

## **CHAPTER 155: ZONING CODE**

Section

### *General Provisions*

- 155.011 Title
- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of interpretation and application
- 155.016 Conflicting provisions
- 155.017 Transitional provisions
- 155.018 Construction of language
- 155.019 Reconstruction of damaged properties
- 155.020 Vested rights prohibited
- 155.021 Conflict of laws and prohibited land uses
- 155.022 Reserved through § 155.028
- 155.229 Definitions

### *Districts and Boundaries; Maps; Schedule of Land Uses*

- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
- 155.034 Zoning of vacated areas
- 155.035 Zoning of annexed areas
- 155.036 Schedule of land uses
- 155.037 Reserved through § 155.039

### *Zoning District Regulations*

- 155.041 R-1A through R-1C One-Family Residential Districts
- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
- 155.044 O-1 Office Building District
- 155.045 B-1 Local Business District
- 155.046 B-2 Thoroughfare Mixed-Use District
- 155.047 B-3 General Business District
- 155.048 M-1 Light Industrial District
- 155.049 TCD Town Center District
- 155.050 Reserved through § 155.059

### *Schedule of Regulations*

- 155.061 Schedule of regulations
- 155.062 Reserved through § 155.069

### *General Development Standards*

- 155.071 Intent
- 155.072 Architectural features

- 155.073 Site design features
- 155.074 Walls
- 155.075 Waste receptacle (dumpster), storage screening, or collection bins
- 155.076 Exterior lighting and security camera
- 155.077 Off-street parking
- 155.078 Accessible parking for physically disabled persons
- 155.079 Off-street loading and unloading
- 155.080 Parking lot landscaping
- 155.081 Use restriction
- 155.082 Height, area and use exceptions
- 155.083 Required site development

***Special Land Use Standards***

- 155.111 Intent
- 155.112 Child and adult foster care facilities
- 155.113 Nursery schools, day nurseries and child care centers (not including dormitories)
- 155.114 Nursing and convalescent homes
- 155.115 Religious institutions and religious institutions
- 155.116 Senior housing, assisted living facility and similar types of housing for the elderly
- 155.117 Private noncommercial recreation area; institutional or community recreation centers
- 155.118 Golf courses
- 155.119 Colleges, universities and other institutions of higher learning
- 155.120 Business, trade, vocational and similar learning institutions
- 155.121 Townhomes and duplexes
- 155.122 Multiple-family dwellings (three stories or less)
- 155.123 Multiple-family dwellings (four stories or greater)
- 155.124 Mixed-use business and residential buildings
- 155.125 General hospitals
- 155.126 Automobile service stations
- 155.127 Vehicle washing facilities
- 155.128 Minor vehicle repair facilities
- 155.129 Major vehicle repair facilities
- 155.130 Carry-out, fast food, drive-through or drive-in restaurants
- 155.131 Motels or hotels
- 155.132 Self-storage facilities
- 155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers
- 155.134 Outdoor sales of automobiles and other vehicles
- 155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials
- 155.136 Open air business
- 155.137 Research and development facilities
- 155.138 Junk yards
- 155.139 Contractors' offices and yards
- 155.140 Manufactured housing communities
- 155.141 Outdoor theaters
- 155.142 Floodplain zones; National Flood Insurance Program

- 155.143 Standards for processing bio-diesel fuels
- 155.144 Tattoo establishments
- 155.145 Charitable gaming room
- 155.146 Medical marijuana facilities
- 155.147 Commercial warehouse, wholesale operations and distribution.
- 155.148 Medical marijuana provisioning centers
- 155.149 Temporary pop-up commercial use

***Alternative Development Options***

- 155.151 Condominium development
- 155.152 Planned unit development
- 155.153 Lot averaging for one-family developments
- 155.154 Reserved through § 155.159

***Performance Standards***

- 155.161 Intent
- 155.162 Scope of application
- 155.163 Submission of additional data
- 155.164 Performance standards
- 155.165 Procedures for determining compliance
- 155.166 Continued violation
- 155.167 Appeals
- 155.168 Reserved through § 155.179

***Nonconforming Uses and Structures***

- 155.181 Intent
- 155.182 Nonconforming lots
- 155.183 Nonconforming uses of land
- 155.184 Nonconforming structures
- 155.185 Nonconforming uses of structures
- 155.186a Preferred class designations
- 155.186 Repairs and maintenance
- 155.187 Change of tenancy or ownership
- 155.188 Reserved through § 155.199

***Regulated Uses***

- 155.201 Intent
- 155.202 Establishment
- 155.203 Review and action procedures
- 155.204 Invalidation of variances, special land use and regulated use permits
- 155.205 Massage establishments
- 155.206 Reserved
- 155.207 Appeals procedure
- 155.208 Time limitations on orders
- 155.209 Reserved

***Wireless Communications Towers and Antennas***

- 155.211 Intent
- 155.212 Definitions

- 155.213 Applicability
- 155.214 General requirements
- 155.215 Permitted uses
- 155.216 Special land use permits
- 155.217 Insurance obligation

***Location Restrictions***

- 155.218 Theaters, assembly halls, concert halls, clubs and similar organizations
- 155.219 Reserved through § 155.229

***Signs***

- 155.231 Intent
- 155.232 Scope of requirements
- 155.233 Definitions
- 155.234 Review, action and inspection
- 155.235 Obsolete signs
- 155.236 Nonconforming signs
- 155.237 Alteration of signs
- 155.238 Compliance with the zoning code
- 155.239 Appeal to the Zoning Board of Appeals
- 155.240 Registration of sign contractors; licensing and bonding
- 155.241 General limitations and provisions
- 155.242 Structural requirements and mounting
- 155.243 Motorist visibility
- 155.244 Illumination
- 155.245 Measurement
- 155.249 (Reserved)
- 155.250 Residential district signs
- 155.251 Business and office district signs
- 155.252 Industrial district signs
- 155.253 Reserved through § 155.259

***Definitions***

- 155.261 Reserved through § 155.269

***Powers and Duties of Boards and Departments***

- 155.271 City Council
- 155.272 City Planning Commission
- 155.273 Community Development Department
- 155.274 Building Department
- 155.275 Zoning Board of Appeals
- 155.276 Reserved through § 155.279

***Administration, Enforcement and Penalties***

- 155.281 Enforcement authority
- 155.282 Duties of the Building Official or other official responsible for code enforcement
- 155.283 Plot plan

- 155.284 Permit requirements
- 155.285 Certificate of occupancy
- 155.286 Site plan review (all districts)
- 155.287 Standards for site plan approval
- 155.288 Procedures for special land use review
- 155.289 Standards for special land use approval
- 155.290 Special meetings
- 155.291 Public hearing notification requirements
- 155.292 Fee structure
- 155.293 Performance guarantee
- 155.294 Changes and amendments
- 155.295 Final inspection
- 155.296 Public nuisance and abatement
- 155.297 Owner's liability to punishment
- 155.298 Rights and remedies are cumulative
- 155.299 (Reserved)
- 155.300 Imposition of penalty does not exempt compliance with requirements
- 155.301 Severability
- 155.302 Savings
- 155.303 Validity
- 155.304 Reserved through § 155.319

***Repeal and Effective Date***

- 155.321 Repeal
- 155.322 Effective date
  
- 155.999 Penalty

***Cross-reference:***

*Blight violations, see Chapter 156*

**GENERAL PROVISIONS**

**§ 155.011 TITLE.**

This chapter shall be known and officially cited as the “Zoning Code of the City of Inkster, Michigan.” It may be referred to in this document as the “Zoning Code.”  
(Ord. 792, passed 12-3-01)

**§ 155.012 ENACTMENT.**

This zoning code is enacted pursuant to the powers granted and limitation imposed by the laws of the State of Michigan, including statutory authority granted in the City and Village Zoning Public Act 207 of 1921, as amended. See § 155.322 for terms of enactment of this chapter.  
(Ord. 792, passed 12-3-01)

**§ 155.013 APPLICABILITY.**

The provisions of this chapter shall apply to all land within the city, including land owned by local, county, state or federal agencies.  
(Ord. 792, passed 12-3-01)

**§ 155.014 INTENT.**

This chapter is adopted to guide and regulate the orderly location, use and development of lands to promote public health, safety, morals, comfort, convenience, character and general welfare. The regulations are intended to:

- (A) Classify all property into districts to reflect its suitability for particular uses and to protect all areas of the city from harmful encroachment by incompatible land uses;
  - (B) Provide for adequate light, air, privacy and convenient access to property, prevent overcrowding of land with buildings and avoid undue congestion of population;
  - (C) Lessen undue congestion in public streets by providing for off-street parking of motor vehicles and off-street loading and unloading of commercial vehicles;
  - (D) Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs;
  - (E) Conserve property values;
  - (F) Regulate the location, construction, reconstruction, alteration and use of buildings, structures and land; and, set reasonable standards to which buildings, structures and uses shall conform;
  - (G) Provide for the elimination of nonconforming buildings and structures, property, uses of land and uses of buildings and structures;
  - (H) Protect natural resources and environmentally sensitive areas;
  - (I) Promote a desirable visual and socially active environment through creative development techniques and good civic design;
  - (J) Define the powers and duties of administrative officials and bodies, legislative bodies and Zoning Board of Appeals; and
  - (K) Provide for enforcement and penalties for violations of the zoning code and subsequent amendments.
- (Ord. 792, passed 12-3-01)

**§ 155.015 RULES OF 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, character or general welfare. This chapter is not intended to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than previous zoning code and all amendments thereto which are hereby repealed, 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.

(Ord. 792, passed 12-3-01)

**§ 155.016 CONFLICTING PROVISIONS.**

- (A) Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.
  - (B) Where the provisions of this chapter are more restrictive than imposed by private agreement, including but not limited to deed restrictions, the provisions of this chapter shall prevail. If the provisions of private agreement are more restrictive than imposed by this chapter, the provisions of the private agreement shall prevail.
- (Ord. 792, passed 12-3-01)

**§ 155.017 TRANSITIONAL PROVISIONS.**

- (A) Violations of the previous zoning code will continue to be a violation under this chapter and be subject to enforcement and penalties under §§ 155.281 through 155.303, Administration, Enforcement and Penalties, unless the use, development, construction or other activity complies with the provisions of this chapter.
- (B) Legal nonconformities under the previous zoning code will continue to be a legal nonconformity under this chapter if the situation that resulted in the nonconforming status continues to exist. If nonconformity under the previous zoning code becomes conforming under this chapter, then the

nonconforming situation will be removed.

(C) Permits and approvals that are valid prior to the effective date of this chapter shall remain valid until their expiration date. Projects with valid approvals or permits may be completed in accordance with standards and regulations in effect at the time of approval, provided permit or approvals are valid and not expired.

(D) Completed permit applications and other approvals, submitted before the effective date of this chapter and pending approval at the time of the effective date of this chapter may, at the applicant's request, be reviewed and completed in accordance with the previous zoning code. Re-application for an expired permit shall meet the standards in effect at the time of re-application.

(E) Projects that have not been accepted as complete shall be subject to all requirements and standards of this chapter.

(Ord. 792, passed 12-3-01)

#### **§ 155.018 CONSTRUCTION OF LANGUAGE.**

The following rules of construction apply to this chapter:

(A) The particular shall control the general;

(B) The text shall control any difference in meaning or implication between the text of this chapter and any caption or illustration;

(C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(D) Words used in present tense shall include the future and words used in singular number shall include the plural, unless clearly indicated to the contrary;

(E) The word "person" includes an individual, a corporation, a partnership, an unincorporated association or other similar entity;

(F) Two or more conditions, provisions or events connected by a conjunction shall be interpreted as follows, unless the context clearly indicates the contrary:

(1) "And" indicates that connected conditions, provisions and events shall apply;

(2) "Or" indicates that connected conditions, provisions and events may apply singularly or in combination;

(3) "Either/or" indicates that connected conditions, provisions and events shall apply singly but not in combination.

(G) Terms not defined shall have the meaning customarily assigned to them.

(Ord. 792, passed 12-3-01)

#### **§ 155.019 RECONSTRUCTION OF DAMAGED PROPERTIES.**

(A) Regulations and standards in this chapter shall not prevent the reconstruction, repairing or rebuilding and continued use of buildings or structures damaged by fire, total collapse, explosion or act of God which requires the approval of the Community Development Department or any Board or Commission, provided that the cost of reconstruction shall not exceed 50% of the assessed valuation of the building at the time such damage occurred. Any such activity exceeding the 50% assessed valuation may be reestablished upon approval of the Zoning Board of Appeals.

(B) Any previously zoned residential properties which have been rezoned to a business zoning classification shall be allowed to be reconstructed, repaired or rebuilt and the use of the property shall be continued as a residential use in the event that the structure is damaged by fire, total collapse, explosion or other act of God to 100% of the assessed valuation of the structure at the time such damage occurred, provided all of the following conditions are complied with:

(1) A plan for the reconstruction, repair, rebuilding and/or continued use of the structure shall be submitted and approved by the Building Department;

(2) That the structure shall only be reconstructed, repaired and/or rebuilt for use as a single family residence;

(3) That the structure shall be reconstructed, repaired and/or rebuilt within six months of the time such

damage to the structure occurred. The owner of the structure may petition the City Council for an extension of the six-month period provided that he or she can establish that reasonable progress has been made to reconstruct, repair and/or rebuild the structure;

(4) That a liability and fire and casualty insurance policy shall be continuously maintained for the full assessed value of the structure;

(5) That a letter or other documentation, acceptable to the city, shall be submitted to the city by the property owner's mortgage lender indicating that any proceeds received from any loss occasioned by fire, collapse, explosion or other act of God shall be utilized to reconstruct, repair and/or rebuild the structure; and

(6) That the owner(s), lender(s) and/or insurer(s) of the structure shall comply with all other codes, ordinances and regulations of the city.

(C) Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon the conviction thereof, shall be punished by a fine of not more than \$500 and the costs of prosecution or by imprisonment for not more than 90 days, or both such fine and imprisonment.

(Ord. 792, passed 12-3-01; Am. Ord. 798, passed 3-3-03)

### **§ 155.020 VESTED RIGHTS PROHIBITED.**

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. 792, passed 12-3-01)

### **§ 155.021 CONFLICT OF LAWS AND PROHIBITED LAND USES.**

(A) Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

(B) This prohibition shall not apply to the following:

(1) A qualifying patient engaged in the medical use of marijuana in his or her own residence in accordance with the Michigan Medical Marihuana Act.

(2) A primary caregiver assisting a qualifying patient with whom he or she is connected through the Michigan Department of Community Health's registration process with the medical use of marijuana in accordance with the Michigan Medical Marihuana Act.

(Ord. 852, passed 3-16-15)

(3) A facility licensed by the City and the State of Michigan in compliance with Public Act 281 of 2016, The Medical Marihuana Facilities Licensing Act, as amended.

### **§ 155.022 through § 155.028 RESERVED.**

### **§ 155.029 DEFINITIONS**

#### **§ 155.029 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUT OR ABUTTING.** Having a common border with.

**ACCESSORY BUILDING OR STRUCTURE.** A building or structure clearly incidental to, customarily found in connection with, and located on the same zoning lot or site (groups of lots used together) as the principal structure to which it is related. An **ACCESSORY BUILDING OR STRUCTURE** includes, but is not limited to the following:

(1) Any detached building/structure or any building/structure which does not share a common footing wall with the main structure on the premises.

(2) Any structure attached to the main building on the premises via a roof overhang, breezeway, porch, or other similar form of attachment.

(3) Barns, sheds and similar structures.

**ACCESSORY USE.** A use clearly incidental to, customarily found in connection with, and (except in the case or accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. An **ACCESSORY USE** includes, but is not limited to, the following:

(1) Swimming pools for use of the occupants of a residence or their guests.

(2) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;

(3) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;

(4) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded from the applicable district regulations;

(5) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;

(6) Accessory off-street parking spaces, open or enclosed, subject to all requirements of this chapter;

(7) Accessory off-street loading, subject to all requirements of this chapter;

(8) Accessory signs, subject to the sign regulations of this chapter;

(9) Garden plots subject to all requirements of this chapter; and

(10) Similar incidental uses.

**ADDITION.** Construction or alteration of a building or structure that increases the square footage, number of dwelling units, bulk or other extent.

**ADJACENT.** Same as “Abut or Abutting”.

**ADULT AMUSEMENT DEVICE CENTER.** An enclosed building containing coin-operated amusement devices or machines for presenting material for observation by patrons therein, distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specific sexual activities” or specified anatomical areas”, as defined below.

**ADULT BOOKSTORE.** A business having as its principal activity the sale of books, magazines, newspapers, and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

**ADULT BUSINESS ACTIVITY.** A business whose principal service or activity is one of the following types of businesses: adult live conduct business, adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business.

**ADULT LIVE CONDUCT ACTIVITY.** Any work or entertainment activity carried on in a business where the physical human body is nude, as defined below.

(1) **NUDE.** Having less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.

(2) **NUDE MODELING STUDIO.** A business where an employee or entertainment personnel appears in nude (as defined below) and is also provided or allowed to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted to customers.

(3) **SEXUAL ACTIVITIES AND ANATOMICAL AREAS.** For the purposes of this chapter, “specified sexual activities” shall include:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. For the purposes of this section, “specified anatomical areas” is defined as:

(d) Less than complete and/or opaquely covered human, pubic region, buttock, or female breast below a point immediately above the top of the areola.

(e) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**ADULT LIVE CONDUCT BUSINESS.** A business, any part of whose service or function consists of adult live conduct activity (as defined above) whether as work assignment or entertainment.

**ADULT MINI-MOTION PICTURE THEATER.** An enclosed building with a capacity for less than 50

persons used for presenting material for observation by patrons therein, distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section.

**ADULT MOTION PICTURE THEATER.** An enclosed building with a capacity of 50 or more persons used for presenting material, for observation by patrons therein, distinguished or characterized by an emphasis on matter depicted, described, or relating to “specific sexual activities” or “specified anatomical areas,” as defined below.

**ADULT OUTDOOR MOTION PICTURE THEATER.** An exterior area used for presenting material, for observation by patrons, distinguished or characterized by an emphasis on matter depicted, described, or relating to “specific sexual activities” or “specified anatomical areas,” as defined.

**ADULT PERSONAL SERVICE BUSINESS.** A business whose activities include a person, while nude (as defined above) providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state.

**ADULT SUPPLY STORE.** A business selling or offering merchandise that is characterized by emphasis on the act of human masturbation, sexual intercourse or sodomy or portrayal of human genitals and pubic regions.

**AGRICULTURE.** Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farm shall be operated as piggeries or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.

**ALLEY.** Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS.** Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

**APARTMENT.** A room or suite of rooms in a multiple-family building arranged and intended for a place of residence of a single-family or group of individuals living together as a single housekeeping unit.

(1) **LOFT.** A dwelling unit in a building originally constructed for other than primarily residential use containing one or more rooms or enclosed floor space arranged for living, eating, sleeping and/or home occupations; such units shall include bathroom and kitchen facilities as required by applicable codes.

(2) **EFFICIENCY STUDIO APARTMENT.** A dwelling unit containing not over 500 square feet of floor area, and consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one-room unit.

(3) **ONE-BEDROOM UNIT.** A dwelling unit containing a minimum floor area of at least 600 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities and for the purposes of computing density shall be considered a two-room unit.

(4) **TWO-BEDROOM UNIT.** A dwelling unit containing a minimum floor area of at least 750 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three-room unit.

(5) **THREE OR MORE BEDROOM UNIT.** A dwelling unit containing wherein for each room, in addition to the three rooms permitted in a two-bedroom unit, there shall be provided for the first additional room, an additional area of 150 square feet and 200 Square feet for the second or more additional rooms to the minimum area of 750 square feet. For the purpose of computing density, said three-bedroom unit shall be considered a four-room unit, and each increase in a bedroom over three shall be an increase in the room count by one over the four.

**ARCADE.** A place, premises or establishment or room set aside in a retail or commercial establishment in which three or more coin-operated amusement devices are located, defined herein as a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged.

**ARENA.** An enclosed structure with tiers of seats rising around a sports field, playing court or public exhibition area.

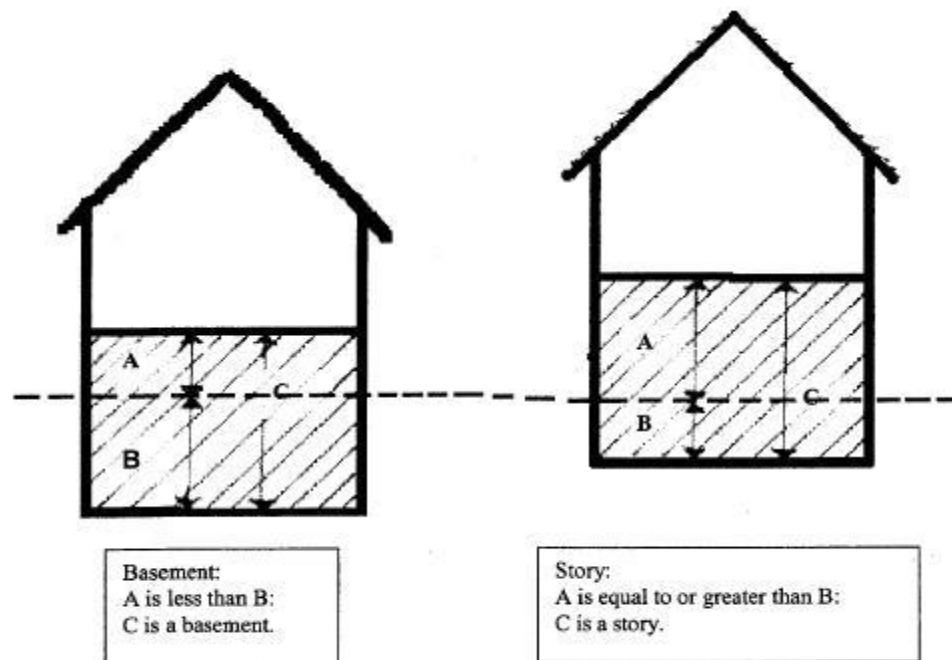
**ASSEMBLY HALL.** An enclosed space of assembly for the exclusive use of the owners of the facility or by the members of the association controlling the premises.

**ASSISTED LIVING FACILITY.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in an instance where the individual's condition necessitates that supervision or assistance. Permitted services include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision and social activities. Facilities providing regular care under supervision of physicians are not considered assisted living facilities.

**AUTOMOBILE.** All passenger cars, as well as light duty trucks, vans and sport utility vehicles.

**AUTOMOBILE SERVICE STATION.** A place where gasoline (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to public on premises, including sale of minor accessories and minor services for automobiles.

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



**BED AND BREAK FAST INN.** A single-family residential structure that meets the following criteria:

- (1) Has eight or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one or more of which are available for rent to transient tenants.
- (2) Serves breakfast at no extra cost to its transient tenants.
- (3) Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

**BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way unsubdivided acreage, river or live stream, or between the foregoing and any other barrier to development, or corporate boundary

lines of the city.

**BLOCK FACE.** All lots abutting both sides of a street between two intersecting points.

**BOARD.** The Zoning Board of Appeals.

**BOARDING HOUSE OR ROOMING HOUSE.** A building other than a hotel where for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished room house shall be deemed a **BOARDING HOUSE** for the purposes of this chapter.

**BREW PUB.** A facility licensed by the Michigan Liquor Control Commission, in conjunction with a Class “C” tavern, Class “A” hotel, or Class “B” hotel, that annually manufactures and sells not more than 2,000 barrels of beer only for consumption therein.

**BUFFER ZONES.** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

**BUILDING.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. The word **BUILDING** includes the word structure, and dwelling includes residence. A **BUILDING** or structure includes any part thereof.

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

**BUILDING LINE.** A line formed by the face of the building, and for the purposes of this chapter a minimum **BUILDING LINE** is the same as a front setback line.

**BUILDING, MAIN OR PRINCIPAL.** A building in which is conducted the principal use of the lot which it is situated.

**BUILDING OFFICIAL.** An individual established by the city to administer and enforce the provisions of all building codes as adopted and amended.

**CARPORT.** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

**CHANGE OF OCCUPANCY.** A discontinuance of an existing use and the substitution or the addition thereto of a use of a different kind or class.

**CHARITABLE GAMING ROOM.** A building or space within a building used, owned, rented, or leased by non-profit qualified organizations for gaming activities permitted pursuant to Michigan Public Act 382 of 1972, as amended.

**Religious Institution** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes churches, synagogue, temple, mosque, or other such place for worship and religious activities.

**CLINIC.** An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.

**CLUB.** 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.

**COMMERCIAL VEHICLE.** All motor vehicles used for the transportation of passengers for hire, or constructed or used for the transportation of goods, wares or merchandise or all motor vehicles designed and used for drawing other vehicles.

**COMMISSION.** The Planning Commission of the City of Inkster.

**COMMON AREA, GENERAL.** That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the condominium master deed.

**COMMON AREA, LIMITED.** That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in as described in the condominium master deed.

**COMMUNITY DEVELOPMENT DEPARTMENT.** Includes the Community Development Director, the City Planner, and other City Official(s) authorized to administer the Zoning Regulations on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, ending notices of public hearings, and similar work.

**CONDOMINIUM.** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM MASTER DEED.** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**CONDOMINIUM SUBDIVISION.** A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended. Also known as a site condominium.

**CONDOMINIUM SUBDIVISION PLAN.** The drawings attached to the master deed for a condominium subdivision project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision project, as well as the nature, location and size of common elements.

**CONDOMINIUM UNIT.** That portion of a condominium project or condominium subdivision project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use. A **CONDOMINIUM UNIT** may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any **CONDOMINIUM UNIT** consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision project with the provisions of this chapter pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**CONVALESCENT AND NURSING HOME.** An installation other than a hospital or private home where two or more persons afflicted with illness, injury or an infirmity are housed or lodged, and furnished with 24 hour nursing care. Restorative therapies may be provided as an accessory use and clearly incidental to the facility's primary function.

**CONVENIENCE RETAIL STORE.** A one story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). **CONVENIENCE RETAIL STORES** are designed to attract a large volume of stop-and-go traffic.

**COUNCIL.** The City Council of the City of Inkster.

**COURT.** 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 outer court. Any other court is an inner court.

**CUL-DE-SAC.** A street ending in a turn-around designed and intended as a permanent or temporary terminus.

**DAY CARE.**

(1) **CHILD DAY CARE (HOME).** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The state shall license these facilities.

(2) **CHILD DAY CARE.** A facility other than a private residence, receiving one or more minor children

for care periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such services are attending religious activities. The state shall license these facilities.

(3) **ADULT DAY CARE.** A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons 18 years of age or older. Care is provided for periods of less than 24 hours a day. The state shall license these facilities.

(4) **GROUP DAY CARE HOME.** **GROUP DAY CARE HOME** is a licensed day care center in a private home as an accessory use in which more than 6 but less than 12 minor children are given care and supervision for periods of less than 24 hours per day and for more than four weeks during a calendar year.

**DENSITY.** The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands) and the area in rights-of-way for streets and roads.

