided by the city, as to the frequency and volume of such gatherings. The applicant shall provide a drawing indicating available off-street and on-street parking. Pursuant to these requirements, a home occupation may involve periodic instructions in crafts or fine arts.
- (5) The repair and/or servicing of vehicles, including recreational vehicles, and/or other similar equipment shall not be deemed as customary home occupations.
- (6) Service activities which involve the keeping of a commercial vehicle (less than one ton in rated capacity), for use off the premises shall be limited to one such vehicle. All other equipment and/or supplies, including trailers, plows, mowers, etc., utilized in this activity shall only be kept on the premises when located within an accessory building. The presence of the service vehicle, plus ancillary equipment and supplies, shall not occupy off-street parking spaces required by other residents of the dwelling therefore necessitating on-street parking.

(Ord. of 9-17-1996, § 1(15.40(c)))

Sec. 110-795. Arts, crafts in single-family residence.

An occupant of a single-family residence may give instruction in a craft or fine art within the residence, subject to the city's regulations relating to noise, advertising, traffic, hours of operation or other conditions which may apply to the use of a residence.

(Ord. No. 07-114, 9-4-2007)

Secs. 110-796—110-810. Reserved.

DIVISION 11. LARGE SCALE COMMERCIAL ESTABLISHMENT

Sec. 110-811. Large scale commercial establishment.

- (a) *Intent.* It is the intent of this section to regulate large scale commercial establishments exceeding 20,000 square feet in gross floor area (hereinafter "large scale commercial establishments"), whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale commercial establishments may provide goods and services to city residents, such uses are primarily focused on attracting consumers from a market area larger than the city. Therefore, specific standards are required to ensure that large scale establishments can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage, groundwater recharge, water quality, air quality, and police and fire services.

It is further intended by this section that large scale commercial establishments be designed in a manner that is harmonious with the overall character of the city consistent with the city master plan and CBD design standards. To allow for flexibility and optimal site design for developments within the central business district, the standards that are more stringent will apply.

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- (b) *Location.* Large scale commercial establishments may be located only within the general business district B-3; and the central business districts CBD.
- (c) *Design standards.* The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
- (1) *Aesthetic character.*
- a. *Facades and exterior walls.*
1. The facades of commercial and mixed-use buildings shall be divided into a base, middle and top.
 2. The ground level of the building shall attract pedestrian interest using windows, articulated entrances, and architectural details.
 3. All buildings must have doors or openings to the street and transparent glass windows.
 4. The play of light and shadow on the façade shall be accomplished by material transitions and a minimum one and one-half-inch variation in the wall plane.
 5. Architectural features, materials, and the articulation of a faced of a building shall be continued on all sides visible from a public street.
 6. Facades greater than 100 feet in length, measured horizontally, shall incorporate projections or recesses extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
 7. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50 percent of their horizontal length.
 8. Building facades must include a repeating pattern that includes no less than two of the following elements:
 - i. Color change;
 - ii. Texture change;
 - iii. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib (see illustration available in [the] building department).
 9. The applicant may be required to present several design examples to compare and contrast the proposed project (see attached illustration).
- b. *Roofs.* The roof design shall incorporate one or more of the following features depending upon the nature of the roof, the building design, and the existing site conditions.
1. Flat roofs. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required on all sides. Parapets shall not exceed one-third of the height of the supporting wall at any point.
 2. Pitched roof.
 - i. Overhanging eaves, extending no less than three feet past the supporting walls;
 - ii. An average slope greater than or equal to one-foot of vertical rise for every three feet of horizontal run and less than or equal to one-foot of vertical rise for every one-foot of horizontal run;

- iii. Three or more roof slope planes.
- 3. Green roof. An environmentally friendly or green roof system designed, in part, to mitigate or address the city's concerns regarding storm water runoff, drainage, water quality, and other problems associated with impervious surfaces.
- c. *Materials and colors.*
 - 1. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units. Low quality monolithic materials such as stucco or EIFS systems shall be permitted only as an enhancement to the overall façade of a building. See Table X for allowed building material composition. (See attached illustration.)

[TABLE X]

WALL MATERIALS	MAXIMUM ALLOWABLE PERCENT
Brick — Natural Clay	100
Glazed Brick and Ceramic Tile	25
Limestone	50
Stone — Field, Cobble, etc.	50
Granite/Marble	50
Spandral Glass	50
Display Glass	25
E.I.F.S. Dryvit	0*
Precast — colored exposed aggregate	0*
Concrete Masonry Unit (CMU)	0*

* A maximum of ten percent may be permitted subject to review and approval of the DDA.