**DEVELOPMENT.** The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. Development also means any man-made change to improved or unimproved real estate, including but not limited to parking, fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DISTRICT.** A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

**DRIVE-IN.** A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVE-THROUGH.** A business establishment, or portion thereof, developed to serve patrons in motor vehicles from a designated lane providing access to a service window.

**DRIVEWAY.** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this chapter and any requirements of the city or state.

**DRY CLEANING PLANT.** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof designed for occupancy by three or more families living independently of each other.

**DWELLING, ONE-FAMILY.** A building designed exclusively for occupancy by one family.

**DWELLING, TWO-FAMILY.** A building designed exclusively for occupancy by two families, independent of each other, such as a duplex dwelling unit.

**DWELLING UNIT.** A building, or a portion thereof, designed for occupancy by one family for residential purposes and having cooking and sanitary facilities.

**EASEMENT.** A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

**EMERGENCY SHELTER.** A facility providing congregate style temporary lodging with or without meals and ancillary services to primarily the homeless for more than four weeks in any calendar year. An emergency shelter does not provide lodging to any individual who is required because of age, mental disability or other reason to reside in a private or public institution or to any individual who is imprisoned or otherwise detained pursuant to federal or state law. An **EMERGENCY SHELTER** shall be considered a

different land use than an adult foster care facility or nursing homes.

**ENCLOSED.** Surrounded on all sides.

**ERECTED.** 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.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, but not including buildings other than such primary enclosures or shelters for the above essential service equipment.

**EXCAVATION.** Any breaking of ground, except common household gardening and ground care.

**FAMILY.** One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) 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.

**FILLING.** The depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.

**FIREARMS SALES ESTABLISHMENT.** A place of business of a firearms dealer. A firearms dealer is any person engaged in the wholesale or retail sale of firearms, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. A **FIREARMS SALES ESTABLISHMENT** shall be defined as only those establishments principally engaged in the display or sale of firearms or ammunition. A **FIREARMS SALES ESTABLISHMENT** is not a store of a generally recognized retail nature, which may include firearms or ammunition as an incidental and accessory use.

**FLOODPLAIN.** See § 155.142, National Flood Insurance Program, for specific definitions.

**FLOOR AREA, GROSS.** The sum total of all floors of a building as measured from the interior faces of the exterior walls. Stairwells and elevator shafts are excluded from this definition for the purpose of area calculations.

**FLOOR AREA, RESIDENTIAL.** 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.

**FOSTER CARE FACILITIES.**

(1) **ADULT FOSTER FAMILY HOME.** An establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to seven or more adults. An adult foster care facility is other than a home for the aged or a nursing home or a mental hospital for mental patients or a pre-release adjustment center. The state shall license these facilities.

(2) **FOSTER FAMILY GROUP HOME.** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(3) **FOSTER FAMILY HOME.** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are given care and supervision for 24 hours a day, or four or more days a week, of two or more consecutive weeks, unattended by a parent or legal guardian.

**GARAGE, PRIVATE.** An accessory building for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building. In residential

areas the storage of not more than one commercial vehicle of a rated capacity not exceeding three-fourths ton is permitted.

**GARAGE, PUBLIC.** Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

**GRADE.** A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building **GRADE** shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

**GROSS LEASABLE AREA.** The gross floor area minus deductions for public lobbies, common mall areas, atriums, courtyards, and permanently designated corridors which are not subject to relocation by specific lease requirements. (Attributed to interior mall parking calculations. May not be needed in Inkster).

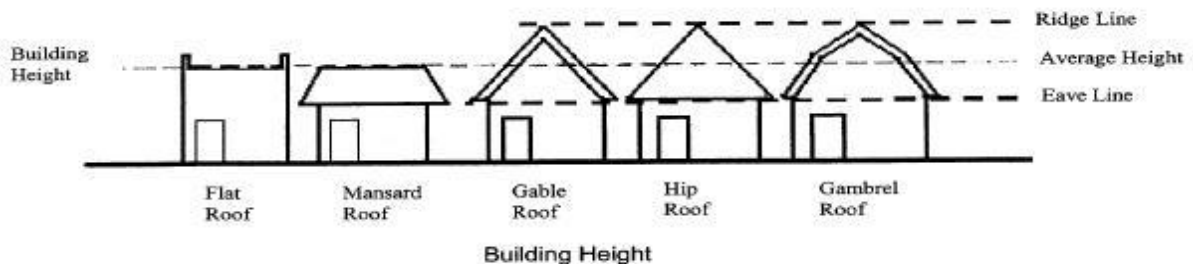
**HAZARDOUS SUBSTANCE.** A chemical or other material which is or may become injurious to the public health, safety or welfare or to the environment.

**HAZARDOUS WASTE.** Waste or a combination of waste and other discarded material including solid, liquid, semi-solid or contained gaseous material that because of its quantity, quality, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality, serious irreversible illness, serious incapacitating but reversible illness or pose a substantial present or potential hazard to human health or the environment if properly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS WASTE FACILITY.** A facility or part of a facility that is used for the treatment, storage or disposal of hazardous waste.

**HEALTH CLUB.** Gymnasiums (except public), private athletic, health or recreational clubs, reducing salons and weight control establishments, but excluding “adult personal service establishments”.

**HEIGHT.** The vertical distance measured from the established grade at the front of the building 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. The **HEIGHT** of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.



**HOME OCCUPATION.** An occupation or profession carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes. Any such use shall not be visible or noticeable in any manner or form from outside the walls of the dwelling.

**HOSPITAL.** A building, structure or installation in which mentally ill, or sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the state, including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

**HOTEL.** A building, part of a building or group of buildings containing rooming or dwelling units, with a common entrance and lobby, accessed from the interior, used for transient occupancy by the public traveling in a motor vehicle, offered to the public for compensation and in which one or more of the following services are offered:

- (1) Maid service.
- (2) Furnishing of linen.
- (3) Telephone, secretarial or desk service.
- (4) Room service.

Units shall not be re-rented, sub-rented or rented again within a 24-hour period following a room rental. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. A **HOTEL** shall not be considered or construed to be a multiple family dwelling, transient housing for persons transitioning from emergency shelters or an emergency shelter.

**HOUSING FOR THE ELDERLY.** A building or group of buildings containing dwellings intended to be occupied by, elderly persons as defined by the Federal Fair Housing Act, as amended. **HOUSING FOR THE ELDERLY** may include independent and/or assisted living arrangements but shall not include convalescent or home for the aged facilities regulated by the state. Independent and assisted living **HOUSING FOR THE ELDERLY** are defined as follows:

(1) **INDEPENDENT LIVING FOR THE ELDERLY.** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as meals, linkages to health care, transportation, security, housekeeping and recreational and social activities.

(2) **ASSISTED LIVING FACILITY.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in an instance where the individual's condition necessitates that supervision or assistance. Permitted services include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision and social activities. Facilities providing regular care under supervision of physicians are not considered **ASSISTED LIVING FACILITIES**.

**INGRESS AND EGRESS.** As used in this chapter, **INGRESS AND EGRESS** generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a property, a building, or another location.

**JUNK.** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, solid waste, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the state for a period in excess of 48 hours and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 48 hours and which is not in a completely enclosed building.

**JUNK YARD.** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** 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.** Any lot or premises on which more than three dogs or cats or other household pets are either permanently or temporarily boarded. **KENNEL** shall also include any lot or premises where household pets are bred and/or sold.

**LANDSCAPING.** The treatment of the ground surface with live plant materials such as, but not limited to grass, ground cover, trees, shrubs, vines, and other man-made material. In addition, a landscape design may include other decorative man-made materials, such as woodchips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of **LANDSCAPING**, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting requirements for **LANDSCAPING**. Various **LANDSCAPING**-related terms are defined as follows:

(1) **BERM.** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live **LANDSCAPING** materials, and with a height and width that complies with the requirements of this chapter.

(2) **GRASS.** Any of a family of plants with narrow leaves normally grown as permanent lawns. Also

referred to as “turf”.

(3) **GREENBELTS.** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.

(4) **GROUND COVER.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

(5) **HEDGE.** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary or fence.

(6) **INTERIOR LANDSCAPING AREA.** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

(7) **NURSE GRASS.** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly established ground cover to prevent dust or soil erosion.

(8) **SCREEN OR SCREENING.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the **SCREEN** is composed of nonliving material, such materials shall be compatible with materials used in the construction of the main building, but in no case shall include wire fencing.

(9) **SHRUB.** A self-supporting, deciduous or evergreen woody plant normally branched near the base, bushy and less than 15 feet in height.

(10) **SOD.** An area of grass-covered surface soil held together by matted roots.

(11) **TREE.** A self-supporting, woody deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Wayne County, Michigan. Types of **TREES** are defined as follows:

(a) **DECIDUOUS TREE.** A variety of **TREE** that has foliage that is shed at the end of the growing season.

(b) **EVERGREEN TREE.** A variety of **TREE** that has foliage that persists and remains green throughout the year.

(c) **ORNAMENTAL TREE.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.

(d) **SHADE TREE.** For the purposes of this chapter, a **SHADE TREE** is a deciduous tree which has a mature crown spread of 15 feet or greater in Wayne County, Michigan, and having a trunk with at least 5 feet of clear stem at maturity.

(e) **VINE.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

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

**LOT.** A parcel of land occupied, or intended to be occupied, by a main building or 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.

**LOT AREA.** The total horizontal area within the lot lines of a lot.

**LOT, CORNER.** A lot where the interior angle or two adjacent sides at the intersection of two streets is less than 135°. A lot abutting upon a curved street or streets shall be considered a **CORNER LOT** for the purposes of this chapter if the area 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 at the straight street line extended, form an interior angle of less than 135°.

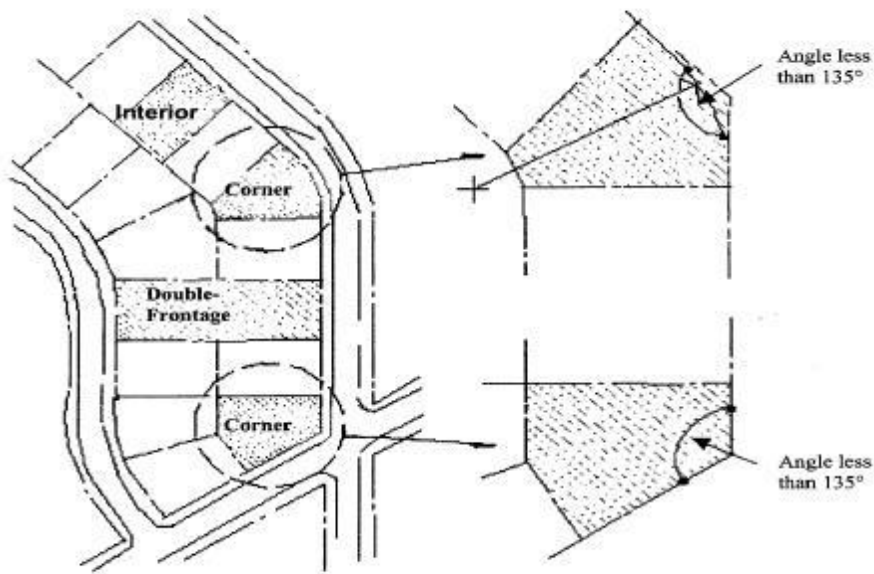
**LOT COVERAGE.** That part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE.** 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 said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**LOT INTERIOR.** Any lot other than a corner lot.



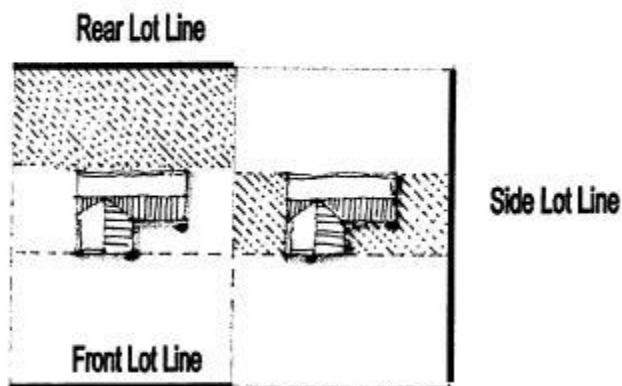
Lot Types

**LOT LINES.** The lines bounding a lot as defined herein:

(1) **FRONT LOT LINE.** In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot or double frontage lot, **FRONT LOT LINE** shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit. In the case of a cul-de-sac, the front setback line shall be determined by drawing a straight line from points established at the front setback depth along the side property lines.

(2) **REAR LOT LINE.** 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.** 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 or lots is an interior side lot line.



**LOT OF RECORD.** 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 city or county officials, and which actually exists as so shown, or any part of such parcel held in recognizing ownership

separate from that of the remainder thereof.

**LOT WIDTH.** The straight line distance between the side lot lines, measured at the two points where the minimum building line or setback intersects the side lot lines.

**LOT, ZONING.** A single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. 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.

**MAIN BUILDING.** A building in which is conducted the principal use of the lot upon which it is situated.

**MAIN USE.** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**MAJOR THOROUGHFARE.** An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a **MAJOR THOROUGHFARE**, parkway 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 or greater shall be considered a **MAJOR THOROUGHFARE**.

**MANUFACTURED HOUSING COMMUNITY.** A parcel or tract of land upon which three or more mobile homes are located on a continual, nontransient basis together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MANUFACTURED HOUSING UNIT.** A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974. Such structure is designed to be used as a single-family dwelling unit.

**MARGINAL ACCESS DRIVE.** A service roadway parallel to a major thoroughfare intended to provide access to abutting properties and protection from through traffic.

**MASSAGE ESTABLISHMENT.** An establishment in which a licensed or certified massage therapist provides such services in compliance with provisions of this chapter. This does not include establishments which routinely provide services performed by a licensed physician, chiropractor, osteopath, nurse, or other medical professional. This also does not include establishments in which the martial arts or organized athletic activities take place, hospitals, nursing homes, medical clinics or offices, barbershops or beauty parlors which offer massages to the scalp, face, neck or shoulders only, or those in which a licensed operator performs electrolysis.

**MASTER PLAN.** The Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**MECHANICAL AMUSEMENT DEVICE.** Any machine containing no automatic payoff device which may, on the insertion of a coin or slug, operate or be operated or used as a game, contest or amusement of any sort or description and which may or may not consist of electronic play appearing on a video screen and which is so constructed that it may not be converted into an automatic payoff device for the return or discharge of money, tokens, coins, checks or merchandise, or which provides no such payoff by any means whatsoever, provided that the term shall not include any coin-operated device used solely for the playing of music and provided further that the term shall include mechanical, electrical and electronic video games.

**MEDICAL MARIJUANA FACILITY.** A licensed Grower, Processor, Secure Transporter, or Safety Compliance Facility for the cultivation, manufacturing, processing, and transportation of medical marijuana into a usable form, as defined by Public Act 281 of 2016, the Medical Marijuana Facilities Licensing Act, as amended. **MEDICAL MARIJUANA PROVISIONING CENTERS.** Medical Marijuana Provisioning Center means a commercial entity that acquires, possesses, delivers, transfers, or transports medical marijuana and sells, supplies, or provides to registered qualifying patients, directly or through the patients' registered primary caregiver, to the extent that is authorized by State of Michigan regulations. Provisioning center includes any commercial property where medical marijuana is sold to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying

patient connected to the caregiver in accordance with State of Michigan regulations is excluded from this definition.

**MEZZANINE.** An intermediate or fractional story between the floor and ceiling or main story occupying not more than one-third of the floor area of such main story. See graphic for “story.”

**MICRO BREWERY.** A facility licensed by the Michigan Liquor Control Commission that annually produces less than 20,000 barrels of beer.

**MOBILE HOME.** A 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. The term **MOBILE HOME** shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**MOBILE HOME PARK.** Same as “Manufactured Housing Community.”

**MODULAR HOUSING UNIT.** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**MOTEL.** A building, part of a building or group of buildings containing 10 or more rooming or dwelling units with 25% or more of the units having individual exterior room entrances, primarily used for transient occupancy by the public traveling in a motor vehicle, offered to the public for compensation and in which one or more of the following services are offered:

- (1) Maid service.
- (2) Furnishing of linen.
- (3) Telephone, secretarial or desk service.
- (4) Room service.

Units shall not be re-rented, sub-rented or rented again within a 24-hour period following a room rental. The term **MOTEL** shall include buildings designated as auto courts, tourist courts, motor courts, motor hotel, and similar titles which are designed as integrated units of individual rooms under common ownership. A **MOTEL** shall not be considered or construed to be a multiple-family dwelling, transient housing for persons transitioning from an emergency shelter or a rooming house.

**MULTIPLE-FAMILY DWELLING.** A structure, located on a single lot, containing three or more dwelling units, which is designed for or occupied by one family only, with housekeeping and cooking facilities for each.

**NIGHTCLUB.** An establishment, excluding an “adult business activity,” where live entertainment is provided, presented, permitted or performed, including, but not limited to, a dance, comic, theatrical, or musical performance and alcoholic beverages are consumed on premises.

**NONCONFORMING BUILDING.** A building or portion thereof, existing at the effective date of this chapter or amendments thereto, and that does not conform to the provisions of this chapter relative to height, bulk, area or yards for the district in which it is located.

**NONCONFORMING LOT.** A lot which was lawfully in existence at the effective date of this chapter, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

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

**NON-PROFIT.** An organization recognized by the United States Internal Revenue Service as holding a **NON-PROFIT** tax-exempt status.

**NON-PROFIT QUALIFIED ORGANIZATION.** A bona fide religious, educational, service, senior citizens, fraternal, or veterans’ organization that operates without profit to its members and that either has been in existence continuously as an organization for a period of five years or is exempt from taxation

pursuant to Michigan Public Act 382 of 1972, as amended.

**NUISANCE.** This term shall be held to embrace public **NUISANCE** as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted; whatever is unwholesome; whatever renders or makes an unusual noise, sound, racket or vibration sufficient to annoy and destroy the usual peace and quiet of any persons of the city; whatever pollutes the air to create an ill-smelling condition so offensive as to annoy the public; whatever is conducive to the harboring of insects, vermin, rats or rodents; all ponds of stagnant water, any yard or area housing old and useless or nearly useless automobiles or parts thereof, or other waste, machinery, logs, old lumber, rubbish or construction rubbish, so that the same is offensive to the general public.

**NURSERY, PLANT MATERIAL.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or 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.

**NURSING HOME.** Same as “Convalescent and Nursing Home”.

**OFF-STREET PARKING LOT.** A facility other than for single-family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

**OPEN FRONT STORE.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure onto a dedicated outdoor seating area and not requiring the patron to enter the structure. The term **OPEN FRONT STORE** shall not include automobile repair stations or automobile service stations,

**OPEN SPACE.** The part of the zoning lot, including courts and/or yards. Which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

**OUTDOOR RECREATION FACILITY.** The use of land for the purposes of a golf course, skating rink, park, playfield, playground, swimming pool, tennis court and similar recreation uses.

**OWNER.** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**PARK.** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

**PARKING.** The temporary placement of operable motor vehicles having valid and current license plate or registration sticker as required by the Secretary of State.

**PARKING SPACE.** An area exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles. Such space shall meet the requirements of this chapter.

**PAWNSHOP.** A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

**PERSON.** An individual a corporation, a partnership, an incorporated association or any other similar entity.

**PIERCING PARLOR.** A personal service establishment at which body piercing is provided. For purposes of this chapter, jewelry stores, other retail stores or clinics that provide this service as an incidental and accessory use shall be classified as **PIERCING PARLORS**.

**PLANNED UNIT DEVELOPMENT.** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, commercial and industrial uses, common open space and other land

uses as provided in this chapter.

**Planner, City.** The person or firm designated by the City Council and Planning Commission to advise the City Council, City Manager, City Planning Commission, and city staff on planning, zoning, land use, housing, and other related planning and development issues. The CITY PLANNER may be a consultant or an employee of the city.

**PLANNING COMMISSION.** The **PLANNING COMMISSION** of the city.

**PORCH.** A covered or uncovered entrance to a building or a roofed structure projecting from the exterior wall or walls of a principal structure and supported by piers, posts or columns and commonly open to the weather.

**PRINCIPAL BUILDING.** The main building on a lot in which the principal use exists or is served by.

**PRINCIPAL USE.** The main use to which the premises are devoted and the main purpose for which the premises exist.

**PRIVATE CLUB.** An association, incorporated or unincorporated, organized for a common purpose, goals, interest or activities, but not commercial or business. A **PRIVATE CLUB** is characterized by membership qualifications, payment of fees and dues, regular meetings, a constitution and bylaws.

**PUBLIC UTILITY.** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**RECREATION EQUIPMENT.** Includes equipment such as boats and boat trailers, snowmobiles, horse trailer, dune buggies, “pickup campers”, trailer coach, folding tent trailer and other similar items.

**RECREATION, INDOOR COMMERCIAL.** Includes indoor commercial uses such as bowling centers, basketball courts, archery ranges, golf domes and ranges, tennis facilities and skating rinks. For the purposes of this chapter, firearms target practice ranges shall not be included.

**RECREATION VEHICLE.** A vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels, and self-propelled or capable of being pulled by another vehicle.

**REGULATED USE.** A classification of uses, as specified in this ordinance, that is considered nuisances and negatively impact public health, safety and welfare when located in close proximity to one another.

**RELIGIOUS INSTITUTIONS.** See “Church.”

**RESTAURANT.**

(1) **BAR LOUNGE.** An establishment operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger banquet facility, it shall be defined as that part of the structure so designated or operated.

(2) **CARRY-OUT RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts or beverage to the customer in a ready-to-consume state, and whose design, or method of operation includes both of the following characteristics:

(a) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

(b) The consumption of foods, frozen desserts or beverages within the restaurant building is secondary to food consumed off premises.

(3) **DRIVE-IN RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen dessert or beverages to the customer in a ready-to-consume state, and whose design or method of operation, includes one or both of the following characteristics:

(a) Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle.

(b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is permitted.

(4) **DRIVE-THRU RESTAURANT.** A business establishment serving food and/or beverages to patrons in a motor vehicle for consumption off the premises.

(5) **FAST FOOD RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the

restaurant whose design or principal method of operation includes both of the following characteristics:

(a) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

(b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises is posted as being prohibited and the restaurateur strictly enforces such prohibition.

(6) **STANDARD RESTAURANT.** An establishment whose principal business is the sale of foods, frozen desserts, beverages to a customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

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

(b) A cafeteria type of operation where foods, frozen desserts, beverages generally are consumed within the restaurant building.

**RIGHT-OF-WAY.** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The **RIGHT-OF-WAY** is delineated by legally established lines or boundaries.

**ROOMING, LODGING AND BOARDING HOUSE.** A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for pay or compensation of any kind, computed by day, week, or month to persons other than members of the family occupying such dwellings.

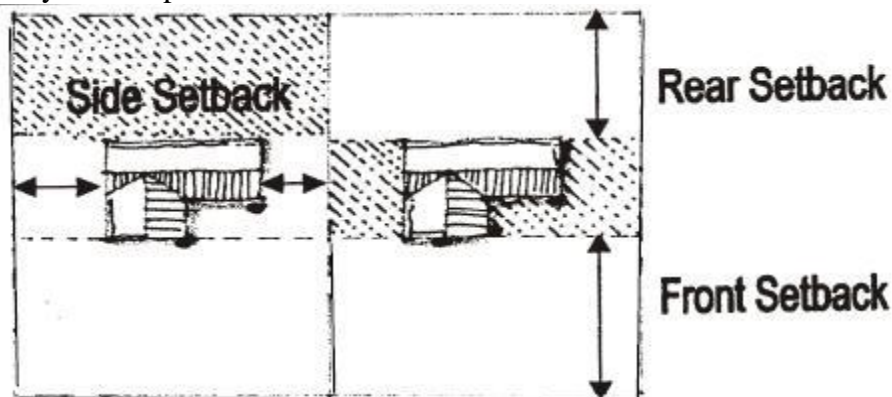
**SCREENING.** A method of reducing the impact of noise and/or unsightly visual intrusions with less offensive and more harmonious elements such as plants, trees, berms, fences, walls or any appropriate combination.

**SECONDHAND STORE.** A building, structure, or premises used solely or partially for the sale of secondhand clothing, furniture, books, jewelry, household goods or appliances.

**SELF-STORAGE FACILITY.** A building or groups of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses, apartment dwellers and other individuals or firms, and is also known as a miniwarehouse.

**SENIOR HOUSING.** See “Assisted Living,” and “Housing for the Elderly.”

**SETBACK.** The required minimum horizontal distance between the nearest part of a building line or structure and the related front, side or rear yard lot lines. **SETBACK** are open from ground to the sky, except as otherwise allowed by this chapter.



**SIGN.** See §§ 155.231 through 155.252 for specific definitions.

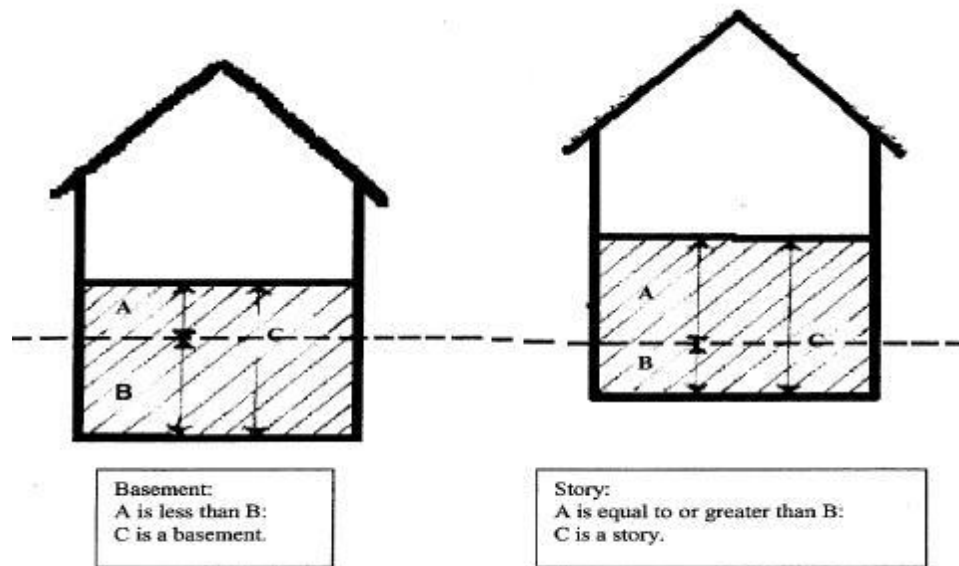
**SINGLE-FAMILY DWELLING.** A detached dwelling unit located on a single-lot with no other dwelling units designed or occupied by one family.

**SPECIAL LAND USE.** A use of land, permitted within certain zoning districts, whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this chapter. Approval for establishing a special land use is indicated by issuance of a special use permit.

**SPECIALLY DESIGNATED DISTRIBUTOR (SDD).** A retail establishment licensed by the State Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises.

**SPECIALLY DESIGNATED MERCHANT (SDM).** A retail establishment license d by the State Liquor Control Commission to sell beer and/or wine for consumption off premises.

**STORY.** That part of a building, except a mezzanine as defined in this section, 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%, by cubic content is below the height level of the adjoining ground.



**STORY, HALF.** An uppermost story lying under a sloping roof, the usable floor area of which, at height of 4 feet above the floor, does not exceed 2/3 of the floor area in the **STORY** direct below, and the height above at least 200 square feet of floor space is 7 feet, 6 inches.

**STREET.** A public thoroughfare which affords the principal means of access to abutting property.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in exterior walls.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**TATTOO PARLOR.** An establishment offering tattoo services including the creation of marks or figures upon the human body, by insertion of pigment under the skin or by the production of scars or otherwise.

**TEMPORARY USE.** A use or building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**TOWNHOME.** A type of multiple-family dwelling exhibiting two or more stories, primary and secondary entrances per each unit at grade level and wholly enclosed in vertical arrangement of floors. These units are attached to other similar units in a side-by-side arrangement and separated by common party walls rated for appropriate fire protection by city's codes.

**TRANSIENT HOUSING.** Rental housing for persons whose most recent address has been a homeless shelter.

**TWO-FAMILY DWELLING.** A structure located on one lot containing two dwelling units each of which is designed for or occupied by one family with separate housekeeping and cooking facilities.

**USE.** 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.

**USE FOR.** Includes "Arranged For", "Designed For", "Intended For", "Maintained For", or "Occupied For".

**UTILITIES, BASIC.** Infrastructure services that need to be located near the area where the service is provided. **BASIC UTILITY** uses generally do not have on site employees. Examples include electric

transformer stations, gas regulator stations and telephone exchanges.

**UTILITIES, MAJOR.** Area-wide infrastructure services that typically have employees on site. Examples include water works, reservoir, pumping station or filtration plants; power or heating plants; or, steam generating plants.

**UTILITY, PUBLIC.** A private enterprise regulated by the State Public Service Commission with an exclusive franchise for providing an essential public service such as Detroit Edison, Ameritech and Michigan Consolidated Gas. Wireless telecommunications carriers are not **PUBLIC UTILITIES**.

**VARIANCE.** A modification of the literal provisions of this chapter granted when strict enforcement this chapter would cause undue hardship owing to circumstances unique to the individual property on which the **VARIANCE** is granted. Such hardship shall not be specifically interpreted as meaning economic hardship. The crucial elements of a **VARIANCE** are: undue hardship, unique circumstances, and applying to the subject property. A **VARIANCE** is not justified unless all three elements are present in the case.

**VEHICLE REPAIR FACILITY, MAJOR.** A place defined as a business offering repair and replacement services including, but not limited to, steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects shall adversely extend beyond the property line, but not including the sale of gasoline.

**VEHICLE REPAIR FACILITY, MINOR.** A place defined as a business offering maintenance and repair services, the sale of oil and minor accessories, where no repair work is done other than incidental service, but not including the sale of gasoline, steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line. Such repairs shall be limited to passenger automobiles or light trucks.

**VEHICLE SALES AREA/DEALERSHIP.** An open area other than a street used for the display, sale, or rental of new or used automobiles or other motor vehicles.

**VEHICLE WASH ESTABLISHMENT.** A building or portion thereof where vehicles are washed. Such facilities shall include:

(1) **AUTOMATIC WASH.** Any facility, its structures, accessory uses, or paved area used wholly or partly to wash, clean and dry the exterior of automobiles, using conveyors to move the vehicle, or equipment that moves over or around the vehicle, or other automated equipment intended to mechanically wash such vehicles.

(2) **SELF-SERVICE WASH.** Any facility, its structures, accessory uses or paved area used wholly or partly to wash, clean and dry the exterior of automobiles using hand-held equipment.

**WAREHOUSE.** A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing.

**WHOLESALE ESTABLISHMENT.** A building used for the sale of goods in large amounts to retailers, or where merchandise is purchased in bulk amounts by consumers who must enroll in a membership at said establishment.

**WIRELESS COMMUNICATION FACILITIES.** See §§ 155.211 through 155.217 for specific definitions.

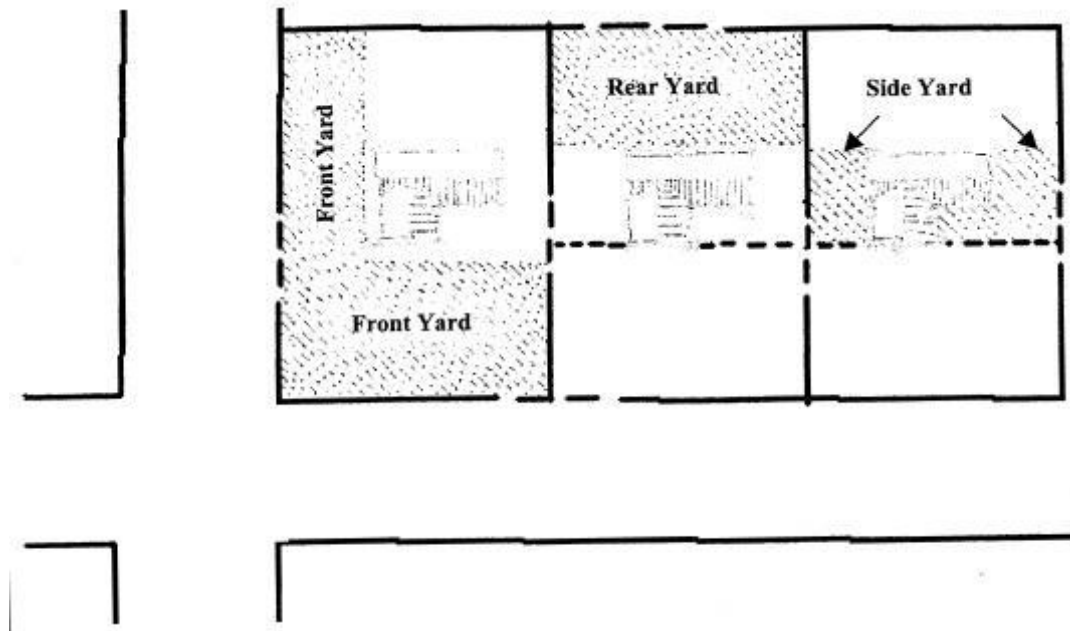
(1) **COLLATION.** The use of a wireless telecommunication support facility by more than one wireless telecommunication provider.

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

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest line of a main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the rear lot line and the nearest line of a main building.

(3) **SIDE YARD.** 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 minimum required horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



(Ord. 792, passed 12-3-01; Am. Ord. 836, passed 2-21-11; Am. Ord. 852, passed 3-16-15)

## **DISTRICTS AND BOUNDARIES; MAPS; SCHEDULE OF LAND USES**

### **§ 155.031 DISTRICTS ESTABLISHED.**

For the purpose of this chapter, the city is hereby divided into the following districts:

- R-1A One-Family Residential District
- R-1 B One-Family Residential District
- R-1C One-Family Residential District
- RM Restricted Multiple Dwelling District (low rise)
- RM-1 Multiple-Family Residential District (low rise)
- O-1 Office District
- B-1 Local Business District
- B-2 Thoroughfare Mixed-Use District
- B-3 General Business District
- M-1 Light Industrial District
- TCD Town Center District

(Ord. 792, passed 12-3-01)

### **§ 155.032 ZONING MAP.**

The boundaries of the districts established in § 155.031 are established as shown on the zoning map of this zoning code, which is on file in the office of the City Clerk. The zoning map, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described herein.

(Ord. 792, passed 12-3-01)

### **§ 155.033 INTERPRETATION OF DISTRICT BOUNDARIES.**

Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets, alleys, roads, or such lines extended, and the corporate limits of the city. Where, due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines

shall be determined upon written application, or upon its own motion, by the Zoning Board of Appeals after recommendation by the Planning Commission.

(Ord. 792, passed 12-3-01)

**§ 155.034 ZONING OF VACATED AREAS.**

Whenever any street, alley or other public way within the city shall have been vacated by action of the City Council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further action of the City Council, acquire and be subject to the same zoning regulations as are applicable to similarly-zoned lands shall be used for the same use as is permitted under this chapter for such adjoining lands.

(Ord. 792, passed 12-3-01)

**§ 155.035 ZONING OF ANNEXED AREAS.**

Any area annexed to the city shall, immediately upon such annexation, be automatically classified as an R-1 district until a zoning map for said area has been adopted by City Council. The Planning Commission shall recommend appropriate zoning for such area within three months after matter is referred to the Planning Commission by the City Council.

(Ord. 792, passed 12-3-01)

**§ 155.036 SCHEDULE OF LAND USES.**

Table 2-1. Schedule of Land Uses displays specific land uses in reference to their respective zoning districts. The schedule is general and intended to provide initial guidance for users. A complete list with land use conditions is set forth in §§ 155.041 through 155.049. Regulations in §§ 155.041 through 155.049 take precedent over Table 2-1 below.

<b>Table 2-1 Schedule of Land Uses by Zoning District</b>									
	<b>Zoning Districts</b>								
	<b>R-1</b>	<b>RM</b>	<b>RM-1</b>	<b>O-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>TCD</b>
	<b>A, B, C</b>								
<b>Residential Land Use Types</b>									
One-Family Detached Dwelling	P	P	P						P
Two-Family Dwellings/Duplexes		P	P						
Townhomes (2 story max.)		P	P			P			
Townhomes (3 story max.)		SLU							
Multiple-Family Dwellings (2 story max.)		P	P						P
Multiple-Family Dwellings (3 story max.)		SLU	P			P			P
Multiple-Family Dwellings (4+ stories)			SLU						P

Mixed-Use Residential and Business (Lofts)					SLU	SLU			SLU
Manufactured Housing Community							SLU	SLU	
<b>Public/Quasi-Public Land Use Types</b>									
Charitable Gaming Room						SLU	SLU	SLU	P
Child/Adult Foster Care (6 or less persons)	P	P	P						P
Child/Adult Foster Care (7, but fewer than twelve persons)	SLU	SLU	SLU						
Assisted Living Facilities/Elderly Housing		SLU	SLU			SLU	SLU		
Nursing and Convalescent Homes		SLU	SLU	SLU		SLU			
Transient Residential and Rooming Houses						SLU	SLU		
Publicly Owned Libraries	P	P	P	P					P
Publicly Owned Parks and Parkways	P	P	P	P					P
Publicly Owned Recreation Facilities	P	P	P	P					P
Post Offices and Similar Government Offices				P		P	P		P
Utility and Public Owned Buildings w/o storage yards	SLU	SLU	SLU	SLU	SLU	P/SLU	P	P	P
General Hospitals			SLU				SLU		
Religious institutions and Incidental Facilities	SLU	SLU	SLU		SLU	SLU	SLU		SLU
Cemeteries	P	P	P						
Private Noncommercial Recreational Areas	SLU	SLU	SLU						
Institutional or Community Recreation Centers	SLU	SLU	SLU						P
Golf Courses	SLU								
Non-Profit Public, Parochial and Private Elementary, Intermediate or High Schools	SLU	SLU	SLU			SLU	SLU		

Colleges, Universities and Institutions of Higher Learning, Public and Private	SLU	SLU	SLU				SLU		
Business Schools and Colleges							SLU		
Vocational Training Centers and Schools						SLU	SLU		
Private For-Profit Schools, Business Schools and Colleges						SLU	SLU		
Theaters						SLU	SLU		P
Assembly Halls						SLU	SLU		P
Concert Halls						SLU	SLU		P
Private Clubs						P	P	P/SLU	
Fraternal Organizations						P	P	P/SLU	
Lodge Halls						P	P	P/SLU	
<b>Business and Office Land Use Types</b>									
Adult Businesses and Uses							SLU		
Arcades							SLU		
Art, Photographic and Design Studios						P	P		P
Automobile Repair (Minor)							SLU	SLU	
Automobile Service Centers (as part of planned shopping center)						SLU	SLU		
Automobile Service Stations							<i>SLU</i>	SLU	
Banks and Similar Financial Institutions						P	P		P
Bar or Lounge						SLU	SLU		SLU
Bus Passenger Stations						P	P	P	P
Cabaret							SLU		
Carry-out Restaurants						SLU	SLU		P
Crafts and Fine Arts (Instruction in)	P	P	P			P	P		P
Computer Centers							P	P	
Dance, Music and Voice Schools						P	P		
Drive-in Restaurants						SLU	SLU		
Drive-Through Facilities						SLU	SLU		

Drive-Through Restaurants						SLU	SLU		
Dry Cleaners					P	P	P		P
Electronic Data Processing Centers							P	P	
Fast Food Restaurants w/o drive- through						SLU	SLU	SLU	
Firearms sales establishments							SLU		
Hotels (Full Service)							SLU		P
Indoor Commercial Recreation						SLU	SLU/P		P
Kennel, Commercial							SLU		P
Liquor, Beer and Wine Sales							SLU		
Massage Businesses							SLU/P		
Medical and Dental Laboratories						P	P		
Medical and Dental Offices and Clinics				P	P	P	P		
Mortuaries						P	P		
Motels							SLU		
New and Used Vehicle Sales (Indoor)							SLU		
New and Used Vehicle Sales (Outdoor)							SLU		
Nursery Schools, Day Nurseries and Child/Adult Care Centers	SLU	SLU	SLU	SLU	SLU	SLU	P		P
Office Equipment - Sales and Service						P	P		
Open Air Businesses						SLU	SLU		
Pawnshops							SLU		
Personal Service Establishments					P	P	P		P
Professional and Financial Services						P	P		P
Professional Offices				P		P	P		P
Public Utility Offices w/o storage yards				P		P	P	P	
Retail Reproduction Services						P	P	P	P

Retail Businesses (Convenience)					P	P	P	SLU	P
Retail (within enclosed building)						P	P		P
Secondhand Stores						SLU	SLU		
Showrooms and Workshops						P	P	P	
Specially designated distributor (SDD)							SLU		
Specially designated merchant (SDM).							SLU		
Standard Restaurants						P	P	SLU	P
Substance Abuse Rehabilitation Clinics							SLU		
Tattoo Establishments						SLU	SLU		
Temporary Pop-Up Retail Commercial Use						P	P		P
Vehicle Wash Establishments							SLU		
Veterinary Hospitals and Clinics						P	P		
<b>Industrial Land Use Types</b>									
Automobile or other machinery assembly plants								SLU	
Automobile and Vehicle Repair (Major), including Collision, Transmission and Undercoating Shops								SLU	
Canning Factories								SLU	
Central Dry Cleaning Plants (no retail permitted)								P	
Greenhouse and Similar Uses								SLU	
Laboratories								P	
Lumber and Planing Mills								SLU	
Manufacturing and Assembly Operations (enclosed; not including large stampings)								P	
Metal Plating and Similar Uses								SLU	

Metal Stamping and Similar Uses								SLU	
Painting and Varnishing Shops								SLU	
Reproduction Plants								P	
Research and Development Facilities							SLU	P	
Self-Service Storage Facilities							SLU	P	
Sign Repair/Manufacturing								P	
Storage Yards for Public Utilities								P	
Storage Facilities for Building Materials, Contractor's Equipment, Open Storage and Junk Yards								SLU	
Trade or Industrial Schools								P	
Truck and Terminal Facilities								P	
Utility and Public Service Buildings w/o storage yards		SLU	SLU	P	SLU	P	P	P	
Vehicle and Machinery Assembly Plants								SLU	
Warehouse and Wholesale Businesses								P	
<b>Miscellaneous Land Use Types</b>									
Accessory Buildings and Structures	P	P	P	P	P	P	P	P	
Accessory Businesses				P	P	P	P	P	P
Accessory Uses				P	P	P	P	P	
Agricultural (5+ acres)	P	P	P						
Amateur Radio Antenna	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Automobile Parking	P	P	P	P	P	P	P	P	P
Electric Transformer Stations w/o storage yards						SLU	P	P	
Gas Regulator Stations w/o storage yards						SLU	P	P	
Medical Marijuana Provisioning Center					SLU	SLU	SLU		SLU

Medical Marijuana Facility								SLU	
Telephone Exchanges w/o storage yards						SLU	P	P	
Temporary Buildings for Construction	P	P	P						
Water and Sewage Pumping Stations w/o storage yards						SLU	P	P	
Wireless Towers and Antennas							SLU	SLU	
<b>Notes: P = Permitted Use, SLU = Special Land Use</b>									

(Ord. 792, passed 12-3-01; Am. Ord. 836, passed 2-21-11)

**§ 155.037 through § 155.039 RESERVED.**

**ZONING DISTRICT REGULATIONS**

**§ 155.041 R-1A THROUGH R-1C ONE-FAMILY-RESIDENTIAL DISTRICTS.**

(A) Intent. The intent of the R-1A through R-1C One-Family Residential Districts is to provide areas within the city for the construction and continued use of one-family dwellings within stable neighborhoods. It is intended that the principal use of land is for single-family dwellings, but each district has different minimum area, density, and placement requirements to provide different housing types and to accommodate the varied needs of the population. It is also the intent of this district to prohibit multiple family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the districts.

(B) Principal uses permitted. In a One-Family Residential District (R-1A through R-1C) 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.

(2) Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor’s plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the city code. It shall be unlawful for any person, firm or corporation to grow or to permit the growing of household food products in residential areas between the front lot line and the setback line.

(3) Publicly owned and operated libraries, parks, parkways and recreational facilities.

(4) Instructions in crafts or fine arts when conducted within the confines of a principal use and provided all requirements of the city’s ordinances are met.

(5) Child or adult foster care for six or less persons as licensed by the state.

(6) Cemeteries, which lawfully occupied land at the time of adoption of this chapter.

(7) Temporary buildings and uses for construction purposes for a period not to exceed one year. Land in R-1A through R-1C districts shall not be used as a construction staging area for any project other than a project on the parcel of land where construction is taking place.

(8) Accessory buildings provided that they shall be designed and located as provided in §§ 155.071 through 155.081.

(9) Nameplates and signs as provided in §§ 155.231 through 155.252.

(10) Automobile parking space to be provided as required in §§ 155.071 through 155.081.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this

subchapter, §§ 155.071 through 155.081, all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are further subject to the review and approval of the Planning Commission:

- (1) Religious Institutions and other facilities normally incidental thereto.
  - (2) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
  - (3) Child and adult foster care serving more than seven but fewer than twelve persons.
  - (4) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
  - (5) Nursery schools, day nurseries and child care centers (not including dormitories).
  - (6) Private noncommercial recreational areas or institutional or community recreation centers.
  - (7) Golf courses, which may or may not be operated for profit.
  - (8) 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.
  - (9) Amateur radio antenna, §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
  - (10) Utility and public service buildings without storage yards.
- (D) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.
- (Ord. 792, passed 12-3-01)

#### **§ 155.042 RM RESTRICTED MULTIPLE-FAMILY DWELLING DISTRICT.**

(A) Intent. The RM Restricted Multiple Dwelling District is designed to accommodate those types of low rise multiple dwelling structures which are similar, in terms of use and architectural character, to one-family dwellings. The RM District is further designed to encourage a more intensive use of residential land through the elimination of certain exterior yard areas and the development of building types and/or modules, which will contain private interior open spaces or provide common exterior open space areas. The RM District is typically mapped adjacent to major and secondary thoroughfares, due to location and/or restrictive dimensions, may not be desirable for detached single-family dwellings.

(B) Principal uses permitted. In the RM District no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between the following development features as they relate to traffic safety and, further, to minimize the possibility of any adverse effects upon adjacent properties, driveways, parking areas, accessory buildings and uses and open space. No site plan review is necessary on single family homes.

(1) All principal uses permitted in the R-1 One-Family Residential Districts subject to the lot area, yard and floor area requirements as specified therein.

(2) Townhomes and duplexes (two stories or less) subject to the conditions imposed in §§ 155.111 through 155.142.

(3) Multiple-family dwellings (two stories or less) subject to the conditions imposed in §§ 155.111 through 155.142...

(4) Instruction in crafts or fine arts when conducted within the confines of a principal use and provided all requirements of the city's ordinances are met.

(5) Accessory buildings, provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.

(6) Child and adult foster care for six or less persons as licensed by the state.

(7) Nameplates and signs as provided in §§ 155.231 through 155.252, Signs.

(8) Automobile parking spaces to be provided as required in §§ 155.071 through 155.081, General

Development Standards.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- (1) Religious Institutions and other facilities normally incidental thereto.
- (2) Child and adult foster care serving more than seven but fewer than twelve persons.
- (3) Townhomes of three stories.
- (4) Multiple-family dwellings of three stories.
- (5) Nursery schools, day nurseries, and child care centers (not including dormitories).
- (6) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless

Communication Towers and Antennas.

- (7) Nursing and convalescent homes.
- (8) Utility and public service buildings without storage yards.
- (9) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

(D) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.

(Ord. 792, passed 12-3-01)

#### **§ 155.043 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

(A) Intent. The intent of the RM-1 Multiple-Family Residential Districts is to address the varied housing needs of the city residents by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing those housing needs, multiple-family housing in the RM-1 district should be designed in consideration of the following planning objectives so as to provide a quality living environment:

- (1) Provide necessary public services and utilities.
- (2) Provided with useable outdoor recreation space.
- (3) Sited to units respecting the public street, and conducive to a public area.
- (4) Provided with connections to the public sidewalk system.
- (5) Provided with a well-designed internal street and pedestrian walk network.
- (6) Compatible in scale and character with surrounding or nearby one-family housing.

(B) Principal uses permitted. In the RM-1 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between development features, traffic safety, adverse effects upon adjacent properties, service roads, driveways, pedestrian sidewalk system, parking areas, accessory buildings and uses and open space.

(1) All principal uses permitted in the RM Restricted Multiple-Family Residential Districts with the lot area, yards and floor area requirements equal to at least the requirements of the immediately abutting residential district.

(2) Multiple-family dwellings and townhomes (three stories or less) subject to the conditions imposed in §§ 155.111 through 155.142, Special Conditions and Land Use Standards.

(3) Accessory buildings and uses customarily incident to any of the above uses provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.

(4) Child and adult foster care for six or less persons as licensed by the state.

(5) Nameplates and signs as provided in §§ 155.231 through 155.252, Signs.

(6) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.

(7) Businesses offering instruction in crafts and the fine arts.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

(1) Child and adult foster care serving more than seven but fewer than twelve persons.

(2) Nursery schools, day nurseries and child care centers (not including dormitories).

(3) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height restrictions.

(4) Senior housing, assisted living and other similar types of housing for the elderly.

(5) Religious institutions Religious Institutions and other facilities normally incidental thereto.

(6) Multiple-family dwelling units in high rise structures (four stories or greater).

(7) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless

Communication Towers and Antennas.

(8) Nursing and convalescent homes.

(9) Utility and public service buildings without storage yards.

(10) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

(D) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.

(Ord. 792, passed 12-3-01)

#### **§ 155.044 O-1 OFFICE BUILDING DISTRICT.**

(A) Intent. The O-1 Office Building District is designed to accommodate office uses that provide limited impact on adjacent residential neighborhoods. These districts are intended to be located adjacent to major shopping centers or other large establishments generating greater volumes of vehicular and pedestrian traffic.

(B) Principal uses permitted. The following regulations shall apply in all O-1 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erect altered or used except for one or more of the following uses:

(1) Office buildings for any of the following occupations: executive, administrative and professional, subject to the limitations contained below in division (D) below.

(2) Medical and dental offices, including clinics, but excluding substance abuse treatment centers.

(3) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations, subject to the limitations contained below in division (D) below.

(4) Other uses similar to the above uses.

(5) Publicly owned libraries, post offices, and similar government offices.

(6) Accessory buildings and structures.

(7) Accessory uses and businesses.

(8) Automobile parking space to be provided as required in §§ 155.071 through 155.081.

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

(1) An accessory use customarily related to a principal use authorized by this section, such as a pharmacy or apothecary shop, stores limited to corrective garments or bandages, optical company or restaurant may be permitted, provided it is within the building to which it is accessory and does not have a

direct outside entrance for customers.

(2) Nursing and convalescent homes.

(3) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(4) Utility and public service buildings without storage yards.

(5) Nursery schools.

(D) Required conditions.

(1) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the usable floor area or either the first or second story, or in the basement.

(2) The outdoor storage of goods or materials shall be prohibited.

(3) Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

(E) Area and bulk requirements. For requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements see § 155.061.

(Ord. 792, passed 12-3-01)

### **§ 155.045 B-1 LOCAL BUSINESS DISTRICT.**

(A) Intent. The intent of the B-1 Local Business Districts is to provide residential scale convenience shopping and personal service uses to meet the day-to-day needs of persons. Uses exhibiting low intensity, limited hours of operation, low volumes of traffic, low noise levels and developed at scale and character of nearby neighborhoods are intended for the B-1 District.

(B) Principal uses permitted. The following regulations shall apply in all B-1 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

(1) Generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware. All business establishments shall be retail or service establishments dealing directly with consumers.

(2) Personal service establishment which performs services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, and the like) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries.

(3) Dry cleaning establishments or pick-up stations dealing directly with consumers. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

(4) Other uses similar to the above uses.

(5) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.

(6) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.

(C) Required conditions.

(1) All business establishments shall be retail or service establishments dealing directly with consumers.

(2) A restroom shall be provided for public use for all retail establishments in excess of 12,000 square feet of gross floor area.

(D) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

(1) Mixed-use business and residential buildings.

- (2) Nursery schools, day nurseries and child care centers (not including dormitories).
- (3) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (4) Utility and public service buildings without storage yards.
- (5) Publicly owned buildings without storage yards
- (6) Medical marijuana provisioning centers subject to the regulations of § 155.148
- (7) Religious Institutions

(E) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.

(Ord. 792, passed 12-3-01)

**§ 155.046 B-2 THOROUGHFARE MIXED-USE DISTRICT.**

(A) Intent. The Thoroughfare Mixed-Use District intends to provide for a mixed-use environment of business and higher density residential land uses. The district further intends to permit business establishments that balance both the convenience and comparison shopping needs of neighboring residents. These uses are more intensive than those permitted in the B-1 Local Business District, but not large scale vehicle dominated establishments as found in the B-3 General Business District. Because of the variety of business types and residential dwellings permitted, critical attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Development should be:

- (1) Designed as part of a planned shopping center or in coordination with development on adjoining commercial sites.
- (2) Larger than in B-1 Districts.
- (3) Located away from sensitive residential areas.
- (4) Contributing to the development of a unified district in scale and character.
- (5) Served by and connected to a major thoroughfare.

(B) Principal uses permitted. The following regulations shall apply in all B-2 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

- (1) Any retail business or service establishment permitted in B-1 Districts as principally permitted.
- (2) All retail business, service establishments or processing uses as follows:
  - (a) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
  - (b) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
- (3) Private clubs, fraternal organizations and lodge halls, subject to the requirements of § 155.218.
- (4) Standard restaurants.
- (5) Business establishments that perform services on the premises, such as but not limited to banks, loan companies, insurance offices, and real estate offices.
- (6) Professional services, including the following: medical clinics (outpatient only), and offices of doctors, dentists, osteopaths, and similar or allied professions.
- (7) Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
- (8) Office buildings for any of the following occupations: executive, administrative and professional, writing, clerical, stenographic, drafting and sales, subject to the limitations contained below in division (C) of this section.
- (9) Medical and dental offices, including clinics and laboratories, but excluding substance abuse centers.
- (10) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations, subject to the limitations contained below in

division (D) of this section.