- 2. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- 3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- 4. Architectural features, materials and the articulation of a façade of a building shall be continued on all sides visible from a public street.
- 5. Exterior building materials shall provide texture to at least 50 percent of the facade and shall not be completely made up of tilt-up concrete panels or prefabricated steel panels.
- d. *Entryways.* Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - 1. Canopies or porticos;
 - 2. Overhangs;
 - 3. Recesses/projection;
 - 4. Arcades;
 - 5. Raised corniced parapets over the door;

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6. Peaked roof forms;
 7. Arches;
 8. Outdoor patios;
 9. Display windows;
 10. Architectural details such as tile work and moldings which are integrated into the building structure and design;
 11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
 12. Pavement/material changes at drive crossings to better define pedestrian cross walks.
- e. *Community space.* Each site shall include at least four of the following features:
1. Patio/seating area;
 2. Pedestrian plaza with benches;
 3. Transportation center;
 4. Window shopping walkway;
 5. Outdoor playground area;
 6. Kiosk area;
 7. Water feature;
 8. Bicycle parking; or
 9. Other such feature or amenity that, in the sole discretion of the planning commission, helps to mitigate the size of the large scale commercial establishment and resultant diffusion of land uses and to maintain the character of the city by providing community gathering areas, relief for patrons and greater aesthetic appeal.

Each of these features shall:

1. Have direct access to the public sidewalk network, and
2. Not be constructed of materials that are inferior to the principal materials of the building and landscape.

(2) *Site design.*

- a. *Parking lot location.* No more than 50 percent of the off-street parking area devoted to the large scale commercial establishment shall be located between the front facade of the principal building and the main road frontage. Depending on the site design, this amount may be increased or decreased at the sole discretion of the planning commission.

The remainder of the parking shall be distributed on the other sides of the building or separated by means of intervening buildings, amenities, or site features.
- b. *Parking lot screening.* Parking lots shall be screened from all public right-of-ways by either a three-foot ornamental brick wall or an alternative screening treatment that will effectively result in an equivalent opacity, as approved by the planning commission.
- c. *Connectivity.* The site design must provide direct connections and safe street crossings to adjacent land uses. Cross access easements are required where available.
Pavement/material changes at drive crossings shall be installed to better define pedestrian

cross walks and be distinguished from other driving surfaces through the use of durable, low maintenance surface materials such as brick pavers or stamped concrete.

d. *Pedestrian circulation.*

1. Sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public street.
2. Internal pedestrian walkways, no less than six feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of the length of the walkway.
3. Internal pedestrian walkways, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
4. All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. In addition, stop signs shall be required adjacent to such walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.

e. *Delivery/loading operations.* Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets on all sides. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. Loading areas must be screened by a wing wall to completely obscure parked trucks. The wall must be composed of brick or other approved materials that match the main building.

Dumpster enclosures shall be used to contain refuse in a clean and orderly manner. Screening for refuse and utilities shall be considered as an integral part of the design. In addition, utility equipment such as transformers, telephone switching boxes, and the like, shall be screened in a similar manner to that of a shared dumpster enclosure.

No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining residential property.

f. *Landscaping.*

1. General site landscaping. All undeveloped portions of the site shall conform to the following general landscaping standards, except where the specific landscape elements described below are required:
 - i. Ground cover requirements. All undeveloped portions of the site shall be planted with native grasses, ground cover, or shrubs, which shall extend to any abutting street pavement edge.
 - ii. Tree and shrub requirements. A native mixture of evergreen and deciduous trees shall be planted at the rate of one-tree per 3,000 square feet or portion thereof on any undeveloped open area for which specific landscaping requirements do not apply. Required trees shall be planted in irregular intervals or in groupings.
2. Landscaping adjacent to road. A planting strip at least 20 feet wide shall be provided adjacent to all public and private roads. A planting strip of greater than 20 feet wide may be required in order to ensure that adjoining or facing premises and public roads are effectively screened from car lights, noise and traffic movement. The planting strip shall be located entirely on private property adjacent to the road right-of-way.
3. i. Ground cover requirements. The entire planting strip shall be planted with native grasses, ground cover, or shrubs except where paved walkways are used.
 - ii. Tree and shrub requirements. The following minimum planting requirements shall apply:
 - iii.

Deciduous or evergreen trees	1 per 30 lineal feet of road frontage
Ornamental trees	1 per 100 lineal feet of road frontage
Deciduous or evergreen shrubs	5 per 30 lineal feet of road frontage

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

- iv. Greenbelt. A greenbelt at least 20 feet wide shall be required along the side and rear property lines. A greenbelt of greater than 20 feet wide may be required in order to ensure that the building and parking areas are effectively screened from any adjoining residential land use. The greenbelt shall be located between the property line and any developed or paved area, including parking areas, access drives and buildings.
 - A. Ground cover requirements. The entire greenbelt shall be planted with native grasses, ground cover, or shrubs except where paved walkways are used.
 - B. Tree and shrub requirements. The following minimum planting requirements shall apply:

Deciduous or evergreen trees	1 per 30 lineal feet of greenbelt
Ornamental trees	1 per 100 lineal feet of greenbelt
Deciduous or evergreen shrubs	5 per 30 lineal feet of greenbelt

For the purposes of computing required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt. Trees and shrubs shall be planted in irregular intervals or in groupings.