- (11) Veterinary hospitals and clinics.
- (12) Dance schools, music and voice schools, and art studios.
- (13) Art shops, photographic studios design studios and other similar uses.
- (14) Office equipment and sales.
- (15) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.
- (16) Personal service establishments, including barber shops, beauty shops, health salons and similar uses.
- (17) Town homes (three stories or less).
- (18) Multiple-family dwellings (three stories or less).
- (19) Other uses similar to the above uses.
- (20) Accessory structures and uses customarily incident to the above permitted uses provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.
- (21) Mortuaries.
- (22) Automobile parking space to be provided as required in §§ 155.071 through 155.081.
- (23) **Temporary Pop-Up Commercial Use.**
- (24) **Passenger Bus Stations**

(C) Required conditions.

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to Special Land Use in division (D) below, shall be conducted within completely enclosed buildings.
- (3) Site plans shall be planned so as to recognize the front, rear, and side relationship of adjacent development. The Planning Commission and Council may recommend physical features to be provided which will insure harmony in these yard relationships.
- (4) A restroom shall be provided for public use for all retail establishments in excess of 12,000 square feet of gross floor area.

(D) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Open air business uses when developed in planned relationship with permitted uses within the B-2 District.
- (2) Bowling alley, billiard hall, indoor archery range, or indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district. Firearm ranges are expressly prohibited.
- (3) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, water and sewage pumping stations.
- (4) Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center; and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-2 District.
- (5) Nursing and convalescent homes.
- (6) Senior housing, assisted living and similar types of housing for the elderly not to exceed a height of three stories.
- (7) Carry-out, fast food, drive-thru or drive-in restaurants.

- (8) Mixed-use business and residential buildings.
- (9) Business schools and colleges, or vocational training centers, such as trade schools.
- (10) Nursery schools, day nurseries and child care centers.
- (11) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (12) Private schools operated for profit.
- (13) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (14) Utility and public service buildings without storage yards.
- (15) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (16) Tattoo parlors.
- (17) Charitable gaming room subject to the regulations of § 155.145.
- (18) Medical marijuana provisioning centers subject to the regulations of § 155.148

(19) Second Hand Stores

(20) Religious Institutions

(21) Bar or Lounge

(E) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.

(Ord. 792, passed 12-3-01; Am. Ord. 830, passed 12-21-09; Am. Ord. 836, passed 2-21-11; Am. Ord. 838, passed 8-15-11)

**§ 155.047 B-3 GENERAL BUSINESS DISTRICT.**

(A) Intent. The intent of the B-3 General Business District intends to provide locations for development of businesses which cater primarily to the comparison shopping needs of the city's and surrounding communities' residents on an intermittent or semi-monthly or greater basis. Convenience type commercial uses are permitted in combination with the predominant comparison uses in planned shopping center developments where a combination of such uses is considered appropriate based on the desired economic function and quality and range of businesses in the B-3 District.

(B) Principal uses permitted. The following regulations shall apply to all B-3 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

(1) Any retail business or service establishment permitted in B-2 Districts as principally permitted.

(2) Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

(3) Bus passenger stations.

)

(4) Governmental offices or other governmental use, public utility offices, exchange transformer stations, pump stations and service yards, but not including outdoor storage.

(5) Standard restaurants.

(6) Massage practitioner offices.

(7) Electronic data processing or computer centers.

(8) Bowling alley, billiard hall, indoor archery range, or indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any residential lot in an adjacent residential district.

(19) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.

- (10) Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (11) Public utility buildings.
- (12) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.111 through 155.142.
- (13) Utility and public service buildings without storage yards.
- (14) Computer and electronic data processing centers.
- (15) Automobile parking space to be provided as required in §§ 155.071 through 155.081,
- (16) **Temporary Pop-Up Commercial Use.**

General Development Standards.

(C) Required conditions.

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special land uses in division (D) below, shall be conducted within completely enclosed buildings.
- (3) Site plans shall be planned so as to recognize the front, rear, and side relationship of adjacent development. The Planning Commission and Council may recommend physical features to be provided which will insure harmony in these yard relationships.
- (4) A restroom shall be provided for public use for all retail establishments in excess of 20,000 square feet of gross floor area.

(D) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) All uses allowed in a B-2 District which shall be subject to the same Special Land Use as in a B-2 District.
- (2) Outdoor sales space for exclusive sale of new or secondhand vehicles or house trailers.
- (3) Open air business uses for the retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass.
- (4) Adult supply stores.
- (5) Adult motion picture theaters.
- (6) Arcades.
- (7) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (8) Cabaret.
- (9) Firearms sales establishments.
- (10) Motels, inns and travel lodges.
- (11) Hotels.
- (12) Massage establishments.
- (13) Pawnshops.
- (14) Pool or billiard halls.
- (15) Public lodging house, transient housing, rooming houses.
- (16) Secondhand stores.
- (17) Specially designated distributor (SDD).
- (18) Specially designated merchant (SDM).
- (19) Tattoo establishments.
- (20) Carry-out, fast food, drive-thru or drive-in restaurants.

- (21) Vehicle wash establishments, when completely enclosed in building.
  - (22) Commercial kennel provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
  - (23) Automobile service stations.
  - (24) Automobile service centers, when developed as part of a larger planned shopping center. The design shall integrate the automobile service center within the site plan and architectural character of the total shopping center. A building permit shall not be issued separately for the construction of any automobile service center.
  - (25) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height.
  - (26) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.
  - (27) Nursing and convalescent homes.
  - (28) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
  - (29) Business schools and colleges or private schools operated for profit.
  - (30) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
  - (31) Research and development facilities.
  - (32) Manufactured housing communities, subject to requirements of § 155.140 of this chapter.
  - (33) Fast food restaurants without drive-thru service.
  - (34) Charitable gaming room subject to the regulations of § 155.145.
  - (35) Minor vehicle repair, subject to the regulations of § 155.128.
  - (36) Commercial Warehouse, Wholesale Operations and Distribution subject to the regulations of § 155.147.
  - (37) Medical marijuana provisioning centers subject to the regulations of § 155.148
  - (38) Religious Institutions
  - (39) New and used vehicle and trailer indoor sales, showroom or office.
  - (40) Self-Storage Facilities
- (E) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.
- (Ord. 792, passed 12-3-01; Am. Ord. 836, passed 2-21-11)

**§ 155.048 M-1 LIGHT INDUSTRIAL DISTRICT.**

(A) Intent. The M-1 Light Industrial District intends to provide locations for planned industrial development, including planned industrial park subdivisions. Permitted activities or operations shall produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Accordingly, light industrial, research, and related office uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas, and with no outside storage. Heavy industrial uses, such as those involving the processing of raw material for shipment in bulk form to be used at another location, shall not be permitted in this district.

(B) Principal uses permitted. The following regulations shall apply to M-1 Districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following uses:

- (1) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. Open storage facilities for materials or equipment shall be located in rear or side yards and totally obscured by a masonry wall on those sides abutting R-1A through R-1C, RM, RM-1, O-1, B-1, B-2 and B-3 Districts, and from view of any public land or thoroughfare. In M-1 Districts the extent of such wall may be determined by the Planning Commission on the basis of usage. Such wall shall conform to the standards established in § 155.074, Walls, and shall meet the requirements of §§ 155.071

through 155.081, General Development Standards.

(a) The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; and tool, die, gauge and machine shops.

(b) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills) and yams.

(c) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

(d) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.

(e) Manufacture or assembly of electrical appliances, electronic instruments and devices radios, and phonographs.

(2) Laboratories, experimental, film or testing.

(3) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

(4) Warehouse and wholesale establishments and truck terminal facilities.

(5) Self-service storage facilities.

(6) Reproduction plants, which may include accessory retail operations.

(7) Central dry cleaning plants or laundries, which shall not offer storefront service or in any other manner interact with the general public as a retail laundromat or dry cleaner service.

(8) All public utilities, including buildings, necessary structures, storage yards and other related uses.

(9) Trade or industrial schools.

(10) Private clubs, fraternal organizations and lodge halls, subject to the requirements of § 155.218.

(11) Electronic data processing or computer centers.

(12) Offices, showrooms or workshops of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction or similar use.

(13) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.071 through 155.081, General Development Standards.

(14) Non-accessory freestanding signs, provided all signs meet the requirements of §§ 155.231 through 155.252.

(15) Other uses of a similar and no more objectionable character to those principal uses permitted.

(16) Utility and public service buildings without storage yards.

(17) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.

(18) Trade schools.

(19) Truck or terminal facilities.

(20) Bus Passenger Station

(C) Special Land Uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Conditions and Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

(1) Convenience services which in the opinion of the Planning Commission intend to serve the daily needs of persons working in the M-1 District. Such uses include restaurants or other places serving food or beverage, except those having the character of drive-ins, automobile service stations, newsstands and tobacco shops.

(2) Major and minor vehicle repair centers, painting and varnishing shops, undercoating shops.

(3) Lumber and planing mills.

(4) Automobile or other machinery assembly plants.

(5) Canning factories (but not including slaughtering or rendering).

(6) Storage facilities for building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall on those sides abutting R-1A through R-1 C, R-2, RM, RM-1, O-1, B-1, B-2, or B-3 Districts and on any front yard abutting public land or thoroughfare. In M-1 Districts the extent of such wall may be determined by the Planning Commission on the basis of usage. Such wall shall be not less than four and one-half feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of §§ 155.071 through 155.081. Junk yards, when permitted, shall be entirely enclosed within an obscuring masonry wall six feet in height on all sides of sufficient strength to serve as a retaining wall. All applications for junk yards must receive the approval of the Mayor and the City Council as prescribed in §§ 155.271 through 155.275, Powers and Duties of Boards, Commissions and Departments.

(7) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(8) Metal working, stamping, punching or pressing machines, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(9) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.

(10) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(11) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(12) Wireless towers and antennas, subject to the requirements of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(13) Greenhouses.

(14) Manufactured housing communities, subject to requirements of § 155.140.

(15) Charitable gaming room customarily accessory to a use permitted (principal or subject to Special Land Use) in the M-1 District such as a fraternal organization or lodge hall subject to the regulations of § 155.145.

(16) Medical marijuana facilities subject to the regulations of § 155.021 (Conflict of laws and prohibited land uses).

(D) Area and bulk requirements. Requirements limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and minimum yard setbacks are set forth in § 155.061.

(Ord. 792, passed 12-3-01; Am. Ord. 836, passed 2-21-11; Am. Ord. 838, passed 8-15-11; Am. Ord. 852, passed 3-16-15)

#### **§ 155.049 TCD TOWN CENTER DISTRICT.**

(A) Intent. The TCD Town Center District intends to provide a vibrant mixed-use civic center. Experience has shown that successful cities have a town center focal point that integrates civic, convenience and community retail businesses and residences in a coordinated and pedestrian-friendly land use strategy. To this end, this district intends to achieve integrated site planning of adjoining developments to achieve a pedestrian-friendly environment, compatibility of architectural scale and character, compatibility of land uses, higher-density residential developments, support retail and civic core. In keeping with the above intent, the TCD Town Center District is intended to serve the following specific goals:

(1) Meet the goals and intent of the master plan and provide for land uses and design that supports and furthers the concept and vision of the town center.

(2) Realize the full economic potential of this center through coordinated mixed-use and high-intensity planning concepts.

(3) Promote and enhance recreation opportunities through well-designed private parks in new residential communities and improved connections to the Rouge River.

(4) Promote coordination of private and public efforts in the planning and development of needed infrastructure improvements.

(5) Provide for orderly and integrated planning to avoid fragmentary or speculative development.

(6) Prevent long-term vacancy, blight, decay or abandonment.

(B) Principal uses permitted. In the TCD District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specific purposes. Review of site architectural and landscape plans is required for change in use of existing tenant space greater than 5,000 square feet and new construction to find proper relationships between architectural scale and character; vehicular and pedestrian traffic safety; interconnected open space and recreation areas; interconnected pedestrian and non-motorized walks and paths; and appropriate mixture of land uses. Change in use of existing tenant space 5,000 square feet and under may be approved administratively by the City Planner.

(1) Multiple-family residential buildings.

(2) Retail businesses that are consistent with the vision of the district.

(3) Personal service establishments.

(4) Hotels.

(5) Professional offices.

(6) Financial institutions.

(7) Restaurants (carry-out and standard); delivery services shall be accessory to the primary use only.

(8) Public parks and parkways.

(9) Public and civic buildings.

(10) Child and adult day care center as a limited accessory use.

(11) Uses similar to the above that are consistent with the vision of the district.

(12) Uses and structures accessory to the above.

(13) Theaters, assembly halls, and concert halls, subject to the requirements of § 155.218.

(14) Automobile parking space to be provided as required in §§ 155.071 through 155.081, General Development Standards.

(15) Charitable gaming room subject to the regulations of § 155.145.

(16) Religious Institutions

(17) [Temporary Pop-Up Commercial Use.](#)

(18) [Bus Passenger Stations](#)

(C) Special Land Uses. Planning Commission may approve uses listed in § 155.047, B-3, General Business District (D) that are consistent with the specific goals of the TCD, Town Center District § 155.049(A), subject to the conditions set forth in this subchapter, §§ 155.111 through 155.149, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. Auto-oriented and adult business uses, including: vehicle sales, vehicle repair, vehicle wash establishments, automobile service stations, manufactured home communities, adult book stores, adult motion picture theaters, adult cabarets, and similar uses are strictly prohibited.

(D) Application procedure and submission requirements. When required, the Planning Commission shall recommend to City Council that the site plan and Special Land Use be approved, conditionally approved, or denied. Any proposed development within the boundaries zoned TCD Town Center District, including but not limited to exterior renovations, additions, new structures, new signs, and changes of uses, either existing at the time any parcel was zoned TCD Town Center District or commenced or erected thereafter, shall be subject to the provisions of this chapter. An owner or applicant shall submit a written application to the Commission describing proposed uses, design, extent, and development timetable and the legal interest of the

applicant. In addition, the applicant shall provide the following requirements along with relevant supporting documentation:

- (1) A recent “as built” survey, certified to the city and containing a metes and bounds legal description or plat description of the property exhibiting the location of all property improvements, total acreage, and site measurements.
- (2) Copies of all instruments creating restrictions hindering development of the property.
- (3) A site plan conforming to the requirements of § 155.286, Site plan review.
- (4) Buildings and development elevations from four major directions, including exterior dimensions.
- (5) Floor plans including overall floor plan, projected number of units and their projected area, and number of bedrooms per unit.
- (6) Landscape plan and schedule depicting species location, size and quantity.
- (7) Soil studies.
- (8) Signage plans.
- (9) Sight lines and public access connections to the river corridor, where applicable.
- (10) Pedestrian connections to proposed buildings and land uses, to the public sidewalk system and to adjacent properties.
- (11) Development timetable setting forth expected starting and completion dates for construction, and the date on which the project will begin operation. If the development is to be constructed in phases, a timetable showing applicable starting and completion dates for each phase shall be submitted along with the part of the overall property allocated to each phase which shall be indicated on the site plan.
- (12) A development and financial resume for the applicant and developer, other than the applicant, which demonstrates a past performance of proving a level of skill and organizational activity necessary for project completion. Significant financial documentation indicating finance capability and methods shall, in addition, be submitted.
- (13) Traffic studies indicating daily peak traffic demands and direction of such traffic as expected to be generated by the project. All traffic shall be accommodated safely and efficiently on-site and by the abutting street system. If a deficiency will occur, the applicant shall submit plans to improve the street system along with a proposal to provide feasible financing methods. Development accessing Michigan Avenue shall meet all requirements of the Michigan Department of Transportation (MDOT).
- (14) Parking spaces and data indicating the number of vehicle spaces and/or bicycle racks required for the proposed use.

The Planning Commission, upon recommendation of the City Planner may waive submissions requirements detailed in divisions (11) through (14) above, or portions thereof, if it has been determined that the information is not necessary for project evaluation or that sufficient documentation has been previously submitted. However, in all instances, the applicant shall submit at least one elevation and a site plan to scale, which shows the renovation or modification.

(E) Planning Commission review and approval. The Planning Commission shall review the project application with regard to specified standards and requirements of the TCD Town Center District and as set forth below:

- (1) The review procedure shall be conducted in conformance to § 155.288, Procedures for special land use review, and § 155.289, Standards for special land use approval.
- (2) The Planning Commission shall conduct its review of all new projects or changes in site or building conditions of existing developments in conformance with the notice and public hearing requirements for special land uses subject to discretionary decisions as specified in § 155.291, Public hearing notification requirements, and in Public Act 207 of 1921, as amended.

Following the review process, the Commission may approve or deny the application based on specified standards and requirements set forth in this section. Specific conditions applied to an approved plan shall be made part of the record of approval as set forth in the approval resolution. The specified conditions shall be modified only as provided for in this section.

(F) Standards and requirements for review and approval. The Planning Commission shall make

conclusions for a proposed development application based on the following standards and requirements:

(1) All proposed uses shall comply with the Master Plan and be consistent with the spirit, specific intent, and purposes of the Town Center District.

(2) The application proposal shall set forth specific written descriptions of heights, setbacks, density, parking, vehicular and pedestrian circulation, landscaping, and other design elements which affect the impact of this project with adjacent properties, to other developments in the district, to the overall plans and goals of the district and to future users and inhabitants of the development. Standards of § 155.061 are not specifically required except as contained in the proposal approved by the Commission, or in any specified condition that has been made subject in the Commission's resolution of approval. However, the requirements of §§ 155.071 through 155.076 and §§ 155.078 through 155.081, General Development Standards, must be adhered to.

(3) Planning Commission may, at the recommendation of the City Planner, modify the off-street parking requirements of § 155.077. The off-street parking space requirements established in § 155.077(B) shall be the maximum parking permitted in the TCD Town Center District. The minimum parking requirements in the TCD Town Center District shall be 100% of the off-street parking space requirements established in § 155.077(B). The off-street parking space requirements may be modified based on site uses, the provision of shared parking, and the provision of bicycle parking, and parking studies.

(4) Signs must meet the requirements of this chapter and shall be limited in size and numbers to avoid visual clutter associated with overall effect of multiple signs. Billboards are expressly prohibited.

(5) Proposed uses shall encourage pedestrian usage and encourage business patrons to remain in the district for an extended time period. Businesses that cater to transient vehicular traffic such as auto service stations or centers or similar uses are strictly prohibited.

(6) The proposed use(s) must not exceed the capacity of the existing and available public services, including utilities and public roads. However, the development proposal can contain adequate plans for providing needed services or evidence that such services will be available by the date the project is completed. This plan must meet Planning Commission's satisfaction.

(7) The project and its uses must be in compliance with all applicable federal, state and local laws and regulations.

(8) All project submission documents are subject to a review by a qualified professional city planner or other professional, who may be retained by the city for this purpose.

(G) Permit and certificate issuance.

(1) Subsequent to approval by the Commission, the Building Division shall not issue building permits or certificates of occupancy or certificates of re-occupancy until the plans and proposed uses comply with Planning Commission's resolution of approval.

(2) An applicant may file an appeal of an unfavorable determination by the City Planner or Planning Commission to the Zoning Board of Appeals. If the Board decides that the project complies with the approval resolution, then a permit or certificate shall be issued. Should the Zoning Board of Appeals sustain the determination of the City Planner or Planning Commission, the applicant may appeal their decision to the Circuit Court.

(H) Modification of approved plans.

(1) Approved development proposals may be modified by resolution of the Planning Commission after submission and review of an application in accordance with standards and requirements stated in this section.

(2) Approved development proposals may be administratively modified, upon discretion of the City Planner, provided the following conditions are met:

- (a) Building or structure area or height is not increased.
- (b) Dwelling unit density is not increased.
- (c) Off-street parking requirements are not modified.
- (d) The traffic pattern is not modified.
- (e) Trip generation is not increased.

(I) Abandonment or expiration of time limits. Approval of a project and any building permit or certificate

may become null and void if any of the following conditions arise:

- (1) The approved project is abandoned.
- (2) A project has not achieved its one year construction progress as set forth in the submitted development timetable upon expiration of one year after the effective date of issuance of the initial building permit.
- (3) An approved project has not begun construction within six months.
- (4) The approved project has not been completed six years after the effective date of issuance of the initial building permit.

Upon application, the Commission may approve extensions, provided that the application is received by the City Planner prior to the expiration date, on display of sound reasons which meet the satisfaction of the Commission. The applicant or designee of the applicant shall appear in person to apply for an extension.

(J) Prior consultation. All persons contemplating the development of any property located within the district are advised to contact and confer with the City Planner and staff prior to investing significant amounts of time, energy, and funds in preparing extensive plans, proposals, and submissions.

(Ord. 792, passed 12-3-01; Am. Ord. 827, passed 12-7-09; Am. Ord. 836, passed 2-21-11; Am. Ord. 838, passed 8-15-11; Am. Ord. 844, passed 9-17-12; Am. Ord. 849, passed 12-17-14)

**§ 155.050 through § 155.059 RESERVED.**

**SCHEDULE OF REGULATIONS**

**§ 155.061 SCHEDULE OF REGULATIONS.**

Table 4-1, below, is a schedule of regulations for this chapter.

TABLE 4-1										
Use District	Minimum Size Lot per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area per Unit (Sq. Ft.)	Maximum Percentage of Lot Area Covered by All Building
	Area in Sq. Ft.	Width in Feet	Stories	Feet (U)	Front	Least One Side	Total Two Sides	Rear		
R-1A One-Family Residential	9,600 (C)	80	2	25	25	10 (K)	20	30	1,500 (P)	30%
R-1B One-Family Residential	7,200 (C)	60	2	25	25	5 (K)	14	30	1,200 (Q)	30%
R-1C One-Family Residential	6,000 (C)	50	2	25	25	5 (K)	14	30	1,200 (R)	30%
RM Restricted Multiple-Dwelling (Low Rise)	(L), (S)	(L), (S)	2	25	(m), (S)	(N), (O), (S)	(N), (O), (S)	(N), (O), (S)	850 (S)	50%
RM-1 Multiple Family Residence (Low Rise)	(A)	(A)	3 (S)	36 (S)	30 (B)	30 (B)	60 (B)	30 (B)	1BR - 600 2 BR - 750 3 BR -	50%

									900 4 BR - 1,100	
B-1 Local Business	(D)	(D)	1	25	None	(G)	(G)	(H)	None	(D)
B-2 Community Business	(D)	(D)	3 (E) (T)	35 (E) (T)	(F)	(F)	(F)	(F), (H)	None	(D)
B-3 General Business	(D)	(D)	2	25	None	(G)	(G)	(H)	None	(D)
M-1 Light Industrial	(D)	(D)	--	40	60 (I)	20 (J)	40 (J)	(J), (H)	None	(D)
TCD Town Center District	(T), (V)	(T), (V)	(T), (V)	(T), (V)	(T), (V)	(T), (V)	(T), (V)	(T), (V)	(T), (V)	

See notes (demoted by capital letter in parentheses) on following pages.  
(Ord. 792, passed 12-3-01)

**SCHEDULE NOTES:**

(A) In an RM-1 Multiple-Family District, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 900. All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency apartment type.

(1) In buildings of four or more stories in height, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 450. All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency apartment type.

(2) For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

- Efficiency = 1 room
- 1 bedroom = 2 rooms
- 2 bedroom = 3 rooms
- 3 bedroom = 4 rooms
- 4 bedroom = 5 rooms

(3) Plans presented showing 1-, 2-, or 3-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.

(4) 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 and unusable open space such as wetlands and natural features.

(B) In an RM-1 District, front, side or rear yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to § 155.073, Multiple building multiple-family development. Areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than 30% of the area of any required side or rear yard or any required minimum distance between buildings. Off-street parking shall not be permitted in a front yard.

(C) See § 155.153, Lot averaging for one-family developments, for flexibility allowance.

(D) The minimum lot area and width, and the maximum percent of building coverage shall be determined

on the basis of required off-street parking, loading, greenbelt screening, and yard setbacks as provided herein for the respective uses and use districts.

(E) Planned unit developments involving five acres or more under one ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations; subject, further, to the review by the City Council and approval thereof. In approving an increase in structure height the Planning Commission shall require that all yards may at least be equal in their depth to the height of the structure.

(F) The minimum setback is the existing established building setback for the street and limited to the extent that the required off-street loading space and space for enclosed trash receptacles and parking is accommodated on the site.

(G) No side yards are required along interior side lot lines within the district, except as required in the building code; provided that if walls of structures facing such interior side lot lines contain window or door penetrations, such side yard shall not be less than ten feet. Where an interior side lot line abuts a district zoned for residential use there shall be provided an interior side yard equal in depth to the height of the building. On corner lots, the exterior side yard shall not be less than ten feet, except where the rear yard abuts a residential district or lies across a common separating street from a residential district. Such side yard shall not be less than the minimum required front yard of said adjacent residential district.

(H) Off-street loading space shall be provided in the rear yard at a ratio of at least one space per each establishment, and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of § 155.079, Off-street loading and unloading.

(I) A required front yard may be penetrated to within 20 feet of an existing or proposed right-of-way line (as shown on the Master Plan) with off-street parking for customers, clients and/or visitors if screened from public view (as viewed from a major thoroughfare) by an intense planting screen at least ten feet in width; subject to the requirements of §§ 155.071 through 155.081, General Development Standards. For the purpose of this provision, such off-street parking shall consist of not more than 10% of the total off-street parking required under the provisions of this chapter.

(J) No building shall be located closer than 60 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

(1) Required side or rear yards may be used for off-street parking or loading and unloading, provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for firefighting or other emergency type equipment.

(2) An obscuring wall shall be provided on those sides of the property used for open storage parking or service drives, loading, unloading or servicing, and abutting land zoned for residential use. The Planning Commission on the basis of usage may determine the extent of such wall. Such wall shall not be less than eight feet in height and shall be subject further to the requirements of § 155.074, Walls. The Planning Commission may, upon considering land usage, modify such wall height where it is found that no good purpose would be served by such requirement. In no instance, however, shall such wall be less than four and one-half feet in height.

(K) The side yard abutting upon a street shall not be less than the greater of the side yards required for the district in which located when there is a common rear yard relationship in the 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, or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.

(L) A minimum of 4,000 square feet of lot or site area shall be provided for each dwelling unit.

(M) The distance from the front lot line to the nearest point of a principal building shall not be less than 25 feet, except that where an entire block frontage is developed at one time, under single ownership of control, then the minimum setback may be reduced to 20 feet provided that the average setback for all structures shall not be less than 25 feet.

(N) The minimum required yard depths (per unit) shall be as follows:

- (1) Side: 15 feet shall be provided at the exterior end of each structure (detached or attached), subject further to the requirements of note division (M) above.
  - (2) Front: 25 feet, except as provided in note division (M) above.
  - (3) Rear: 35 feet, except that enclosed parking structures and/or exterior court walls may be constructed at the rear lot line where such lot abuts a public alley.
- The above required areas shall be determined by the Planning Commission on the basis of dwelling unit orientation; provided, further, that the minimum required area for any dwelling unit shall not be counted as the required yard area for any other dwelling unit.
- (O) Interior courts shall contain a minimum of 500 square feet with a minimum horizontal dimension of 20 feet for the first story plus one additional foot per foot of building height above 15 feet.
  - (P) A dwelling unit constructed in an R-1A One-Family Residential District shall have a floor area of not less than 1,500 square feet with full basement or 1,600 square feet without basement.
  - (Q) A dwelling unit constructed in an R-1 B One-Family Residential District area shall have a floor area of not less than 1,200 square feet with a full basement or 1,400 square feet without a basement.
  - (R) A dwelling unit constructed in an R-1 C One-Family Residential District area shall have a floor area of not less than 1,200 square feet with a full basement or 1,400 square feet without a basement.
  - (S) See § 155.121, Townhomes and duplexes, for Special Land Use for townhomes.
  - (T) See § 155.121, Townhomes and duplexes for Special Land Use for townhomes and § 155.124, Mixed-use business and residential buildings.
  - (U) See § 155.260, Definitions, for determination of building height.
  - (V) See § 155.049, TCD Town Center District, for submission and dimensional requirements.
- (Ord. 792, passed 12-3-01)

**§ 155.062 through § 155.069 RESERVED.**

**GENERAL DEVELOPMENT STANDARDS**

**§ 155.071 INTENT.**

The requirements of this subchapter are intended to assure that new development is compatible with anticipated future land uses or existing development in terms of scale and character of architecture, landscaping and screening, site amenities, off-street parking and loading, traffic and other physical features of site development. These standards may be more stringently modified in complementary provisions of this chapter.

(Ord. 792, passed 12-3-01)

**§ 155.072 ARCHITECTURAL FEATURES.**

- (A) Accessory buildings. 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 building.
  - (2) Accessory buildings shall not be erected in any required yard, except a rear yard.
  - (3) An accessory building in R-1A, R-1B, R-1C, RM, RM-1, O-1 and B-1 Districts shall not exceed one story or 14 feet in height, nor shall it occupy more than 25% of a required rear yard plus 40% of any non-required rear yard; provided that in no instance shall the accessory building exceed the ground floor area of the main building. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to the Zoning Board of Appeals' review and approval.
  - (4) No detached accessory building shall be located closer than ten feet to any main building, nor shall it be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

(5) 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, said 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, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

(6) When an accessory building exceeds 444 square feet in area and/or one story or 14 feet in height, in any residence or business district, and is intended for other than storage of private motor vehicles, the accessory use shall be subject to the approval of the Zoning Board of Appeals.

(B) Attached garages. The openings for attached garage doors shall not comprise more than 45% of the width of the front facade of single- and two-family dwelling, including the attached garage.

(C) Massing. Structures with walls greater than 1,500 square feet must incorporate building setbacks of at least 3 feet to separate the wall into facade planes not greater than 500 square feet. In addition, facades shall incorporate canopies, fascias or other distinguishing entrance features to the maximum extent feasible.

(D) Appearance. One- and two-family dwellings shall be compatible with other similar type existing dwelling units on the same block face in such architectural characteristics as roof style and overhang, garage design, building massing, front porches, exterior building materials and pattern of window and door openings.

(E) Lot pattern. The creation of new flag or irregularly shaped lots is prohibited unless it is necessary to match the existing surrounding lot pattern.

(F) Exterior colors. The color of the exterior materials must be of low-reflectance, subtle, neutral colors. The use of high-intensity or reflectance, and fluorescent colors is prohibited. Building trim may exhibit brighter colors, except neon tubing is prohibited. In all situations in which an application for site plan review is required, the selection of all exterior colors shall be subject to the site-plan review process pursuant to the provisions of § 155.286(B). Planning Commission may also approve public art and murals, pursuant to the provisions of § 155.286(B).

(1) Earth tone shall be defined as “any of the various rich colors containing, black brown, grey, and green.”

(2) Fluorescent shall be defined as “any color containing any shade of yellow, red, or orange.”

(3) High intensity or reflectance shall be defined as “any color that is bright, shiny or mirrory.”

(4) Neon shall be defined as “any color that is extremely bright.”

(G) Facade windows. At least 30% of the ground floor street facades for retail, office, service, governmental or institutional uses in an O-1, B-1, B-2, B-3 or TCD district shall be constructed with windows or other transparent material to allow pedestrians to view interior activities or displayed products.

(H) Porches. One- and two-family residences and townhomes shall be constructed with front porches minimally six feet in depth to provide a usable sitting area. Enclosed structures shall be counted as part of the overall lot coverage.

(I) Rear porches or decks. Rear porches or decks shall not exceed 12 feet in depth. Enclosed structures shall be counted as part of the overall lot coverage.

(Ord. 792, passed 12-3-01; Am. Ord. 799, passed 1-5-04)

### **§ 155.073 SITE DESIGN FEATURES.**

(A) Residential entranceway. In R- 1A, R-1B, R-1C, RM, RM-1, TCD and PD residential districts, entranceway structures, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, except as provided in §§ 155.151 through 155.154, Alternate Development Options, and §§ 155.231 through 155.252, Signs; provided that such entranceway structures shall comply to all codes and ordinances of the city and shall be approved by the Building Official or designee and a permit issued.

(B) Corner clearance. No fence, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a

distance along each line of 25 feet from their point of intersection.

(C) Multiple building multiple-family developments. The following requirements shall be followed when two or more buildings are located on a lot. These regulations are pertinent for all multiple-family residential types including two-family flats or duplexes, townhomes, garden apartments, terrace homes, mid- and high-rise developments, similar residential types or a mixture of such uses.

(1) The minimum horizontal distance between building fronts and rears (and building ends if adjacent to front or rear) shall average 40 feet for buildings one story in height. The average shall not be less than 30 feet at one end if proportionately increased at the other end for angular relationships. The minimum distance shall be increased by not less than five feet for each additional story.

(2) The minimum horizontal distance between building ends shall be at least 20 feet for buildings one or two stories in height. This distance shall be increased by five feet for each additional story.

(D) Plant materials - landscaping, greenbelts and buffers. Whenever a greenbelt or planting screen is required under the provisions of this chapter, such greenbelt or planting screen shall be subject to the following conditions:

(1) **INSTALLATION** All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

- a. **Deadline for installation.** Installation of required screening and landscaping shall be completed prior to or at the time of completion of building construction, except when building construction is completed during the off-season when plants cannot be installed, in which case the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.
- b. **Extension.** The City may extend the deadline to allow installation of required plant materials by the end of the next planting season upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- c. **Performance Guarantee.** Installation and maintenance bonds may be required.

(2) **Performance Bond.** Whenever a site plan requires any type of landscaping, the applicant may be required to post a Performance Bond prior to the issuance of a temporary or final Certificate of Occupancy to ensure the completion of landscaping (including irrigation) if the landscaping is not 100% complete when any certificate of occupancy is requested. The City will inspect the landscaping and determine the percentage of completion and a performance bond must be submitted to the City by the developer in the sum equal to the unfinished portion of the landscape work. If the landscaping is 100% complete and approved no Performance Bond will be required.

The selection, spacing and size of plant material shall be such as to create, within a five-year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring wall effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.

(3) **PLANT MATERIAL SPACING:** Spacing of plant materials required shall be as follows:

- a. Plant materials shall not be placed closer than four feet from the fence line or property line.
- b. Deciduous and all shrubs may not be planted within 5 feet, and evergreen trees may not be planted within 10 feet of any a curb or public walkway.
- c. Trees and shrubs may not be planted within 10 feet of a fire hydrant.
- d. Where plant materials are planted in two or more rows, planting shall be staggered in rows.

- e. Where shrub plantings are required to form a continuous hedge or used for screening purposes, the plants shall not be spaced more than 36 inches on center at planting, and shall have a minimum height and spread of 30 inches at planting. Shrubs that will not attain sufficient width to form a complete hedge spaced 36 inches on center shall be planted at a spacing that will allow them to form a complete hedge within 2 years of planting.
- (4) **SIZE AND VARIETY OF PLANT MATERIALS:** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than twenty percent (20%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

PLANT MATERIAL REQUIREMENTS	
Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2.5 caliper-inches*
Evergreen Trees	6 feet height and 5 feet spread
Deciduous Ornamental Trees	2 caliper-inches* or 6 feet overall height
Shrubs	30 inches in height, 24 inches in spread when used for screening or buffering purposes, or 3 gallon container size when used for other purposes
Groundcovers	Shall be from flats

\*Caliper-inches measured twelve (12) inches above grade.

The Planning Commission may approve modifications from the above table for appropriate landscape materials that do not meet the above minimum size requirements or are not readily available at landscape supply yards in the required size. If smaller materials are approved the difference for the smaller materials shall be compensated with additional material being provided. In approving such a modification, the Planning Commission shall determine that the substituted plant material size will meet the intent of this section, and that providing a landscape material that meets the above size requirements is impractical or not feasible.

Suggested Trees	
Tree Size	Tree Type
Small Trees	Dogwood, Prunus, Service Berry, Crabapple, and Fir
Medium Trees	Maple, Cherry, Bradford Pear, Honey Locust, and White Pine
Large Trees	Sycamore, Elm, Chestnut, Red Oak, and Beech

- (5) The following shall apply to all groundcover materials:
- Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
  - A minimum 4-inch layer of shredded hardwood bark shall be placed in all planter beds containing trees or shrubs and around the base of all trees planted within lawn areas (mulch cover the entire planting pit width). To aid in maintenance operations all shrubs planted within lawn areas are to be planted in groups and mulched as a group, and hedgerows are to be mulched as one continuous strip.

- c. Live groundcovers such as myrtle (*Vinca minor*), blue rug junipers (*Juniperus horizontalis* 'Wiltonii'), Baltic ivy (*Hedera helix* 'Baltica', *Pachysandra* (*Pachysandra terminalis*) and other similar vines and plant material should be mulched with a 2-inch layer of shredded hardwood bark.
- (6) Where under the provisions of this chapter an option is provided to the developer relative to the substitution of a greenbelt for a required wall, the minimum starting height of plant materials in said greenbelt shall be equivalent to the required wall height.
- (7) Planting areas shall be separated from a turf grass area through the installation of professional landscape edging or similar method to minimize overgrowth of the turf.
- (8) A site plan of the parcel to be developed, together with a detailed planting plan of said greenbelt, shall be submitted to the Planning Commission for approval prior to the issuance of a building permit. The site plan shall indicate, to scale, the proposed location and height of buildings and other structures, the location of public walks, roadways and utilities and the proposed location of off-street parking, loading, service and outside storage areas and points of ingress-egress to the site. The planting plan shall indicate, to scale, the location, spacing, starting size and description for each unit of plant material proposed for use within the required greenbelt area, together with the finished grade elevations proposed thereon. The Planning Commission shall review said planting plan (or may assign such review to a registered landscape architect) relative to:
- (a) The proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved.
  - (b) The choice and selection of plant materials will assure that root systems will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners.
  - (c) The proposed relationship between deciduous and evergreen plant materials will assure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
  - (d) The size of plant material (both starting and ultimate) to assure adequate maturity and optimum screening effect of proposed plant materials.
- (9) The Planning Commission shall furnish a list of suggested plant materials upon request of any developer and/or property owner of any parcel requiring the construction of a greenbelt or planting screen. The city encourages the use of species native to this climate.
- (10) Plastic and artificial plants are prohibited.
- (11) LANDSCAPING OF YARDS IN NONRESIDENTIAL DISTRICTS Any portion of a front, side or rear yard not utilized for storage, parking, loading or unloading in a zoning district other R-1A, R-1B, R-1c, RM, or RM-1, shall be planted and maintained in a neat condition. A minimum of one tree per 3,000 square feet of planted yard area shall be provided, in addition to any other landscaping requirements of this section.
- (12) Irrigation. To assist in maintaining plant materials in a healthy condition, all landscaped areas (including lawns) shall be provided with an automatic underground or drip irrigation system, subject to the following:
- a. The Planning Commission may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
  - b. All automatic irrigation systems shall be designed to minimize water usage, and shall be shut off during water emergencies, periods of protracted rainfall, or water rationing periods.
- (13) RIGHT OF WAY LANDSCAPING Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of

City streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

- a. **Street trees.** Street tree plantings shall be required for all development projects adjacent to or along the margins of street rights-of-way in the City, subject to the following:
- b. Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 35 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.
- c. Existing trees in good condition and of a desirable species located near or within street rights-of-way shall be preserved where feasible, and be counted toward the street tree planting requirement should the existing trees be 4 inches in caliper or greater.
- d. Permits may be required by the Wayne County Road Commission or Michigan Department of Transportation for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the reviewing authority.
- e. **Ornamental trees.** Ornamental trees shall be required for all development projects along the margins of street rights-of-way in the City. One ornamental tree shall be planted for every 75 lineal feet of right-of-way frontage. Ornamental trees may be clustered or planted at regular intervals.
- f. **Groundcover plantings within street rights-of-way.** Street rights-of-way shall be irrigated and sodded with lawn grasses.
- g. **Maintenance of right-of-way landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s), including any irrigation of the right-of-way.
- h. **Corner Clearance.** Right of way landscaping shall comply with the corner clearance requirements of section

**(14) MODIFICATION OF LANDSCAPE REQUIREMENTS** Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for landscaping, the Planning Commission may reduce or waive the screening and buffer requirements of this section and approve an alternative screening plan. The Planning Commission shall find that the following standards have been met whenever it modifies any landscaping requirement:

- a. The landscape/screening plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
- b. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:
  - i. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
  - ii. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this section. The reviewing authority shall require the preservation of these natural features as a condition of site plan approval.
  - iii. The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

(H) **Retaining walls.** Retaining walls greater than one foot in height may, upon discretion of the City

Planner, be subject to review of a licensed civil engineer and Planning Commission.  
 (Ord. 792, passed 12-3-01)

**§ 155.074 WALLS.**

For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below in Table 5-2:

<b>TABLE 5-1</b>	
<b>Use</b>	<b>Requirements</b>
RM-1 and PD Districts, (where abutting any single-family to two-family residential districts)	5 feet high wall
Off-street parking or loading areas	4 feet, 6 inches to 6 feet, 0 inches
O-1, B-1, B-2, B-3 Districts	6 feet, 0 inches high wall
M-1 Districts, open storage areas, loading or unloading areas, service areas	6 feet, 0 inches to 8 feet, 0 inches high wall
Hospital, ambulance and delivery areas	6 feet, 0 inches high wall
Utility buildings, stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area, the Planning Commission may waive the wall requirements.	6 feet, 0 inches high wall
Wireless communications facilities	Requirements specified in §§ 155.211 through 155.217
Mechanical and electrical equipment	Height equal to objects being screened
Waste receptacles (dumpsters)	Height one foot taller than waste receptacle. See § 155.075 for additional requirements

**NOTES:**

(A) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Planning Commission, 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 Planning Commission in reviewing such request.

(B) Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, and except such openings as may be approved by the Chief of Police and the Building Official or other official responsible for code enforcement. All walls herein required shall be constructed of materials approved by the Building Official or other official responsible for code enforcement to be durable, weather-resistant, rustproof and easily maintained. Wood, wood products, recycled garage doors and sheet metal may be specifically excluded.

(C) *Corner clearance.* Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers as set forth in § 155.073.b

(D)

*Substitution or waiver.*

(1) As a substitute for a required obscuring wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any substitute screening shall comply with the applicable requirements set forth in § 155.073

(E) In consideration of requests to waive or modify wall requirements the Planning Commission shall refer the request to the Community Development Director, City Planner, and/ or Police Chief for a recommendation.

(Ord. 792, passed 12-3-01)

## **§ 155.075 WASTE RECEPTACLE (DUMPSTER), STORAGE SCREENING, OR COLLECTION BINS**

(A) Waste receptacle and removal areas shall be opaquely screened on four sides by masonry wall, similar in material and/or color to the main structure, and opaque gate to a height at least one foot taller than the receptacle or other container system. Waste areas shall be located in the rear yards and surfaced with concrete not less than six inches in depth.

*Waivers*

The Planning Commission may waive the use of a gate upon determination that the open area is not within views of adjoining properties or public lands or thoroughfares. (Ord. 792, passed 12-3-01)  
Furthermore, the Planning Commission has the authority to approve the use of garbage can for refuse in situations where there is not an abundance of waste. Should the situation change, the Planning Commission reserves the right to require a waste receptacle per § 155.075.

(B) Collection Bins

(a) - Purpose.

The purpose of this section is to regulate collection bins in the City of Inkster so that they remain clean, safe and do not create hazards to pedestrians or to vehicular traffic.

(b) - Definitions.

Unless otherwise provided:

Collection bin means any container, receptacle, or similar device that is located on any parcel or lot of record within the City and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

Code Compliance Office means the Code Compliance Supervisor or his or her authorized representative.

Collection bin operator means a person who owns, operates, supervises or otherwise is in control of collection bins to solicit collections of salvageable personal property.

Property owner means any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, county or municipality as holding title to the property.

Public Service Department means the Director of Public Service or his or her authorized representative. Real property means a lot, plot or parcel of land recorded and located in the City of Inkster.

(c) - Permitted locations.

- (1) Collection bins are allowed in the B-2 and B-3 zoning districts.
- (2) Collection bins shall not be located within 1,000 feet from another collection bin as measured along a straight line from one box to the other.

(d) - Standards for bin and surrounding area.

Collection bins shall conform to the following standards:

- (1) Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
- (2) Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.
- (3) Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- (4) The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow and materials do not accumulate outside the collection bin.
- (5) The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall be jointly and severally responsible for the City's cost to abate any nuisance.
- (6) Collection bins shall be located on a parcel where there is a functioning and permitted use.

Collection bins shall not be permitted:

- (a) On any land used or zoned residential;
- (b) On any unimproved parcel;
- (c) Where the principal use of the land has been closed or unoccupied for more than 30 days.
- (7) One collection bin on a single lot of record is allowed.
- (8) The total size of a collection bin is limited to a maximum dimension of  $5 \times 5 \times 7$ .
- (9) Collection bins shall not cause a visual obstruction, as determined by the Building Official, or other designated City representative, to vehicular or pedestrian traffic.
- (10) No collection bin shall be placed closer than ten feet from:
  - (a) A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;
  - (b) A public right-of-way;
  - (c) A driveway; or
  - (d) A side or rear property line of adjacent property used for residential purposes.
- (11) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit.
- (12) Collection bins shall be made of durable metal or UV resistant molded hard plastic or fiberglass material that is fire resistant or fire proof.

(e) - Identification of collection bins.

- (a) Collection bins shall have signage on each bin that identifies the name, mailing address, email address, website and phone number of the collection bin operator. The collection bin signage may include a company logo. Total sign area on the collection bin signage may not exceed six square feet per side. The font size used on the sign shall not be less than one inch in height.

(f) - Removal of collection bins and liability.

- (a) If the Public Service Department and/or Code Compliance Office determines that a collection bin has been placed or is being maintained in violation of this chapter, a correction notice shall be sent by regular United States Mail to the collection bin operator and property owner of the real property on which the collection bin has been placed, as shown on the most recent permit application. In the event

there is not on file a permit application made for the collection bin within 24 months immediately preceding the date of violation, the correction notice shall be sent to the real property tax payer of record in the Assessor's Office. The correction notice shall describe the offending condition and the actions necessary to correct the condition. The correction notice shall provide that the offending condition be corrected or abated within seven calendar days after mailing.

(b) If the offending condition is not corrected or abated within this seven calendar days after mailing, the City or the City's contractor shall clean-up the collection bin area.

(c) All costs incurred by the City or the City's contractor associated with the correction or abatement of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(d) Any collection bins not in compliance with this zoning ordinance shall be removed or brought into compliance. Offending conditions cited in a correction notice must be corrected or abated within seven days after mailing. In addition:

(1) Placement or conditions of the bin or surrounding areas must not violate any applicable State or Federal law;

(2) If any governmental authority or agency determines that the collection bin has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act or other statute enacted to regulate or govern collection bins, must be brought into compliance.

(e) All costs incurred by the City or the City's contractor associated with removal, storage or disposal of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

## **§ 155.076 EXTERIOR LIGHTING AND SECURITY CAMERAS**

### **(A) Exterior Lighting**

(a) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

(b) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. These provisions are not intended to apply to public street lighting.

(c) Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(d) Lights shall be recessed into the fixture so that bulbs or elements are not visible from adjoining properties.

(e) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 footcandles along property lines. Light intensity shall not exceed a maximum of 20 foot-candles in any given area. The Planning Commission, upon City Planner's recommendation, may allow for an increased level of lighting above maximum permissible levels when it can be demonstrated that such lighting is necessary for

safety and security purposes.

(f) Lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 20 feet.

(g) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes is not permitted. Temporary holiday lighting is exempt from the aforementioned provision.

All lighting for parking areas or for the external illumination for buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares. See § 155.164, Performance standards, for additional requirements.

(Ord. 792, passed 12-3-01)

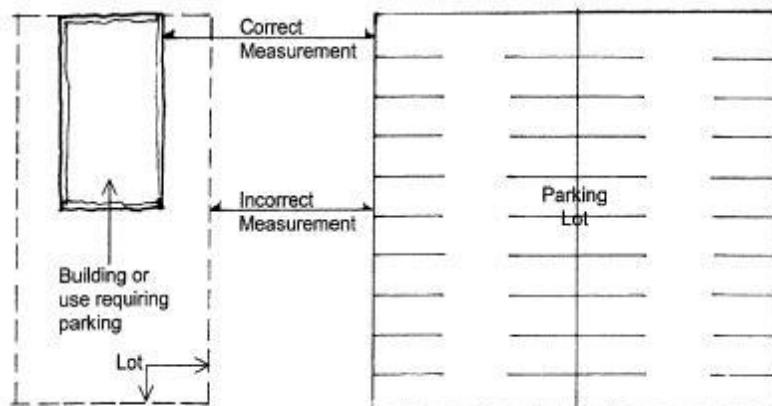
(B) Security Cameras

(a) For all non-residential commercial and business properites, security cameras shall be installed, maintained and approved by the City Police Chief. All security cameras shall be high-definition with a minimum resolution of 1080p and night vision with at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company. Security cameras shall be placed to cover the entire site and placement shall be approved by the City Police Chief.

**§ 155.077 OFF-STREET PARKING.**

(A) Parking requirements. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with 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 or certificate of re-occupancy, as hereinafter prescribed.

(1) Off-street parking for other than residential use shall be either on the same lot or within 500 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 for all lots or parcels intended for use as parking by the applicant.



Measurement of Distance

(2) Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve and subject to the provisions of § 155.072 (A).

(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 hereinafter required for a similar new building or new use.

(5) **Shared Parking:** 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. The Planning Commission may allow the following reduction in parking space requirement for shared parking at the applicant’s request:

- a. Up to 50% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be the use that requires the most parking of those sharing the parking facilities.
- b. Up to 75% of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominantly evening uses may be shared with uses such as banks, offices, and other similar predominantly daytime uses.
- c. Up to 75% of the parking spaces required for uses such as religious institutions and other uses exclusively in operation during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly in operation on weekdays.

(6) **A. Parking Waivers:** Except for buildings or parts of buildings used or occupied for residential use, all or part of the off-street parking requirements may be waived by the Planning Commission where the proposed site planning design, and construction meets one of the following:

- a. Sufficient publicly owned parking spaces within 500 feet of the proposed development site.
- b. Access to a regularly scheduled transit stop within 500 feet of the proposed development.
- c. Direct access from a bikeway where bike parking is provided.
- d. Sufficient on-street parking.

**B. Parking Reduction Requests:** If the applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Planning Commission for a reduction in parking space requirements. The Planning Commission will consider and act on this request concurrent with and as part of the full development application process.