- v. Parking lot landscaping. All parking areas shall be landscaped in accordance with the requirements for parking lot landscaping according to the provision of this section and within article V, division 3, parking regulations.
 - vi. Dumpster enclosures. Dumpster enclosures shall be located at the rear of the building, and designed in accordance with section 110-750.
 - vii. Transformer/utility pad screening. All ground located transformer/utility pads shall be located at the rear of the building, and screened by four-foot tall, 80 percent opacity shrubbery plantings.
 - viii. Safety. All landscaping must be designed and maintained so that safe vehicle sight distance is not affected at entrances, exits or at street intersections.
 - ix. Irrigation and maintenance plan. An irrigation and maintenance plan is required as part of a landscape plan.
- (d) *Impervious surface reduction/infiltration enhancement.* It is recognized that due to specific requirements of any given development, inflexible application of ordinance requirements may result in development with excessive paving and stormwater run-off and a waste of space that could be left as open space. Either through procedures prescribed by this section or creative land development techniques, deviations from requirements allowing for reduction in impervious surfaces may be permitted during the site plan review process whenever it is determined that such deviations are more likely to meet the intent of impervious surface reduction, infiltration enhancement and shared parking opportunities where appropriate.
- (1) *General standards.*
- a. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
 - b. The use of swales and buffer strips vegetated with desirable native materials is required unless shown as impractical as a method of storm water conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle and remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals and salts shall be required in determining appropriate plantings.
 - c. Drainage systems shall be designed to have a natural appearance and to be visually attractive. The integration of storm water conveyance systems and retention and detention ponds in the overall concept is recommended. Ponds with a naturally contoured rather than square or rectangular, design and appearance are encouraged.
 - d. Where large amounts of grease and oil may accumulate as in the case of large areas of impervious surfaces for parking, oil separators shall be required.
 - e. Land banking in open space parking and areas of shared parking facilities are encouraged to satisfy ordinance parking requirements.
 - f. Electric car parking spaces with appropriate charging stations shall be provided.

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- g. Reduce the overall imperviousness associated with parking lots by placing parking underground, using porous materials to surface all or part of the parking areas, incorporating efficient stall dimensions, incorporating efficient parking lanes, or by minimizing stall dimensions.
 - h. Create naturally vegetative buffer systems along all drainage ways of sufficient width to satisfactorily protect and enhance the drainage way and ensure its continued functionality. Critical environmental features such as 100-year floodplains, steep slopes and wetlands shall be considered eligible as part of a vegetative buffer system if the situation and orientation of such elements serve the purpose of providing a natural buffer.
 - i. Direct roof top run off to pervious areas such as yards, open channels or vegetated areas and avoid routing roof top run off to the roadway, parking area and the storm water conveyance system, or employ an environmentally friendly or green roof system designed, in part to mitigate or address the city's concerns regarding storm water runoff, drainage, water quality and other problems associated with impervious surfaces.
- (e) *Driveways.*
- (1) *Number of driveways per parcel.*
 - a. A maximum of one two-way driveway opening or a pair of one-way driveway openings shall be permitted to a particular site from each adjacent public road.
 - b. Based on the recommendation of the county road commission and/or city engineer that an additional driveway is in the interests of safe traffic operation, the planning commission may permit one additional driveway entrance along a continuous site with frontage in excess of 300 feet or two additional driveway entrances along a continuous site with frontage in excess of 600 feet.
 - (2) *Driveway access standards.* Driveways shall conform to the following performance standards or to standards adopted by the county road commission or the city, whichever is more stringent:
 - a. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
 - b. There must be sufficient on-site space to accommodate at least three queued vehicles waiting to park and/or at least three queued vehicles waiting to exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 - c. Provisions for circulation between adjacent parcels are encouraged through coordinated cross access easements or joint parking systems.
 - d. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.
 - (3) *Flexibility in parking.* It is recognized that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in article V, division 3 parking regulations may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and storm water runoff and a waste of space which could be left as open space.

Deviations from the requirements of article V, division 3 are permissible and may require more or allow less parking whenever such deviations are more likely to provide a sufficient number of parking spaces

to accommodate the specific characteristics of the use in question. More parking than what is required by article V, division 3 may only be permitted if designed and developed as pervious.