(7) Storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

(8) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(B) Space requirements; types of use. The minimum number of off-street parking spaces by type of use shall be determined in accordance with Table 5-2 below:

<b>Table 5-2 Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Number of Minimum Parking Spaces per Unit of Measure</b>
<b>Residential</b>	
Residential, One-family and two-family	2 per dwelling
Residential, multiple family	1½ per dwelling unit
Senior Housing, Assisted Living Facility or similar types Housing for the Elderly	0.5 for each unit, and 1 per employee on the largest working shift. Should units revert to general occupancy, then 1½ spaces per unit shall be provided. The land available due to the difference between the 2

	minimums shall be land banked as usable open space
Manufactured Housing Community	2 per unit and 1 per employee on the largest working shift
<b>Institutional</b>	
Religious institutions	1 for each 3 seats or 6 feet of pews in the main unit of worship
Hospitals	1 per two beds plus 1 per employee on the largest working shift plus 1 per each 200 square feet of gross outpatient clinic floor area
Nursing and Convalescent Homes	1 per 4 beds plus 1 per employee on the largest working shift
Elementary and Junior High Schools	1 for each 1 teacher, employee or administrator, in addition to the requirements of the auditorium
Senior High Schools	1 for each 1 teacher, employee or administrator, and 1 for each 10 students, in addition to the requirements of the auditorium
Private Clubs or Halls	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Private Golf Clubs, Tennis Clubs, or other similar uses	1 for each 2 member families or individuals
Golf Courses open to the general public, except miniature or par-3 courses	6 for each 1 golf hole, and 1 for each 1 employee on the largest working shift
Fraternity or Sorority	1 for each 5 permitted active members, or 1 for each 2 beds, whichever is greater, plus 1 per employee
Stadium, Sports Arena or similar place of outdoor assembly	1 for each 3 seats or 6 feet benches
Theaters and Auditoriums	1 for each 3 seats, plus 1 for each 2 employees

Use	Number of Minimum Parking Spaces per Unit of Measure
Public utility facilities such as communications buildings, electrical substations, pump stations, cellular	1 per employee on the largest working shift. The storage of vehicles is prohibited

communications towers and similar uses	
<b>Business and Commercial</b>	
Planned Commercial or Shopping Center located in any B District	6 spaces per 1,000 square feet of gross leasable area for the first 15,000 square feet; 5 spaces per 1,000 square feet of gross leasable area for 15,001 - 400,000 square feet; 4 spaces per 1,000 square feet of gross leasable area for 400,001 and greater square feet
Vehicle Wash	1 per employee. In addition, stacking spaces must be provided. Stacking space shall be 200 feet for facilities with washlines of 80 feet or less. Vehicle wash facilities with washlines over 80 feet shall provide an additional 20 feet for each 10 feet of washline in excess of 80 feet
Beauty Parlor or Barber Shop	3 spaces per each of the first 2 beauty or barber chairs, and 1½ spaces for each additional chair
Bowling Alley	3 per 1 bowling lane
Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, assembly halls without fixed seats and arcades	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Standard restaurants or establishments for sale and useable consumption on the premises of beverages, food or refreshments	1 per 100 square feet of gross building floor and outdoor seating area
Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	1 per 1,000 square feet of gross floor area. For that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein
Automobile Service Stations	2 per lubrication stall, rack, pit and 1 for each gasoline pump
Laundromats and Coin-Operated Dry Cleaners	1 for each 2 machines
Miniature or par-3 Golf Courses	3 for each 1 hole plus 1 for each 1 employee on the largest working shift
Mortuary Establishment Assembly	1 for each 100 square feet of gross floor area plus 1 per dwelling unit

Use	Number of Minimum Parking Spaces per Unit of Measure
Motel, Hotel, or other commercial lodging establishments	1 for each 1 occupancy unit plus 1 for each 1 employee, plus such number of spaces as required for restaurants, bars, taverns, assembly rooms and affiliated facilities
Motor vehicle sales and service establishments	1 for each 250 square feet of gross floor area of sales room, plus 1 space per 500 square feet. of gross outdoor sales space, plus 1 for each auto service stall in the service room
Retail stores except as otherwise specified herein	2 spaces plus 1 for each 175 square feet of gross floor area
Adult Entertainment Uses	1 per patron as allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus 1 per employee on the largest working shift
Child care centers, nursery schools, schools for special education and schools for the mentally impaired	1 per instructor, administrator or other paid or volunteer employee, plus 1 per company vehicle, plus 1 per each 6 students allowed by license. In addition, 2 drop-off spaces shall be provided for each 6 licensed or registered students. Drop-off spaces shall not be separated form from the entrance by a traffic lane
Drive-through restaurant and that portion of fast food or carry out restaurant used for drive-thru service	1 per employee on the largest working shift plus 8 stacking spaces for the first drive-through window and 6 for each additional window plus 1 space per 100 square feet of designated outdoor seating area
Drive-in restaurant (eating allowed in vehicles only, no seating facilities)	1 per employee on the largest working shift plus space a sufficient number of spaces for outdoor customer service
Drive-in restaurant with seating facilities	1 space per 100 square feet. of gross building floor area and designated outdoor seating area, plus stacking space
Fast food or carry-out restaurant	1 space per 100 square feet of gross building floor area and designated outdoor seating area
Vehicle Repair Facility	1 per employee and 2 per service and/or repair bay, exclusive of such bay

Lumber Yards, Retail	1 per 175 square feet of gross building floor area, plus 1 per 1,500 square feet of gross outdoor storage area, plus 1 per company vehicle
Vehicle rental and/or leasing	1 per rental/lease vehicle, plus office requirements
Open air businesses including plant nurseries	1 per 175 square feet of gross building floor area, plus 1 per 500 square feet of gross outdoor display area, plus 1 per company vehicle
Sale or lease of motorhomes	1 per 1,600 square feet of outdoor vehicle display area, plus 1 per 250 square feet of gross building floor area, plus 1 per service bay exclusive of such bay

Use	Number of Minimum Parking Spaces per Unit of Measure
Video Rental Stores	1 per employee plus 1 per 500 square feet of gross floor area
Athletic, health and physical exercise clubs or businesses, tennis and court type recreation uses	1 per 200 square feet of gross building floor area and dedicated outdoor recreation area
Target practice ranges	1 per target lane plus 1 per employee on the largest working shift
Golf driving range	1 per tee plus 1 per employee on the largest working shift
<b>Offices</b>	
Banks	1 per 250 square feet of gross floor space exclusive of the vault area plus 8 stacking spaces for the first drive-through window and 6 stacking spaces for each additional window
Business offices or professional offices	1 per 500 square feet of gross floor area
Professional offices of doctors, dentists or similar professions	1 per 250 square feet of gross floor area in waiting rooms and 1 for each examining room, dental chair or similar use area
<b>Industrial</b>	
Industrial or research establishments	5 plus 1 for every 1½ employees in the largest working shifts or 1 for every 1000 square feet of gross floor area or whichever is greater. Space on site shall also be provided for all construction

	workers during periods of plant construction
Wholesale establishments	5 plus 1 for every 1 employee in the largest working shift, or 1 for every 2,000 square feet of gross floor area, whichever is greater
Self-storage facility	1 per each 10 storage units equally distributed throughout the site, plus 1 per 200 square feet of gross floor area of office, plus 2 for the resident manager apartment
Contractor yard for landscaping, snow removal, concrete, general construction and similar use	1 per company vehicle plus 1 per tractor, trailer or similar vehicle plus office requirements

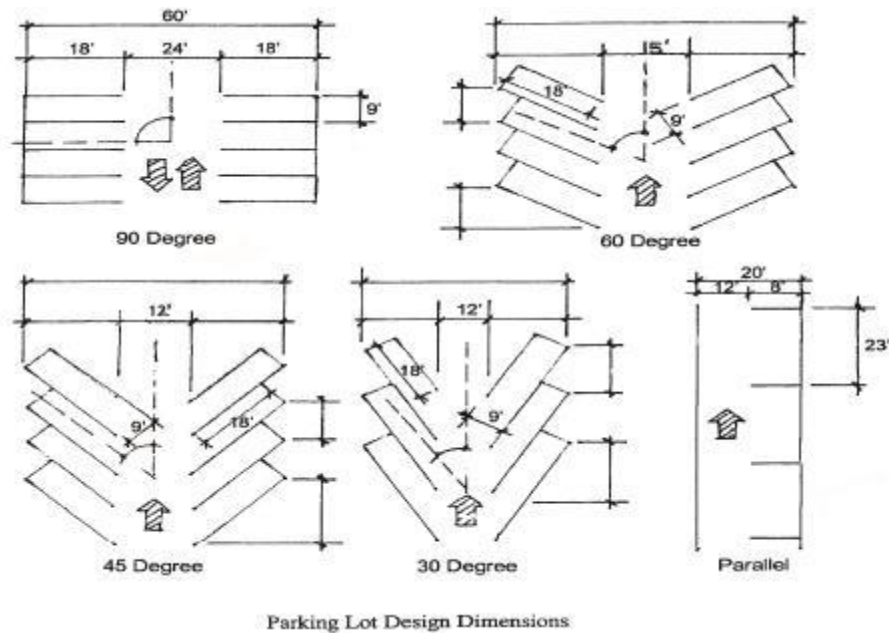
- a. The Planning Commission may reduce the number of off-street parking spaces as listed above by up to 100% where the use and associated required parking would be located in the TCD, Town Center District.
- b. For all uses not specifically mentioned, the City Planner or designee shall determine the appropriate number of required off-street parking spaces. Such determination shall be based upon the type of use or business, number of employees per working shift, existing accessory uses such as, but not limited to, bars, restaurants and assembly space and other factors relating to public health, safety and welfare.

(C) Off-street parking space layout, standards, construction and maintenance. Wherever off-street parking requires the building of an off-street parking facility, where P-1 Vehicular Parking Districts are provided, or where parking facilities are provided in an O-1 District, 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 therefore is issued by the Building Department. Applications 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 accordance with the following minimum requirements:

<b>Parking Pattern (Degrees)</b>	<b>Maneuvering Lane Width (Feet)</b>	<b>Parking Space Width (Feet)</b>	<b>Parking Space Length (Feet)</b>
0 (Parallel Parking)	12	8	23
30 to 53	12	8½	20
54 to 74	15	8½	20
75 to 90	24	9	18
Stacking	N/A	10	20



All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(4) All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

(5) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from any adjacent property located in any single-family residential district.

(6) Any non-residential off-street parking area abutting a residential zoning district shall be provided with a continuous and obscuring wall meeting the requirements of § 155.074.

(7) When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees per requirements of § 155.073. The ground area shall be planted and kept as lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

(8) The use of a continuous curb at the perimeter of paved areas shall be encouraged. Curb blocks shall not be permitted.

(9) All parking and loading facilities and access drives shall be paved with a durable bonded material in accordance with accepted engineering standards. Alternative surfacing materials may be considered in order to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design. Use of pervious alternative surfaces is encouraged in proximity to the Lower Branch River Rouge. Paving materials proposed to improve aesthetics may also be considered by the City Planner and the Planning Commission. Alternative surfaces proposed shall be reviewed by the City's consulting engineer. In commercial zoning districts, paving shall not be required for off-street parking areas of four spaces or less, in which case the spaces shall be surfaced with gravel or similar material and so laid out as to clearly indicate that the spaces are reserved for parking of motor vehicles.

The parking area shall be surfaced within one year of the date the permit is issued.

(10) 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

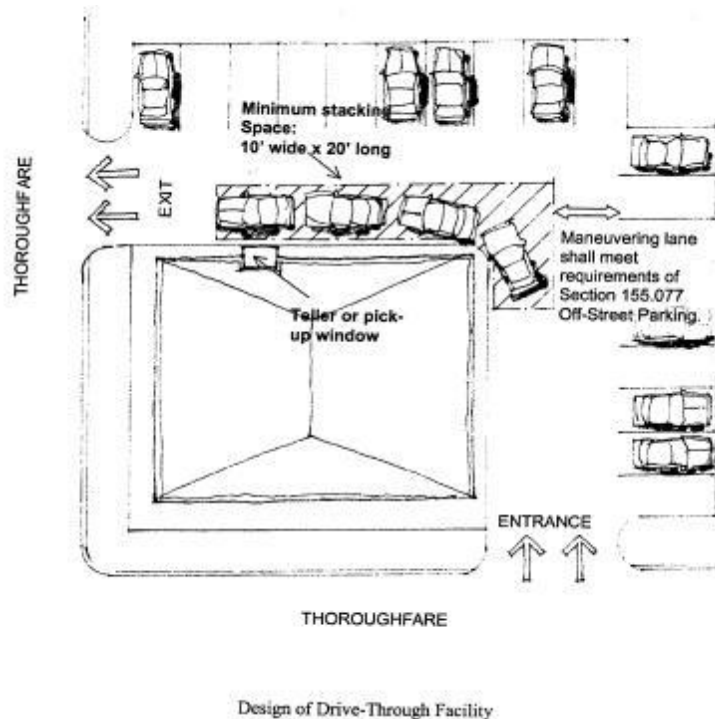
buildings. Plans shall meet the approval of the City Engineer.

(11) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only subject to the requirements of § 155.076.

(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) The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(D) Layout of stacking spaces. The layout of stacking spaces shall comply with the requirements of the following graphic.



(Ord. 792, passed 12-3-01)

**§ 155.078 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS.**

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

(A) Number of spaces. The number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off- street parking standards. These standards may not be varied or waived.

<b>Table 5-4 Number of Spaces Reserved for Persons with Disabilities</b>			
<b>Total Parking Space Provided</b>	<b>Minimum Number of Accessible Spaces</b>	<b>Minimum Number of Van-Accessible Spaces</b>	<b>Minimum Number of Car-Accessible Spaces</b>
1 - 25	1	1	0

26 - 50	2	1	1
51 - 75	3	1	2
76 - 100	4	1	3
101 - 150	5	1	4
151 - 200	6	1	5
201 - 300	8	1	7
301 - 400	12	2	10
401 - 700	14	2	12
701 - 1,000	2% of total sp;	1 out of every 8 a spaces	7 out of every 8 a spaces
Over 1,000	20+ 1 per each 100 spaces over 1,000		

(B) Minimum dimensions. All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

(C) Car-accessible spaces. Car-accessible spaces shall have at least a five-foot wide access aisle abutting the designated parking space.

(D) Van-accessible spaces. Van-accessible spaces shall have at least an eight-foot wide access aisle abutting the designated parking space.

(Ord. 792, passed 12-3-01)

**§ 155.079 OFF-STREET LOADING AND UNLOADING.**

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

(A) All spaces shall be provided as required, except as hereinafter provided for M-1 Districts.

(B) All spaces shall be laid out in the dimension of at least 10 by 70 feet, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. In all B-2, B-3 and M-1 Districts, the following ratio of spaces to floor area shall be provided:

<b>Gross Floor Area (in square feet)</b>	<b>Loading and Unloading Space Required</b>
0 - 2,000	None
2,001 - 20, 000	1 space
20,001 - 100,00	1 space plus 1 space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	5 spaces

(C) The Planning Commission, based upon recommendation of the City Planner may reduce the size of a loading space to 10' x 35' for uses under 20,000 square feet of gross floor area. The applicant shall demonstrate that larger vehicles will not use such business.

(D) All loading areas shall be screened from public view by a wall as required in § 155.074.  
(Ord. 792, passed 12-3-01)

### **§ 155.080 PARKING LOT LANDSCAPING**

• The development of land for parking lot purposes alters natural topography, disturbs existing vegetation and creates impervious surface, all of which can have a negative effect on the ecological balance of an area by causing increases in air temperature and accelerating the processes of runoff, erosion, and sedimentation. Recognizing that the preservation or installation of vegetative cover in parking lots promotes the health, safety and general welfare by aiding in the stabilization of the environment's ecological balance by contributing to the process of air purification, ground water recharge, and storm water runoff retardation while at the same time aiding in noise, glare and heat abatement the following requirements for the landscaping of parking and outdoor display areas are enacted.

**Interior Landscaping.** Interior landscaping shall be provided within the boundaries of the parking lot unless otherwise approved by the Planning Commission. If interior landscaping is provided along the perimeter of the parking lot, it shall be in addition to the perimeter landscaping requirements.

1. Interior landscaping areas equivalent to 5% of the vehicle use area shall be required in all parking lots of twenty (20) spaces or more. One deciduous shade tree shall be required for each 150 square feet of required interior landscape area. The vehicle use area includes all areas used for vehicular circulation and parking.
2. Terminal landscape islands shall be provided at the end of each row of parking spaces to separate parking from adjacent drive aisles. Terminal islands shall be curbed, and shall be at least 144 square feet in area and 18 feet long for each single row of parking spaces. Each landscape island shall have a minimum of one (1) shade tree. The reviewing authority may waive the requirement for terminal landscape islands in the interest of meeting barrier free requirements.
3. Interior landscape islands shall have a minimum area of 160 square feet and a minimum width of eight (8) feet (measured from the back of curb). Each landscape island shall have a minimum of one deciduous shade tree.
4. Parking lot divider medians with a minimum width of eight (8) feet (measured from the back of curb) may be used to meet interior landscape requirements and shall form a continuous strip between abutting rows of parking. One shade tree or two ornamental trees shall be required for each 25 linear feet of divider median or fraction thereof. Shrubs shall be planted to form a continuous hedge the full length of divider medians which separate parking areas from access drives.
5. Wheel stops or curbing shall be installed to prevent vehicles from encroaching more than two (2) feet into any interior landscaped area. If a landscape area is used for parking overhang, at least two (2) feet of clear area planted with lawn or covered with mulch shall be provided where cars will overhang the curb to protect landscape plantings from damage.

**Perimeter Landscaping.** Perimeter landscaping shall be provided along the edge of any parking lot facing and located within 100 feet of a public right-of-way, unless, in the opinion of the Planning Commission, the parking lot will be sufficiently screened from view by buildings or other site features or improvements. Parking lot perimeter landscaping shall comply with the following standards:

6. Perimeter parking lot landscaping shall include a minimum of one (1) deciduous shade tree per each 25 linear feet or fraction thereof and one ornamental tree per each 35 linear feet or fraction thereof.
7. Wherever a parking lot or vehicle parking space is located within 30 feet of a public street or right-of-way, the perimeter landscaping shall also include a continuous hedge of deciduous or upright

evergreen shrubs planted not more than 30 inches on center between the parking area and the street.

**Curbing Required.** All landscaping and perimeter screening shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

**Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant groundcovers characterized by low maintenance requirements.

### **§ 155.081 USE RESTRICTION.**

Any portion of a lot or parcel shall be used to comply with the provisions of this chapter for exactly one existing or planned building or structure. No portion of a lot or parcel shall be used to comply with the provisions of this chapter for more than one building or structure, whether existing or planned.

(Ord. 792, passed 12-3-01)

### **§ 155.082 HEIGHT, AREA AND USE EXCEPTIONS.**

(A) Essential services. Essential services shall be permitted as authorized and regulated by law and other codes of the city.

(B) Voting place. The provisions of this chapter shall not interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(C) Height limit. The height limitations of this chapter shall not apply to chimneys, church spires, flagpoles, or public monuments. However, the Planning Commission may specify a height limit for any structure that is permitted as a special condition use. In determining the appropriate height, the Planning Commission shall consider the character of surrounding land uses, the height of surrounding structures, and the potential to obscure light and/or view from surrounding properties.

(1) For reasons of safety, the height limit for stacking of any materials, including those used for construction shall be 14 feet.

(D) Lot area. Any lot existing and of record at the time of this chapter became effective may be used for any principal use permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this chapter, except as provided in §§ 155.181 through 155.187, Nonconforming Uses and Structures. Such use may be made provided that all requirements other than lot area and width requirements prescribed in this chapter are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(E) Lots adjoining alleys. In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half of the width of such alley abutting the lot shall be considered as part of such lot.

(F) 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 of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

(G) Multiple dwelling side yard. For the purpose of side yard regulations, a two-family, a row house, or a multiple dwelling shall be considered as one building occupying one lot. When more than one structure is involved on one zoning lot, the above requirement shall not negate the formula contained in this chapter, pertaining to the distance spacing for multiple dwellings.

(H) Porches. An open, unenclosed, covered porch or paved terrace may project into a front and/or rear yard for a distance not exceeding six feet.

(I) 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, except porches.

(Ord. 792, passed 12-3-01)

### **§ 155.083 REQUIRED SITE DEVELOPMENT.**

(A) The purpose and intent of this section is to provide for minimum site development improvements required for new uses, addition to an existing use, the erection of any building, the re-occupancy of an existing building or a change of use. The required site improvements are for the purpose of protecting the health, safety, and welfare of the general public.

(B) *New uses, additions to an existing use, erection of any building.* In all zoning districts except for single-family detached dwellings in the R-1A through R-1C, Single One-Family Districts and mobile home parks in the RM District, the following site development standards shall be complied with:

- (1) Site plan review procedures (§ 155.286);
- (2) Required parking and off-street loading requirements (§§ 155.077 through 155.079);
- (3) Landscaping requirements (§ 155.073);
- (4) Buffering requirements (§ 155.074);
- (5) Special condition use standards (Article 6);
- (6) Area, height, density, bulk, and placement regulations (Article 4);
- (7) Accessory building regulations (§ 155.072(A));
- (8) Exterior lighting (§ 155.164(D));
- (9) Other development regulations and requirements in this section and other applicable ordinances.
- (10) Mobile home parks in the RM District shall be subject to § 111.40.

(C) *Re-occupancy of an existing building, a change of use, or a change in tenants.* In all zoning districts except for single-family detached dwellings in the R-1A through R-1C Single One-Family districts and mobile home parks in the RM District, the following site development standards shall be complied with whenever occupancy permits or re-occupancy permits in §§ 155.284(B) and 155.284(C) are required.

(1) A plot plan as required in § 42.03 shall be provided to the Planning and Economic Development (P&ED) Department. The P&ED Department will review the plot plan and shall ensure compliance with the zoning ordinance.

(2) Off-street parking space layout standards, construction and maintenance shall be required in accordance with §§ 155.077 through 155.079.

(3) Compliance with buffer requirements in § 155.074 shall be required.

(4) Public sidewalks shall be provided along all public street rights-of-way.

(5) Compliance with sign requirements in accordance with Article 12 shall be required.

(6) Landscaping shall be required as specified in § 155.073. If there is insufficient area on the site to fully comply with § 155.073, then compliance shall be to the extent to which the existing site characteristics allow.

(7) The Zoning Board of Appeals may permit a reasonable time schedule to be developed between the petitioner and the city in complying with the necessary improvements to the property.

(8) In the Town Center District, compliance with the site design requirements, in accordance with § 155.049 shall be required.

(Ord. 828, passed 12-7-09)

## **SPECIAL LAND USE STANDARDS**

### **§ 155.111 INTENT.**

(A) Each use in this subchapter, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified in this section, in addition to applicable standards and requirements for the district in which the use is located. These minimum standards are intended to alleviate the impact from a use, which is of a size or type, or possesses characteristics, which are unique or atypical in the district in which the use is located. Special considerations are required to assure that such use will be compatible with surrounding uses and the orderly development of the district.

(B) Unless otherwise specified, each use listed in this subchapter shall be subject to all applicable yard, bulk and other standards and requirements for the district in which the use is located, §§ 155.071 through 155.081, General Development Standards, this chapter, and other applicable codes and regulations.  
(Ord. 792, passed 12-3-01)

**§ 155.112 CHILD AND ADULT FOSTER CARE FACILITIES.**

- (A) Site plan shall be required to be submitted.
  - (B) The facility shall not be attached to a multiple-family structure.
  - (C) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,000 square feet per person, excluding employees and/or caregivers.
  - (D) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (E) In its sole discretion, the city may determine that landscape screening is required.
  - (F) Appropriate licenses with the state shall be maintained.
- (Ord. 792, passed 12-3-01)

**§ 155.113 NURSERY SCHOOLS, DAY NURSERIES AND CHILD CARE CENTER (NOT INCLUDING DORMITORIES).**

- (A) Petitioner shall comply with all state requirements of Act 47 of Public Acts of 1944, as amended.

**§ 155.114 NURSING AND CONVALESCENT HOMES.**

- (A) Buildings of greater than the maximum height allowed in may be allowed, provided front, side and rear § 155.061, yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
  - (B) Wherever the off-street parking lot is adjacent to land zoned for residential purposes, a continuous and obscuring wall four and one-half feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of § 155.074.
  - (C) The site shall be so located as to have at least one property line abutting a major thoroughfare of not less than 86 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or marginal access service drive thereof.
  - (D) Convalescent homes, currently abutting a thoroughfare of not less than 66 feet of right-of-way width, existing or proposed, may be allowed to expand or construct new facilities, provided other applicable portions of this chapter are complied with. All ingress and egress shall be directly onto said thoroughfare.
  - (E) The site shall be developed so as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 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 1,500 square feet requirement is over and above the building coverage area.
  - (F) No building shall be closer than 40 feet from any property line.
  - (G) Applicable licenses with the state shall be maintained.
  - (H) Review and approval of a site plan submitted to the Planning Commission pursuant to the conditions imposed under § 155.286, Site plan review.
- (Ord. 792, passed 12-3-01)

**§ 155.115 RELIGIOUS INSTITUTIONS.**

The following conditions shall apply to all religious institutions, including religious institutions, synagogues, temples, and any associated structures utilized for educational purposes:

- (A) Buildings of greater than the maximum height allowed in § 155.061 may be allowed, provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building

height that exceeds the maximum height allowed.

(B) Wherever the off-street parking lot is adjacent to land zoned for residential purposes, a continuous and obscuring wall four and one-half feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of § 155.074.

(C) The site shall be so located as to have at least one property line abutting a major thoroughfare of not less than 86 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.

(D) Religious institutions currently abutting a thoroughfare of not less than 66 feet of right-of-way width, existing or proposed, may be allowed to expand or construct new facilities, provided other applicable portions of the chapter are complied with. All ingress and egress shall be directly onto said thoroughfare.

(E) Religious institutions shall not be located within 1,000 feet of a second church facility to eliminate traffic and parking disruptions as well as large physical and pedestrian voids to its residential and business districts.

(F) The minimum lot width shall be 150 feet.

(G) The minimum lot area shall be two acres.

(H) Off-street parking shall be prohibited in the front setback area and within 15 feet of the rear or side property line.

(I) Buildings shall be setback according to the following dimensions:

(1) Front yard: 50 feet

(2) Side yards: 25 feet

(3) Rear yard: 50 feet

(J) Landscaping requirements set forth in §§ 155.073 and 155.074 shall be complied with.

(K) Religious institutions, other religious institutions and associated educational facilities shall be the sole use of the site and shall not be located in a multi-tenant building.

(Ord. 792, passed 12-3-01)

### **§ 155.116 SENIOR HOUSING, ASSISTED LIVING FACILITY AND SIMILAR TYPES OF HOUSING FOR THE ELDERLY.**

(A) Designed and constructed as a planned development of cottage-type dwellings and/or apartment-type dwellings consisting of at least three acres.

(B) Shall not exceed three stories in height.

(C) Contain common services, but not limited to, central dining rooms, recreational rooms, a central lounge and workshops.

(D) Consist of at least 150 square feet per unit with separate and distinct bedrooms (not including kitchen and sanitary facilities).

(E) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of the total site exclusive of any dedicated public right-of-way.

(F) Have at least one property line abutting a major thoroughfare of not less than 86 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or marginal access service drive thereof.

(G) Contain a minimum site area of 2,000 square feet per bed.

(H) Have minimum yard setbacks from the perimeter property lines of 50 feet from any public road right-of-way, 75 feet from any adjacent property zoned R-1A, R-1B or R-1C, and 50 feet from all other property lines. Minimum spacing between buildings shall be as follows:

<b>Distance Between Building</b>	<b>Feet</b>
Side/Side Orientation	20
Side/Front, Side/Rear Orientation	20
Front/Front, Front/Rear Orientation	30

The Planning Commission, in their sole discretion, may reduce building spacing requirements where enclosed, heated walkways are provided and applicable building and fire code requirements are met.

(I) Designed and constructed according the following criteria:

(1) Maximum building height of three stories and 40 feet.

(2) No building shall exceed 250 feet in overall length, measured along any continuous elevation. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

(3) Building facades of greater than 100 feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.

(4) Architectural interest shall be provided through the use of repeating patterns of change in color, texture and material. All senior-housing facilities shall utilize residential exterior materials and design features.

(5) All roofs shall be sloped with a pitch of no less than 5:12. There shall be variations in rooflines to reduce the scale of the building and add interest.

(J) Lighting. All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and safety of persons using such areas, in accordance with the requirements set forth in § 155.076.

(K) Landscaping and screening. Landscaping and screening in accordance with §§ 155.073 and 155.074.

(L) Resident and emergency access. The drop off/pick up of residents shall be provided at the front entrance of the building with a covered canopy. Access to all entry/exit doors and all sides of a building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the City Planner and Fire Department.

(M) Open space and recreational areas. Open space and recreation shall be provided in accordance with the following requirements:

(1) Total open space required shall be a minimum of 15% of the site exclusive of the land bank requirement of division (N) below.

(2) Recreation facilities including paved walkway and covered sitting areas shall be provided in a manner, which meet the needs of the resident population.

(N) Parking and loading. Off-street parking and loading shall be provided in accordance with §§ 155.077 and 155.079.

(O) Parking shall be calculated for a comparable multiple-family structure per requirements set forth in Table 5-2 in § 155.077, Off-street parking. The difference in land shall be banked as usable open space for the future parking needs to allow conversion to a standard multiple-family apartment use.

(P) The loading area shall be located in the side and rear yard areas only, screened from the view of any public thoroughfare and adjacent residential area and designed in a manner, which is appropriate for the function and vehicles it is intended to serve.

(Ord. 792, passed 12-3-01)

### **§ 155.117 PRIVATE NONCOMMERCIAL RECREATIONAL AREA; INSTITUTIONAL OR COMMUNITY RECREATION CENTERS.**

(A) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein 100% of the owners of property immediately abutting and 51% of the owners of property within 300 feet of any property line of the site herein proposed for development shall sign a petition indicating concurrence with the proposed use of said site. The petition shall be submitted to the City Council for its review.

(B) The proposed site for any of the uses permitted herein 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 of not less than 120 feet of right-of-way width, either existing or proposed, and the site

shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare.

(C) 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.

(D) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. 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.

(E) In those cases wherein the proposed use or organization does not have bylaws or formal membership, the Planning Commission on the basis of usage shall determine the off-street parking requirements. In all instances, off-street parking shall be subject to the provisions of § 155.077.

(Ord. 792, passed 12-3-01)

### **§ 155.118 GOLF COURSES.**

(A) May be operated for profit or non-profit.

(B) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed.

(C) The site plan shall be laid out to achieve a direct connection between a major thoroughfare and any proposed service roads, entrances, driveways and parking areas, which will encourage pedestrian and vehicular traffic safety.

(D) Development features including the principal and accessory buildings and structures shall be so located and sited so 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 that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

(E) The requirement of § 155.077 shall be met for the golf course plus individual requirements for all accessory users such as restaurants or bars.

(F) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.

(Ord. 792, passed 12-3-01)

### **§ 155.119 COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER LEARNING, PUBLIC AND PRIVATE, OFFERING COURSES IN GENERAL, TECHNICAL OR RELIGIOUS EDUCATIONS AND NOT OPERATED FOR PROFIT.**

(A) All ingress to and egress from said site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet of width.

(B) No building other than a structure for residential purposes shall be closer than 80 feet to any property line.

(Ord. 792, passed 12-3-01)

### **§ 155.120 BUSINESS, TRADE, VOCATIONAL AND SIMILAR FOR PROFIT OR NON-PROFIT LEARNING INSTITUTIONS.**

(A) All ingress to and egress from said site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet of width.

(B) No building other than a structure for residential purposes shall be closer than 80 feet to any property line.

(Ord. 792, passed 12-3-01)

### **§ 155.121 TOWNHOMES AND DUPLEXES.**

(A) Each dwelling unit shall have one floor and usable front porch at grade level per § 155.072 of this chapter, and two means of ingress/egress at grade level. All units shall be connected to a public or private sidewalk system.

(B) The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.

(C) No more than four dwelling units shall be attached in any construction group or contained in any single structure, except that where the roof ridge lines and building facades of any four consecutive units are staggered or offset by at least six feet. In such cases a maximum of eight units may be permitted.

(D) Access drives, parking areas, and maneuvering lanes shall be so located as to minimize their conflict with buildings and outdoor living areas. All parking and maneuvering lanes shall be at least 15 feet distance from any first floor dwelling unit window, doorway, or entranceway.

(E) The required parking spaces shall be well related to the building they are intended to serve.

(F) Any accessory buildings, uses or services shall be developed solely for the use of residents of the main buildings. Uses considered herein as accessory uses include: swimming pools, cabanas, pavilions, recreation areas, and other similar areas.

(G) The site plan shall be so planned as to recognize the front, rear, and side relationship of adjacent residential development. The Planning Commission may recommend physical features to be provided which will insure harmony in these yard relationships.

(H) All design and dimensional standards of this chapter shall be complied with.

(Ord. 792, passed 12-3-01)

#### **§ 155.122 MULTIPLE-FAMILY DWELLING (THREE STORIES OF LESS).**

(A) The entire area of the site shall be treated to service the residents of the dwelling units located thereon, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include: swimming pools, cabanas, pavilions, recreation areas, and other similar uses.

(B) The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.

(C) The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.

(D) Access drives, parking areas and maneuvering lanes shall be so located as to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. The following requirements shall be considered by the Planning Commission in reviewing the site plan:

(1) Drives, maneuvering lanes and open parking spaces shall be a distance of at least 15 feet from any residential building wall with a window and/or door penetration at the ground floor level.

(2) The required parking spaces shall be well related to the building they are intended to serve.

(E) In order to provide continuity with abutting and/or adjacent public thoroughfares, the Planning Commission may recommend, and the City AV Council may require, dedication of a public right-of-way through the site area prior to site plan approval.

(F) Front building lines found on the balance of the block face shall be respected, except upon discretion of the Planning Commission as based upon the recommendation of the City Planner.

(G) All design and dimensional standards of this chapter shall be complied with.

(Ord. 792, passed 12-3-01)

**§ 155.123 MULTIPLE-FAMILY DWELLINGS (FOUR STORIES OR GREATER).**

(A) All such high-rise structures shall be developed only on a site or at least five acres in area.

(B) The proposed site for any such use shall have one property line abutting a major thoroughfare (at least 120 feet of right-of-way). The site shall be so planned as to provide ingress and egress directly onto or from said major thoroughfare.

(C) All design and dimensional standards of this chapter shall be complied with.

(D) Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from and exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. Such businesses or services shall not exceed 25% of the floor area at grade level or 50% of subgrade level, and shall be prohibited on all floors above the first floor or grade level.

(Ord. 792, passed 12-3-01)

**§ 155.124 MIXED-USE BUSINESS AND RESIDENTIAL BUILDINGS.**

(A) All dimensional requirements as set forth in this chapter and other city codes, including, but not limited to, parking, loading, height, setbacks and lot coverage are met.

(B) All landscape, screening, site lighting and other ordinance requirements are met.

(C) The types of businesses as permitted as a principal use in the B-1 Business District may be permitted. Such uses shall be located on the grade level floor.

(D) Residential apartments meet the minimum space requirements as established by zoning and building codes.

(Ord. 792, passed 12-3-01)

**§ 155.125 GENERAL HOSPITALS.**

(A) No maximum height restrictions will apply when all conditions of this section are met.

(B) All such hospitals shall be developed only on sites consisting of at least ten acres in area.

(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). 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.

(D) The minimum distance of any main or accessory building from abounding 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.

(E) Ambulance and delivery areas shall be obscured from all residential view with a wall six feet in height, and said wall shall be further subject to the requirements of § 155.074. Ingress and egress to the site shall be directly from a major thoroughfare.

(F) Facilities treating criminal persons and those solely treating persons that are mentally ill or have contagious diseases are not permitted.

(Ord. 792, passed 12-3-01)

**§ 155.126 AUTOMOBILE SERVICE STATIONS.**

Automobile service station may provide for the sale of gasoline, oil and minor accessories only, and where no repair work is done other than incidental service, but not including steam cleaning or under coating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, glass work and such other activities whose external effects could adversely extend beyond the property line. Automobile service stations are permitted only in a B-3 District, subject to Special Land Use.

(A) The minimum lot area shall be 15,000 square feet and so arranged that ample space is available for motor vehicles which are required to wait.

(B) Such uses shall have a minimum frontage along the principal street of 120 feet.

(C) No such use shall be located nearer than 500 feet from any church, public or private school, or

playground, as measured from the property line.

(D) All driveways providing ingress to or egress from a filling or service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street, maximum of two. No driveway or curb opening shall be located nearer than 25 feet to any corner or exterior lot line. No driveway shall be located nearer than 30 feet to any other driveway serving the site. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.

(E) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands. A raised curb of six inches in height shall be erected along all street lot lines, except for driveway openings.

(F) Gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.

(G) A filling or service station shall have no more than eight gasoline pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included for each additional 2,000 square feet of lot area above the minimum area set forth in this section.

(H) A filling station shall provide a sprinkler system to extinguish a fire in an emergency situation.

(I) All lighting, including illuminated signs, shall be shielded from adjacent residential districts. Canopy lights shall be totally recessed into the lower ceiling plane. Provisions of § 155.076 shall be complied with.

(J) Automobile service stations at the date of this chapter may be allowed to expand to include vehicle laundries when located in a completely enclosed building, providing the following conditions are met:

(1) All the conditions regulating service stations in §§ 121.55 through 121.75 are met.

(2) All conditions of § 155.077, Off-street parking, are met.

(3) There shall be a 25-foot setback where cars exit wash.

(4) All provisions of §§ 155.071 through 155.081, General Development Standards, shall be complied with.

(K) Vehicle sales shall not be permitted on the premises.

(L) Outdoor storage or parking of vehicles, except for two private automobiles per indoor stall or service area of the facility, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.

(M) All such uses erected after the effective date of this chapter shall comply with all requirements of this section and with the fire prevention code.

(N) Owners and operators of service stations or garages providing for the self-service dispensing of flammable liquids by persons other than the owner, lessee, tenant, agent, servant, or authorized employees shall comply with all applicable provisions of the city adopted building code, the fire prevention code of the city, N.F.P.A. Standards, and the Michigan State Police Fire Marshal flammable liquid regulations. Wherever any conflict exists in the above codes, the stricter of the provisions shall apply.

(O) A restroom shall be provided for public use.

(Ord. 792, passed 12-3-01)

### **§ 155.127 VEHICLE WASHING FACILITIES.**

(A) The minimum lot or parcel size shall be 10,000 square feet.

(B) The lot to be built upon shall be located on a street designated as a major or secondary thoroughfare and all means of vehicular ingress and egress shall be located on a major or secondary thoroughfare, not from an adjoining residential street or alley. A residential street or alley shall not be used as a maneuvering or parking area for vehicles using the facility.

(C) All portions of each area designed or used for the washing of motor vehicles shall be located a minimum of 25 feet from the boundaries of residential zoning districts.

(D) A hard surfaced driveway of one or more lanes shall be constructed on the property in such manner as to provide for a continuous movement of vehicles into the wash-rack.

(1) The driveway so provided shall not be less than ten feet wide for a single lane and not less than ten additional feet in width for each additional lane.

(2) Where only a single lane is provided it shall be used for no other purpose than to provide access to the wash-rack. All lanes provided shall be suitably protected from incursions of other traffic.

(3) The total length of the required lane or lanes so provided shall be determined by the overall length of the wash line, measured from the point that washing or cleaning begins, to the end of the washing or drying operation. In any development where the washing operation moves in other than a straight line, the length of the building or wash line for purposes of this section shall be the distance measured along the center line of the conveyor or wash line. The greater of the above measurements shall be used in the determination of the length of the required lane or lanes. The overall length of the required lane or lanes, as measured along the center line, shall be determined in accordance with the following formula: where the building or total length of all wash lines is 80 feet or less in overall length, the total required lane or lanes exclusive of the wash line shall be not less than 200 feet in length. Where the building or total length of all wash lines exceed 80 feet in length, the length of the required lane or lanes exclusive of the wash line shall be increased 20 feet for each 10 feet or fraction thereof by which the building or wash lines exceed 80 feet in overall length.

(E) A barrier, a minimum of 18 inches in height, shall be constructed and maintained on all lot lines except where openings are needed to provide for permanent means of access and except where the above required masonry wall is constructed on the lot line.

(F) The operating equipment shall be located or buffered so as to lessen noise.

(G) Permitted hours of operation shall be from 7:00 a.m. until 10:00 p.m.

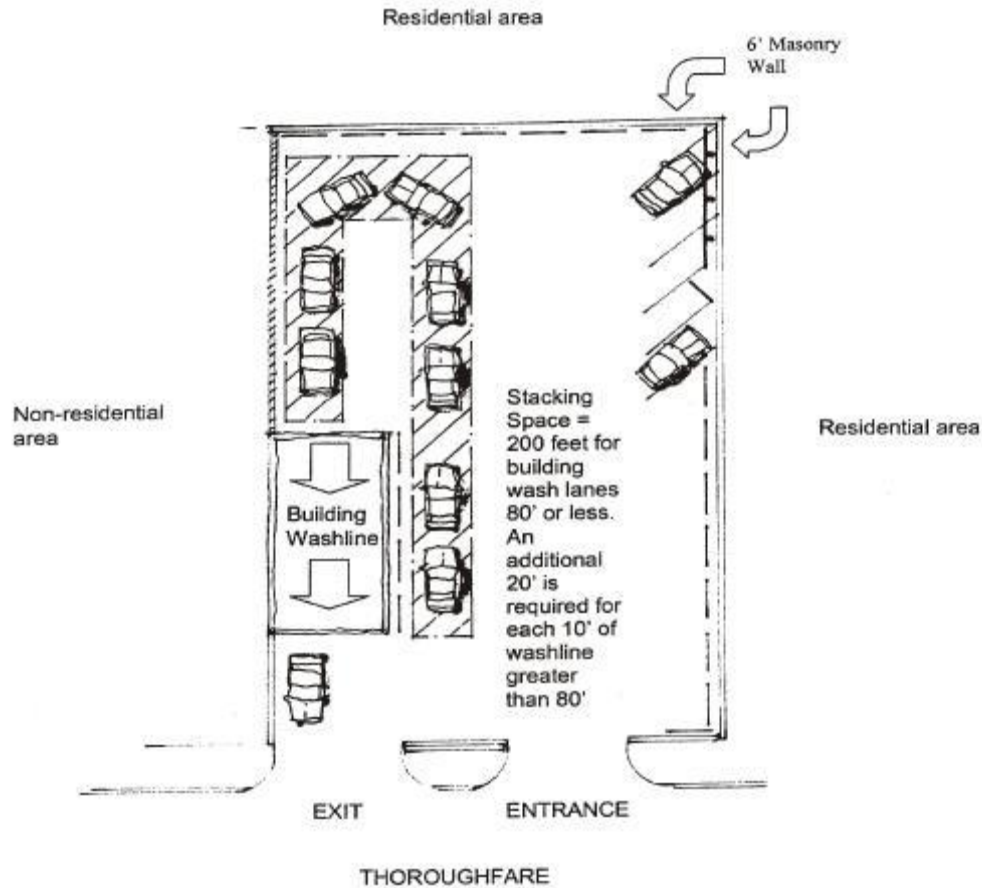
(H) There shall be no above-ground storage/dispensing tanks on the site.

(I) All washing activities shall be conducted within an enclosed structure, except for one designated tall vehicle washing area.

(J) Vacuuming activities shall be at least 25 feet from any lot line except where the property abuts a residential zoning district in which case a 50-foot separation shall be maintained.

(K) All drains shall be connected to a public sanitary sewer system.

(L) Such uses shall be graded and drained in conformance with the requirements of the city plumbing code so as to dispose of all surface water accumulation within the parking area.



(Ord. 792, passed 12-3-01)

**§ 155.128 MINOR VEHICLE REPAIR FACILITIES.**

Vehicle repair establishments are subject to conditional use permits and shall be conducted in the following manner (see also § 155.260, definitions, vehicle repair facility, minor.):

- (A) The minimum site area shall be 10,000 square feet.
- (B) The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in the dirt or an otherwise not fully improved area. The premises shall be kept neat and organized at all times.
- (C) No outdoor overnight storage of vehicles permitted. All stored, damaged or wrecked vehicles shall be efficiently screened so as not to be visible from adjacent properties or public rights-of-way. All used or discarded automotive parts or equipment shall be permanently screened kept from public view.
- (D) Service access shall be located at the rear or side of the structure(s) and as far as possible from adjoining residential uses.
  - (1) All repair activities and operations shall be conducted within an entirely enclosed structure.
  - (2) Outdoor hoists are prohibited.
- (E) Exterior noise shall not exceed 65 dBA at the property line.
- (F) Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
- (G) Service bays with individual access from the exterior of the structure(s) shall not face the public right-of-way.
- (H) All on-site lighting shall be stationary and directed away from the adjoining properties and public rights-of-way.
- (I) All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and

flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations prior to issuance of a certificate of occupancy, or certificate of re-occupancy.

(J) Subordinate retail, storage and office space, not to exceed 35% of the floor area of the main use, is allowed, provided that: it primarily services employees of the use; no exterior signs advertise the subordinate use; the subordinate use is physically separated from the primary use; any retail sales are limited to services provided on-site; commercial or retail/services support uses; and the primary use fronts on an arterial.

(K) Vehicle sales shall not be conducted on the premises.

(Ord. 792, passed 12-3-01; Am. Ord. 845, passed 9-17-12)

### **§ 155.129 MAJOR VEHICLE REPAIR FACILITIES.**

(A) Major vehicle repair facilities offering repair for all vehicles whose external effects shall adversely extend beyond the property line.

(B) The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

(C) The minimum lot area shall be 10,000 square feet and so arranged that ample space is available for motor vehicle parking and for vehicles awaiting service.

(D) No such use shall be located nearer than 500 feet from any church, public or private school, or playground, as measured from the property line.

(E) All driveways providing ingress to or egress from a filling or service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 25 feet to any corner or exterior lot line. No driveway shall be located nearer than 30 feet to any other driveway serving the site. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.

(F) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, greenbelts or traffic islands. A raised curb of six inches in height shall be erected along all street lot lines, except for driveway openings.

(G) Vehicle sales shall not be permitted on the premises.

(H) All such uses erected after the effective date of this chapter shall comply with all requirements of this section and with the fire prevention code.

(I) Owners and operators of service stations or garages providing for the self-service dispensing of flammable liquids by persons other than the owner, lessee, tenant, agent, servant, or authorized employees shall comply with all applicable provisions of the BOCA Basic Building Code, the fire prevention code of the city, N.F.P.A. Standards, and the Michigan State Police Fire Marshal flammable liquid regulations. Wherever any conflict exists in the above codes, the stricter of the provisions shall apply.

(J) All lighting, including illuminated signs, shall be shielded from adjacent residential districts, and meet the provisions of § 155.076, Exterior lighting.

(K) All parking, loading and service areas shall be improved per the provisions of § 155.077 and § 155.079.

(Ord. 792, passed 12-3-01)

### **§ 155.130 CARRY-OUT, FAST-FOOD, DRIVE-THROUGH OR DRIVE-IN RESTAURANTS.**

(A) No drive-in, fast food, or carry-out restaurant, as measured from the nearest property line shall be located within 500 feet from an elementary, junior or senior high school or from a public park.

(B) All provisions of §§ 155.071 through 155.081, General Development Standards, shall be complied with unless notified in this section.

(C) Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts and driveways and for layout of parking lots.

(D) The minimum width of driveways at the property line shall be 24 feet and not greater than 30 feet.  
(E) The minimum distance of any driveway to a property line shall be 20 feet.  
(F) The minimum distance between driveways on the site shall be 75 feet measured from the two closest driveways' curbs.

(G) The minimum distance between a driveway and a street intersection shall be 60 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.

(H) Businesses adjacent to or integrated in a shopping center on cluster of commercial facilities shall use the common access with other business establishments in that center.

(I) The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with city engineering standards. Any unpaved area on the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

(J) Concrete curbing, six inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across an approved driveway, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

(K) Food consumption upon the premises outside the fast-food and carry-out restaurant building shall be prohibited unless permanent outside facilities are provided. The premises shall be properly posted with signs stating that the consumption of foods, frozen desserts or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two such signs shall be posted within the building near the checkout counter of the restaurant and a minimum of four such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises.

(L) All outside trash receptacles, except those intended for use by the customer, shall be located within an enclosure constructed of opaque masonry materials a minimum of four feet and a maximum of six feet in height and shall be provided with opaque gates or the same height.

(M) During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than 30 consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:

(1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises. The owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the city at the vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawful parked or stored vehicles are permitted on the premises by consent of the owner, franchise holder, or lessee. The city shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.

(2) The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.

(3) Within 50 days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secure precast concrete wheel-stops or the equivalent, as may be approved by the city.

(N) A six-foot high completely obscuring wall shall be provided where abutting any residentially zoned district. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of § 155.074, Walls.

(Ord. 792, passed 12-3-01)

### **§ 155.131 MOTELS OR HOTELS.**

(A) Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.

(B) Both motels and hotels shall provide customary services associated with temporary lodging, such as maid service, linen service, the use of furniture, telephone, and/or desk service. In addition, hotels may offer room service, banquet halls, meeting rooms, and attached restaurant or lounge.

(C) Kitchen facilities may be provided in new motels or hotels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been met. No existing motel units shall be converted for use of cooking and/or kitchen facilities unless the applicant can demonstrate compliance with all applicable fire prevention and building codes and obtains a certificate of occupancy or certificate of re-occupancy for each unit being converted.

(D) No guest shall establish permanent residence for more than 30 days within any calendar year.

(E) A room cannot be rerented within a 24-hour period.

(F) Access shall be from a major thoroughfare.

(G) See § 155.260, Definitions, for definitions of hotel and motel.

(Ord. 792, passed 12-3-01)

#### **§ 155.132 SELF-STORAGE FACILITIES.**

(A) No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.

(B) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.

(C) All storage including vehicles of any kind shall be contained within a completely enclosed building.

(D) Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.

(E) All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum 24 foot drives shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

(F) A demonstrated means of security and management shall be provided.

(Ord. 792, passed 12-3-01)

#### **§ 155.133 OUTDOOR SALES SPACE FOR EXCLUSIVE SALE OF NEW OR SECONDHAND VEHICLES OR HOUSE TRAILERS.**

(A) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.

(B) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

(C) No major repair or major refinishing shall be done on the premises.

(D) All lighting shall be shielded from adjacent residential districts.

(Ord. 792, passed 12-3-01)

#### **§ 155.134 OUTDOOR SALES OF AUTOMOBILES AND OTHER VEHICLES.**

(A) There shall be no strings of flags, pennants, inflatables, or bare light bulbs permitted.

(B) A landscaped greenbelt measuring a minimum of ten feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.

(C) Provisions of § 155.073 (D) and § 155.074 shall be met.

(D) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

(Ord. 792, passed 12-3-01)

#### **§ 155.135 GREENHOUSE AND FLORIST OPERATIONS INVOLVING THE GROWING, WHOLESALE AND/OR RETAILING OF PLANT MATERIALS.**

(A) Ingress and egress shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.

(B) Outdoor storage areas shall be screened from public view by an obscuring wall, the extent of which shall be determined by the Planning Commission on the basis of land usage, provided such wall shall not be

less than four and one-half feet in height, and further subject to the provisions of § 155.074, Walls, or a planting screen at least 20 feet in width and subject to the provisions of § 155.073, Site design features. (Ord. 792, passed 12-3-01)

### **§ 155.136 OPEN AIR BUSINESSES.**

(A) Shall be developed in a planned relationship and accessory to a permitted use within the B-2 and B-3 Business Districts.

(B) Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies are permitted provided that such uses shall be located in a side yard.

(C) Such area shall be enclosed with a decorative fence. The Planning Commission, upon recommendation of the City Planner, may permit exterior gates when plans demonstrate that pedestrian and vehicle hazards are addressed.

(D) Loose landscape and building material, such as sand, stone and other similar material shall be prohibited.

(E) The display or storage of for sale or rental equipment shall be prohibited.

(Ord. 792, passed 12-3-01)

### **§ 155.137 RESEARCH AND DEVELOPMENT FACILITIES.**

(A) The research and development activities occur at the location or at an adjacent site.

(B) Development activities are confined to the assembly of technical equipment, remanufactured finished objects or components to be used for the development of prototype, non-routine production of innovative products or equipment. Machining shall be permitted on a limited basis for research and development activities, administration and/or training in enclosed areas.

(C) Assembly and machining operations, shipping and receiving, loading and unloading, development and demonstration laboratories, storage of inventory and refuse and any mechanical equipment must be completely enclosed.

(D) A minimum front yard setback of 35 feet or the established setback containing open space (left in its natural state or landscaped) shall be provided and contain no parking or other surface improvements except sidewalk or signage.

(E) A six-foot high obscuring wall, landscape berm and/or fence with evergreen plantings shall be provided between residential and nonresidential districts. If substantial natural vegetation or topographic features exist that provide a natural visual barrier, these features may qualify for screening if approved by the Planning Commission.

(F) No outside storage or any materials, equipment, trash or waste shall be permitted. The Planning Commission, upon recommendation of the City Planner, may modify this requirement where such storage area is not abutting a residentially zoned district, completely enclosed by a six-foot opaque masonry wall, strictly contain products ready for shipment and pre-packaged in closed containers or wrapping.

(G) Loading/unloading shall be permitted only with a completely enclosed building. No outside loading/unloading shall be permitted and all vehicles being loaded or unloaded must be entirely within the building.

(H) Building-mounted mechanical equipment shall be screened in a way that is compatible with the building's design.

(I) Parking lot must be designed, located and screened with berm or landscaping to minimize the visual effect on adjacent properties and public streets.

(J) Security fences are permitted, provided they are screened where adjacent to residentially zoned land.

(K) Exterior materials shall be compatible with the overall building complex. Building and architectural design shall be subject to review by the Planning Commission.

(L) The minimum front yard setback is 35 feet for a building height of 35 feet. Any increases in building height above 35 feet shall require additional setback of ten feet in depth equal to the height of the structure is subject to a public hearing before the Planning Commission and approval by City Council.

(Ord. 792, passed 12-3-01)

**§ 155.138 JUNK YARD.**

(A) The minimum lot size for junk yards shall be ten acres.

(B) A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials shall be set back and at least 250 feet from any road right-of-way line.

(C) The entire junk yard site shall be screened with an eight-foot masonry obscuring wall. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

(D) All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official or other official responsible for code enforcement so as to confine any wind-borne dust within the boundaries of the site.

(E) All applications for junk yards must receive the approval of the City Council. The Planning Commission shall determine no such approval.

(Ord. 792, passed 12-3-01)

**§ 155.139 CONTRACTORS' OFFICES AND YARDS.**

(A) Buildings shall be permanently constructed. Temporary construction trailers shall not be occupied.

(B) Outdoor storage shall be clearly accessory to the principal office use.

(C) Only products, materials and equipment owned and operated by the contractor shall be stored. All motorized equipment shall be stored on a paved surface.

(D) Storage shall not be located within the required front yard.

(E) Materials shall not be stored within any required parking or loading spaces.

(F) Storage shall not impede the access of fire and emergency vehicles and personnel.

(G) Storage material shall not exceed 25 feet in height.

(H) All storage shall be screened from public streets and abutting property by an eight-foot tall masonry retaining wall or an eight-foot wide landscaped berm capped with evergreen material and secured with an eight-foot tall opaque fence located on the inside of the berm.

(I) The location and size of storage areas, thorough written description of materials of stored materials, plans, sections and elevations of the screening method describing in detail the material and height shall be submitted as part of the information required for site plan review.

(J) Loading and unloading of equipment shall not be permitted within the right-of-way or unenclosed portion of the site.

(Ord. 792, passed 12-3-01)

**§ 155.140 MANUFACTURED HOUSING COMMUNITIES.**

(A) Intent. The intent of this section is to provide an affordable housing alternative that is consistent with the general character of the city. In addition to the standards of this chapter, all manufactured housing developments shall comply with Act No. 96 of Public Acts of the State of Michigan of 1987 as amended. Some standards of this chapter are more stringent than the typical standards promoted by the Michigan Manufactured Housing Commission. These adopted standards are designed to foster and encourage development which:

- (1) Locates communities in appropriate areas to complement specific needs;
- (2) Compliments and protects the investment on adjacent properties; and
- (3) Promotes preservation of important natural features.

Since the characteristics, densities and impacts of a manufactured housing development typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which intercept the local street and utility systems, manufactured housing parks are not necessarily considered to be completely compatible with other types of residential neighborhoods. Therefore, manufactured housing development are intended to serve as a transitional use

between residential and nonresidential districts and shall be restricted to M-1 Light Industrial Districts whereby the parcel is not isolated on more than three sides by the M-1 District.

(B) Principal uses permitted. No building, structure or land shall be used, and no building or structure shall be erected, except for one or more of the following specified uses unless otherwise provided in this chapter.

(1) Manufactured housing developments, which conform to the requirements of this section, and the Department of Housing and Urban Development (HUD) standards, or A.N.S.I standards.

(2) Community accessory uses, building and structures including one management office building, utility/laundry buildings, auxiliary storage space for manufactured housing development tenants, community buildings for use by the tenants, recreation areas, playgrounds and recycling stations. All such accessory uses and structures shall meet the standards provided in this chapter.

(3) State licensed adult and child care facilities in a manufactured home, which are permitted in the single-family zoning districts, subject to the approval of the development management.

(4) Accessory structures on manufactured home sites including decks, private garages, carports and enclosed or screened storage areas which meet the standards of this subchapter and the rules and regulations promulgated by the Michigan Manufactured Housing Commission, or its successor.