The planning commission may condition approval on a deviation from the requirements of article V, division 3 that bind such approval to the specific use in question. In such case, further conditions may be imposed which ensure that adequate reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

SECTION 110-811—ILLUSTRATIONS









(Ord. No. 13-002, 1-2-2013)

Secs. 110-812—110-830. Reserved.

ARTICLE VI. GENERAL EXCEPTIONS

Sec. 110-831. Area, height and use exceptions.

The regulations in this chapter shall be subject to the interpretations and exceptions of this article.

(Ord. of 11-1-1967, § 16.1)

Sec. 110-832. Voting place.

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

(Ord. of 11-1-1967, § 16.2)

Sec. 110-833. Height limit.

Limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles or public monuments; provided, however, that the board of appeals may specify a height limit for any such structure when such a structure requires authorization as a use permitted on special approval or under section 110-575.

(Ord. of 11-1-1967, § 16.3; Ord. of 5-3-1983, § 2)

Sec. 110-834. Lots adjoining alleys.

In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. of 11-1-1967, § 16.4)

Sec. 110-835. Yard regulations.

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this chapter became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.

(Ord. of 11-1-1967, § 16.5)

Sec. 110-836. Multiple-dwelling side yard.

For the purpose of side yard regulations, a two-family, a terrace, a row house or a multidwelling shall be considered as one building occupying one lot.

(Ord. of 11-1-1967, § 16.6)

Sec. 110-837. Terrace.

An open, unenclosed paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

(Ord. of 11-1-1967, § 16.7)

Sec. 110-838. Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details which are nominally demountable.

(Ord. of 11-1-1967, § 16.8)

Sec. 110-839. Premanufactured and manufactured dwelling units.

There are two types of manufactured dwellings. The first is a premanufactured dwelling that is built under the Stille-DeRosett-Hale Single State of Michigan Construction Code and has a Michigan Certificate of Acceptability. It is constructed off the premises it is to be located on. The second type is also constructed off the premises, it is to be located on and carries a seal from HUD or another Federal Agency that set criteria for construction that differs from the Michigan certificate. These two types of units are as follows:

- (a) Premanufactured dwelling unit - comply with the same standards as site built dwelling and come with detailed plans and specifications documenting their conformance with Michigan Building Code

requirements. They may be subjected to nondestructive inspections to determine if any damage has occurred in transit and if problems are detected the manufacturer will be required to make necessary modifications. Such units shall also comply with applicable construction regulations, zoning law and other local ordinances and when found to comply the local enforcing agency shall issue a building permit within the time specific in the Act.

- (b) Manufactured dwelling unit - The submission of any requests for manufactured dwelling units, as provided for in this chapter, shall be considered subject to the following conditions:
- (1) Such dwelling units and any accessory structures shall conform to all applicable codes and ordinances.
 - (2) Such dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other site-built homes in the area.
 - (3) Such dwelling units shall be provided with exterior finish materials similar to the site-built homes in the area.
 - (4) Such dwelling unit shall be provided with roof designs and roofing materials similar to the site-built homes in the area.
 - (5) Such dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of site-built homes in the area. Each such dwelling unit shall provide a minimum width and depth of at least 22 feet over 80 percent of any such width or depth dimension in the R-1 and R-2 districts and 18 feet over 80 percent of any such width or dimension in the R-T and R-M districts.
 - (6) The dwelling unit shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
 - (7) All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer sidewalls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.
- (c) The building official shall first review any such proposed dwelling unit with respect to subsections (3), (4) and (5) of this section, shall not seek to discourage architectural variations, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such dwelling unit, the building official shall require any applicant to furnish such plans, elevations and similar documentation as the official deems necessary to permit a complete review and evaluation of the proposal. As used in this section, the phrase "site-built homes in the area" shall be construed to require comparison of the proposed manufactured dwelling unit to similar types of site-built dwellings within 300 feet of the boundaries of the parcel of property on which it is to be located, or if the area within 300 feet does not contain any site-built homes, then comparisons shall be made to the nearest 50 dwellings of similar type. The matter shall be submitted to the planning commission for determination and as to the need for a public hearing as provided for herein.

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- (d) In the event the matter is presented to the planning commission and a public hearing is required, a public hearing shall be held on any such request in accordance with Public Act No. 207 of 1921 (MCL 125.584a). Any such public hearing shall be held by the planning commission within 60 days of submission of all necessary information. The applicant shall be responsible for submitting all necessary information, completing all necessary forms and paying the established costs of the public hearing.

(Ord. of 11-1-1967, § 16.9; Ord. of 5-3-1983, § 9; Ord. of 10-7-2003(3); Ord. No. 07-113, 9-4-2007)

Editor's note(s)—Ord. No. 07-113, adopted Sept. 4, 2007 changed the title of § 110-839 from manufactured dwelling units to premanufactured and manufactured dwelling units.