(5) The business of selling new or used manufactured homes in the development that are to remain on-site may be sold by the resident, owner or a licensed dealer or broker, provided the manufactured housing development management permits the sale.

(6) All electrical, telephone, cable TV and gas lines, located within the development, as an available service in the park, shall be placed underground, and shall be subject to the other related definition and use provisions of this chapter.

(7) Uses not specifically noted above are prohibited as permitted principal uses.

(C) Required conditions. Manufactured housing developments shall be subject to the review and approval of a site plan by the Planning Commission. The site plan shall consist of a manufactured housing development preliminary plan, as described in Section 11 of the Mobile Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the site plan is required in order to minimize the possibility of adverse effects upon adjacent property and to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas accessory buildings and uses, and planned open space.

(D) Special Land Uses.

(1) Schools, school-related facilities, religious institutions, temples, and similar places of worship, connected with the operation of a licensed manufactured housing development or similar uses not included in this paragraph.

(2) Adult and child care facilities in a manufactured home or community building which are listed as special condition uses in the R-1A, R-1B and R-1C One-Family Zoning Districts, subject to the approval of the development management.

(3) Golf courses.

(E) Design standards for overall development.

(1) Minimum development size. A manufactured housing development shall be at least five acres in area, excluding adjacent parcels that may be proposed for expansion.

(2) Access.

(a) The main entrance to a development shall have access to a public thoroughfare. Access to the development via an alley is prohibited.

(b) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing development, may be permitted, and may be located in a required yard, except as provided in this section. Such entranceway structures shall be designed to maintain a clear vision zone as described below and additionally required by this chapter and all applicable city, county, state and federal departments and agencies.

(c) The Clear Vision Zone is an unobstructed triangular area that shall be meet the requirements of §

155.073, Site design features.

(3) Perimeter setback. Manufactured homes shall be set back at least 50 feet from any public street right-of-way line. The setback shall include a minimum 20 foot wide greenbelt, which includes landscape and screening features as described below.

(4) Landscaping, screening and ground cover. A landscape and screening plan shall be incorporated in the preliminary plans submitted for site plan review to the Planning Commission. The plan shall indicate the type and size of landscape planting and screening improvements to be completed. A manufactured housing development shall be landscaped and screened as follows:

(a) Exposed ground surfaces shall be paved or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts shall all be graded and equipped to drain all surface water in a safe, efficient manner.

(b) A manufactured housing development shall be screened from existing adjacent residences by either a six foot screen wall and/or a densely planted landscaped screen.

(c) A manufactured housing development abutting an R-1A, R-1B, R-1C, RM or RM-1 zoning district shall be required to provide a 20 foot wide greenbelt screening along the development boundary abutting the existing residential development. If a manufactured housing development abuts an O-1, B-1, B-2, B-3, M-1 or TCD zoning district, the developer shall provide screening in conformance to § 155.074, Walls.

(d) A manufactured housing development shall provide screening along the community boundary abutting a public right-of-way.

(e) Screen walls shall be constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property.

(f) A landscape screen shall consist of evergreen trees capping a berm. The trees shall be a minimum of six feet in height at the time of planting, and spaced in a staggered pattern to provide a continuous screen.

(g) Landscaped berms measuring two and one-half feet in height may be required by the Planning Commission to be constructed along public roads. The berm shall be constructed with slopes no steeper than one foot vertical rise for each four feet horizontal run. Landscaping adjacent to the road shall comply with the requirements in Table 6-1 below.

<b>Table 6-1 Manufactured Housing Community Landscape Requirements</b>		
<b>Minimum Size</b>	<b>Type</b>	<b>Requirements</b>
2½" caliper	Deciduous street tree (as permitted by the Planning Commission)	1 per 40 lineal feet of road frontage
24"	Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage
6'	Evergreen Trees	1 per 40 lineal feet of road frontage

(h) A minimum of one deciduous or evergreen tree shall be planted per two manufactured home sites.

(i) Off-street parking lots containing more than 15 spaces shall be provided with at least 10 square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one deciduous tree shall be planted per parking lot-landscaped area.

(j) Dead, damaged, and/or diseased landscape material shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.

(5) Required open recreation space. A minimum of 10% of the development's gross acreage shall be dedicated to well drained, useable open space, provided that a minimum of 8,000 square feet of open space shall be provided. Said open space may be developed with appropriate recreational facilities and play equipment. The location shape and development plan for said recreational area shall be reviewed and approved by the Planning Commission but in no case shall any required open space area be longer than two times its width. At least half of the open space area shall be graded, developed and sodded to provide recreation for the residents of the manufactured housing development. Open space shall be maintained by the manufactured housing development management and, shall be relatively accessible to all areas of the development.

(6) Street layout. Maximum cul-de-sac length shall be 1,000 feet. A dead end road shall terminate with an adequate turning area, which is to be approved by the local fire authorities. Adequate sight distance shall be provided at all intersections, in accordance with clear vision standards applicable to all areas of the city.

(7) Street width. Streets or drives within the manufactured housing development shall be constructed to in accordance with the general standards set forth by the Manufactured Housing Commission. In addition, two way circulation shall be required, with a minimum width of 21 feet with no on-street parking, 31 feet where parallel parking is permitted on one side and 41 feet where parallel parking is permitted on both sides. Streets not permitting parking shall be clearly marked or signed.

(8) Street names/signs. All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, the manufactured housing development owner shall establish an orderly street name and numbering system and a plan of this system shall be verified and approved by the Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing development and street names shall be adequately marked.

(9) Street geometry. The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standards set by MDEQ for the Manufactured Housing Commission shall be strictly adhered to.

(10) Street materials. All streets and drives shall be constructed with materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives. The development roadways shall be constructed as follows:

(a) Streets shall be crowned with drainage directed to gutters or outside edges.

(b) Centerline drainage shall be prohibited.

(c) Curbing shall be concrete, if used.

(d) If integral valley curbing and gutter or mountable curb and gutter are used, the height of the curb measured from the gutter line shall be between three and five inches.

(11) Sidewalks. A five foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing development fronts. Such sidewalk shall be located within the road right of way or easement, beginning one foot inside the right of way or easement line. An internal sidewalk system meeting Mobile Home Commission design and construction standards shall be installed.

(12) Accessory buildings and facilities. Accessory buildings and facilities constructed within the manufactured housing development shall be designated and serviced consistent with the following requirements:

(a) Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests and employees of the manufactured housing development.

(b) Site-built buildings within a manufactured housing development shall be constructed in compliance with the city building code and shall require all applicable permits. Any addition to a manufactured housing unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes shall comply with the city building codes. Site plan approval

shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the city prior to construction.

(c) Each manufactured home shall be permitted one storage shed and one garage. The installation of any such shed or garage shall comply with codes and ordinances of the city and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage on any manufactured home site is prohibited. The owner of the manufactured housing development need not supply storage sheds. A storage shed shall not exceed a floor area greater than 144 square feet. A carport or garage shall not exceed 576 square feet.

(d) Maximum height of any community accessory buildings and structures shall be 30 feet.

(13) Storage. If the owner of the manufactured housing development shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing development, common areas for the storage of that equipment shall be provided within the development. Such storage shall be limited to use only by residents of the manufactured housing development. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing development. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing development in accordance with the screening provisions described above.

(14) Drainage. A manufactured housing development shall provide sufficient storm water facilities, independent of sanitary sewers, to prevent flooding of streets, lot or recreation areas. On-site storm water detention facilities, if provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a way so as to minimize ponding and icing conditions. All storm water drainage improvements shall be subject to review and approval by the County Drain Commissioner, the Michigan Department of Environmental Quality, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

(15) Waste receptacles. Waste receptacles shall be provided unless curbside pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the Michigan Environmental Quality. Adequate screening shall be provided, as required for the department of placement of outdoor storage areas.

(16) Underground wiring. All local distribution lines for franchised utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the manufactured housing development area. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they are configured or installed within the state electrical code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(17) Mailbox clusters. The United States Postal Service may require that clusters of mailboxes servicing several sites rather than individual mailboxes serving individual sites serve manufactured housing development. If mailbox clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing development road with a public road.

(18) Swimming pools.

(a) Swimming pool shall mean any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.

(b) A fence or similar enclosure shall be erected and maintained around any swimming pool. Such fence or enclosure shall be constructed of durable, weather resistant wood and/or chain link material and shall be approved by the Building Official or other official responsible for code enforcement and the

manufactured housing development management.

(c) A swimming pool fence shall not be closer than 25 feet to any occupied dwelling if placed on a residential lot.

(d) Freestanding swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway.

(e) A slip resistant walk, at least four feet in width, shall surround all community swimming pools.

(f) Permits shall be applied for and issued from the Building Department and State Health Department prior to excavation or construction of any swimming pool requiring a fence as noted in divisions (a) and (b) above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the Building Official or other official responsible for code enforcement must be obtained prior to use of the swimming pool.

(19) School bus stops. School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing development developer.

(F) Design standards for individual lots/dwelling units. No manufactured home or mobile home shall be permitted to occupy any site or lot in the manufactured housing development if the home is either longer or wider than permitted by the following requirements.

(1) Site size. The manufactured home development shall be developed with individual sites averaging 5,500 square feet. This 5,500 square feet may be reduced by up to 20% provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

(2) Setbacks and spacing.

(a) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

(b) For a home sited at a 90° angle to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes.

(c) Ten feet from any attached or detached accessory structure of an adjacent manufactured home.

(d) Fifty feet from any permanent building.

(e) One hundred feet from any baseball, softball, or similar recreational field.

(f) Ten feet from the edge of an internal road provided that such road is not dedicated to the public. Manufactured homes and other structures shall be set back from the right-of-way line of a dedicated public road within the manufactured housing development, in compliance with Wayne County Road Commission requirements and standards.

(g) Seven feet from any parking bay.

(h) Seven feet from a common sidewalk.

(i) All manufactured homes, accessory buildings, and parking shall be set back not less than 20 feet from any manufactured housing development boundary line, except that a minimum setback of 50 feet shall be provided from existing right-of-way lines of abutting streets and highways.

(j) Fifty feet from the edge of any railroad right-of-way.

(3) Maximum height. The maximum height of a manufactured home shall be one story or 25 feet. However, storage sheds shall not exceed one story or 14 feet.

(4) Water meters. A development master meter shall be required and individual site metering may be utilized.

(5) Storage areas. No personal property shall be stored outside, under any manufactured home or within carports, which are open on any side. Storage sheds with a maximum area of 144 square feet may be placed on any individual manufactured home site.

(6) Standards for accessory structures. All accessory structures on a lot or site shall meet the following:

(a) Accessory buildings or structures, shall not be permitted in the front yard of any site (that is, they must be placed behind the front building line).

- (b) Attached accessory buildings and structures shall consist of materials similar to the principal building and shall be approved by management.
- (c) All detached accessory buildings shall be at least ten feet from an adjacent residential unit.
- (d) All accessory buildings and structures shall require a permit issued by the city and shall be secured and anchored.
- (e) Sheds and other detached structures shall be anchored.
- (7) Parking.
  - (a) Each residential unit shall have a minimum of two on or off-street parking spaces, which do not block circulation along sidewalks.
  - (b) In addition, a minimum of one parking space for every three manufactured home sites shall be provided for visitor parking located convenient to the area served. Visitor parking spaces shall be counted and designated separately from all other parking spaces including those spaces required for employees and any community facility.
  - (c) In addition, parking in an amount determined by the Planning Commission, consistent with other zoning regulations, which apply to public access buildings in the city, shall be provided adjacent to any community buildings recreational facilities or office/maintenance buildings.
- (8) Vehicle repair/inoperable vehicle storage. No vehicular repair or changing of oil or use of other potentially hazardous materials or procedures is permitted within the development. Further no vehicles that are inoperable for a period of 72 consecutive hours shall be stored and/or remain in any outdoor area associated with the developed property.
- (G) Review standards. The Planning Commission shall consider the following when reviewing a rezoning application for a manufactured housing development:
  - (1) Whether the proposed development meets the design standards of this subchapter and the Rules of the Michigan Manufactured Housing Commission.
  - (2) Whether the proposed developments is adequately served by public, municipally maintained and operated infrastructure systems for sanitary sewer, and drinking water.
  - (3) The city may require the submission of a Traffic Impact Study, if the expected traffic would have a perceived adverse impact on the roadway system and/or the surrounding areas.
  - (4) Whether there is a demonstrated and documented regional and/or city demand for additional manufactured housing, taking into account such things as occupancy/vacancy rates in the parks located in Wayne County; the possibility for expansion of an existing park; and, parks and pads under construction and/or expansion.

(Ord. 792, passed 12-3-01)

### **§ 155.141 OUTDOOR THEATERS.**

Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted only within an M-1 or B-3 District and only when the site in question is surrounded by an M-1 or B-3 District. Outdoor theaters are further subject to the following conditions:

- (A) The proposed internal design shall receive approval from the Building Official or other official responsible for code enforcement and the City Engineer as to adequacy of drainage, lighting, screening and other technical aspects.
- (B) Outdoor theaters shall abut directly upon a major thoroughfare of not less than 120 feet of right-of-way.
- (C) Points of ingress and egress shall be available to the outdoor theater only from abutting major thoroughfares of not less than 120 feet of right-of-way width and shall not be available from any residential street.
- (D) 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.
- (E) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas

or adjacent major thoroughfares. All lighting used shall be directed onto the premises of the outdoor theater site.

(F) Proposed outdoor theater shall be subject further to the review and approval of the City Council. (Ord. 792, passed 12-3-01)

### **§ 155.142 FLOODPLAIN ZONES; NATIONAL FLOOD INSURANCE PROGRAM.**

(A) Intent. The city desires to participate in the National Flood Insurance Program and comply with all applicable statutory and regulatory requirements for the purpose of significantly reducing all hazards to persons, property damage and public expenditures, and to provide for the availability of flood insurance and federal funds or loans.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BASE FLOOD.** The flood level having one percent chance of being equaled or exceeded in any given year.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD HAZARD AREA.** Land, which on the basis of available floodplain information is subject to a one percent or greater chance of flooding in any given year.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary Floodway Map.

**FLOODPLAIN.** Any land area susceptible to being inundated by water from any source.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent, land areas, which must be reserved in order to discharge the base flood.

**REGULATORY FLOOD DATUM (RFD).** The 100-year floodplain contour line synonymous with Base Flood Elevation.

**STRUCTURE.** A walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged or is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(C) Flood Insurance Rate Map. The map panels 26163C, 0240E, 0241E, and 0243E entitled Flood Insurance Rate Map of the City of Inkster, Wayne County, Michigan, dated February 2, 2012, as amended, shall be the official map for determination and regulation pursuant to this subchapter.

(D) Necessary permits shall be issued. Floodplain permit, approval or letter of no authority from the Michigan Department of Environmental Quality shall be required. The Building Official or other official responsible for code enforcement shall insure that all necessary permits have been issued, including a resources under authority of Act 230, of the Public Acts of 1972, as amended, State of Michigan.

(E) Code appendix enforced. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building

Code shall be enforced by the enforcing agency within the jurisdiction of the city.

(F) Areas of special flood hazard.

(1) Where an area of special flood hazard has been identified by the map referenced in this section, but no elevation data is available, the Building Official or other official responsible for code enforcement shall require new or substantially improved structures in the identified area to meet the standards of one of the Sections 401.2, 401.3, 401.4, 401.5, 612.2.1, 612.2.2, or 612.2.3, as applicable in the Army Corps of Engineers' Flood Proofing Regulations.

(2) Where an area of special flood hazard has been identified by the map referenced in this section, and elevation data is available, the Building Official or other official responsible for code enforcement shall require new and substantially improved residential structures to meet the applicable standards of either Section 612.2.1, 612.2.2, or 612.2.3 the Army Corps of Engineers' Flood Proofing Regulations, and new and substantially improved nonresidential structures to meet the applicable standards of either Section 612.2.1, 612.2.2, 612.2.3, 401.2 or 401.3 of the Army Corps of Engineers' Flood Proofing Regulations.

(G) Flood elevation information - records. The Building Official or other official responsible for code enforcement shall obtain first floor elevation information and maintain a record of structures in the special flood hazard area identified by the map referenced in this section, indicate the elevation of lowest habitable floor, whether the structure contains a basement, and the elevation to which the structure has been flood proofed.

(H) Flood data from other sources. The Building Official or other official responsible for code enforcement shall obtain, review and reasonably utilize flood data available from other federal, state or other sources pending receipt of data from the Federal Emergency Management Agency. The most recent flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

(I) Designation of regulated flood prone hazard areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Wayne County, Michigan (All Jurisdictions)" and dated December 3, 2013 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26163C; 0241E dated February 2, 2012 and panel numbers 0240F and 0243F dated December 3, 2013 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "flood hazards" section of Table R301.2(1) of the Michigan Residential Code.

(J) Agency designated. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The city assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the city.

(Ord. 792, passed 12-3-01; Am. Ord. 839, passed 2-20-12; Am. Ord. 846, passed 2-3-14)

### **§ 155.143 STANDARDS FOR PROCESSING BIO-DIESEL FUELS.**

(A) Landscape buffering or screening shall be added, subject to the review and approval by the Planning Commission, adjacent to all areas owned or containing residential units.

(B) Applicable licenses with the State of Michigan and other governmental agencies shall be maintained at all times.

(C) The proposed facilities and processes shall be subject to the review and approval by the Fire Marshal and Building Official/Inspector.

(D) The hours of operation shall be reviewed and approved by the Planning Commission in consideration of potential negative impacts, including but not limited to, trucking in shipping operations, noise, order, glare, etc.

(E) Review and approval of the site plan submitted to the Planning Commission pursuant to the conditions imposed under § 155.286 Site Plan Review.

(F) If the site has to store any hazardous materials thus becoming a 302-regulated site, then the site shall

obtain a use variance from the Zoning Board of Appeals and shall obtain any other approvals required from any federal, state or county agencies.

(G) No animal products or animal bi-products shall be used in the manufacturing and processing of bio-diesel fuels.

(H) Any other conditions that the City Council/Planning Commission may find relevant and applicable. (Ord. 813, passed 6-6-07)

#### **§ 155.144 TATTOO ESTABLISHMENTS.**

(A) No tattoo establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

(B) All tattoo establishments subject to this article are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.

(C) Federal, state and county regulations shall be complied with.

(Ord. 830, passed 12-21-09) Penalty, see § 155.999

#### **§ 155.145 CHARITABLE GAMING ROOM.**

(A) Such uses shall abut directly upon a major thoroughfare with not less than 86 feet of right-of-way width. All ingress and egress to the site shall be directly from said thoroughfare.

(B) 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.

(C) A business license shall be required pursuant to Chapter 113 of the Code of Ordinances.

(D) An existing licensed non-profit qualified organization operating a gaming room in the city prior to the effective date of this section may continue to operate as permitted by such license. Any increase in the frequency of gaming events or the expansion of building area utilized for gaming activities shall require approval of a special land use permit as required by this Code.

(Ord. 836, passed 2-21-11)

#### **§ 155.146 MEDICAL MARIJUANA FACILITIES.**

(A) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Medical Marihuana Facilities Licensing Act, State of Michigan regulations for the transfer of medical marijuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

(B) A state license and local business license is required for all medical marijuana facilities.

(C) Facilities shall have a minimum three hundred-foot radius, measured as the shortest distance from building to building, to any structure in residentially zoned districts, and a minimum 500 foot radius, measured as the shortest distance from building to building to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, or like facility.

(D) Smoking and/or use of medical marijuana shall be prohibited at medical marijuana facilities.

(E) All activity related to the provisioning center shall be done indoors.

(F) All Permit Holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(G) A security plan approved by the City Police Chief.

(H) Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.

(I) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

- (J) Quarterly inspections may be made by the City Official’s designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances.
- (K) Any medical marijuana facilities shall not have exterior signage using the word “marihuana” and/or “marijuana” or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that “No loitering is permitted” on such property.
- (L) If the medical marijuana facility ceases operation for a length of time of six months or greater, the Special Land Use shall expire.

Application for a Medical Marijuana Facilities License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Facilities License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

**§ 155.147 COMMERCIAL WAREHOUSE, WHOLESALE OPERATIONS AND DISTRIBUTION.**

- (A) The minimum lot or parcel size shall be one acre.
- (B) The type and quantity of traffic generated by the operation shall be compatible with the permitted retail uses in the district.
- (C) Ingress and egress shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on adjacent businesses.
- (D) Planning Commission may require a traffic impact study and a traffic management plan.
- (E) The hours of operation shall be reviewed and approved by Planning Commission in consideration of potential negative impacts, including but not limited to, trucking and shipping, noise, odor, air quality, dust, spillage, glare, etc.
- (F) Open air storage is not permitted and truck parking is not permitted outside of designated loading spaces.
- (G) Planning Commission may determine that landscaping and screening is required.
- (H) A minimum of 10% of the floor area, or 1000 sq. ft., whichever is less, shall be used for accessory retail and office uses, which shall be primarily accessed via the front yard.
- (I) Adequate parking shall be provided based on the parking requirements for wholesale establishments and any other accessory uses. Planning Commission may modify parking standards based on a parking study.
- (J) Wherever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall of four and one-half feet in height shall be along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of § 155.074.

**§ 155.148 MEDICAL MARIJUANA PROVISIONING CENTERS**

- (A) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, State of Michigan regulations for the transfer of medical marijuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (B) A provisioning center shall not be located within a five hundred (500) foot radius of a school.
- (C) A provisioning center shall not be located within a one thousand (1000) foot radius of a lawfully existing medical marijuana provisioning center.
- (D) A provisioning center shall not share office space with a physician.

- (E) Smoking and/or use of medical marijuana shall be prohibited at the provisioning center.
- (F) Growing, cultivating, manufacturing, or processing of medical marijuana is prohibited.
- (G) All activity related to the provisioning center shall be done indoors.
- (H) Security cameras shall be installed, maintained and approved by the City Police Chief. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company.
- (I) Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.
- (J) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- (K) Quarterly inspections may be made by the City Official's designee to confirm the provisioning center is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances.
- (L) Any medical marijuana provisioning center shall not have exterior signage using the word "marihuana" and/or "marijuana" or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that "No loitering is permitted" on such property.
- (M) Any medical marijuana provisioning center shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marijuana provisioning center does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marihuana Act, as amended, and applicable State of Michigan rules and regulations.
- (N) If the provisioning center ceases operation for a length of time of six months or greater, the Special Land Use use shall expire.
- (O) Provisioning center drive-through facilities shall be prohibited.
- (P) All medical marijuana shall be contained within the main building in an enclosed, locked facility.
- (Q) Application for a Medical Marijuana Provisioning Center License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Provisioning Center License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

**§ 155.149 Temporary Pop-Up Commercial Use.**

**Retail services may be permitted as a temporary use when:**

- 1. The retail use must:**
  - (a) Be located within an enclosed fire area, as defined by the Building Code, that does not require structural changes to accommodate the use; and**
  - (b) Have an approved certificate of occupancy or temporary certificate of occupancy.**
- 2. The retail use may not exceed 12,000 square feet in area unless an approved sprinkler system has been installed in accordance with the Fire Code;**
- 3. Pop-Up Commercial uses that serve food will be required to obtain permits for the Health Department;**
- 4. The following uses and activities may not be permitted as a temporary commercial use under this section**
  - (a) Personal services;**

- (b) A portable toilet serving the commercial use, whether located inside or outside of the use; or
  - (c) Storage of hazardous materials as defined by the Fire Code.
5. A permit for a Temporary Pop-Up Commercial Use under this section may be issued for up to 30 days and renewed twice, for a total operating period not to exceed 90 days.

## **ALTERNATIVE DEVELOPMENT OPTIONS**

### **§ 155.151 CONDOMINIUM DEVELOPMENT.**

(A) Intent. Pursuant to the authority conferred by Public Act 59 of 1978 (the Condominium Act), as amended, all expandable, conversion and site condominium developments shall be regulated by the provisions of this chapter and approved by the Planning Commission.

(B) General requirements.

- (1) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (2) Each condominium lot shall front on and have direct access to a public street approved by the city.
- (3) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- (4) In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.
- (5) Site plans for new projects. Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to § 155.286 of this chapter. In addition, the city shall require appropriate engineering plan reviews prior to issuance of building permits and inspections and final approvals prior to the issuance of any certifications of occupancy.
- (6) Site plans for expandable or convertible projects. Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to § 155.286 of this chapter.
- (7) Monuments required. All condominium developments that consist in whole or in part of condominium units, which are building sites, shall be marked with monuments as provided in this subchapter.
  - (a) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
  - (b) Monuments shall be located in the ground at all angles in the boundaries of the condominium developments. They shall be at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature. Points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended nor required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
  - (c) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
  - (d) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
  - (e) All required monuments shall be place flush with the ground where practicable.
  - (f) All unit corners and the intersection of all limited common elements shall be monumented in the

field by iron or steel bars or iron pipe at least 18 inches long and ½ inch in diameter, or other approved markers.

(g) The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the city cash or certified check, or irrevocable bank letter of credit to the city, whichever the proprietor selects. The Council shall establish the amount by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(8) Compliance with federal, state, and local law. All condominium developments shall comply with federal and state statutes and local ordinances.

(9) The Building Official or other official responsible for code enforcement may allow occupancy of the condominium development before all improvements required by this chapter are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted. The cash, certified check, or irrevocable bank letter shall be sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the city.

(C) Initial information. Concurrently with notice required to be given the city pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium development shall provide the following information:

(1) The name, address, and telephone number of:

(a) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

(b) All engineers, attorneys, architects or registered land surveyors associated with the project.

(c) The developer or proprietor of the condominium development.

(2) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.

(3) The acreage content of the land on which the condominium development will be developed.

(4) The purpose of the development and type of development.

(5) Approximate number of condominium units to be developed on the subject parcel.

(D) Single-family detached condominiums. A one-family detached condominium project shall be subject to all requirements and standards of the applicable R1-A through R1-C, One-Family Residential Districts, and the following site plan approval requirements.

(1) Site plan review requirements. A preliminary site plan pursuant to the standards and procedures set forth in § 155.286 of this chapter shall be submitted to the Planning Commission for review and action. Approval of the site plan and condominium documents, landscape and engineering plans by the Planning Commission shall be required as a condition to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until approval of the site plan, condominium documents and engineering plans has been granted by the Planning Commission. Preliminary site plan approval shall be granted prior to review of condominium documents, landscape and engineering plans.

(2) The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided in division (4) below, except as otherwise provided by this chapter.

(3) Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the preliminary and final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the city for public water and sanitary sewer lines and appurtenances.

(4) Location arrangement and design of street.

(a) The street layout shall provide for the continuation of collector streets in the adjoining subdivisions

or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.

(b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(c) Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(d) Should a proposed development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way. Should this be required, the street shall be at a distance suitable for the development of an appropriate use of the intervening land, such as for parks, in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(e) The minimum street grade shall not be less than 0.5%. The maximum street grade shall be 5.0%, except that the Planning Commission may modify this standard on the recommendation of the City Engineer.

(f) Streets shall be laid out so as to intersect as nearly as possible to 90°.

(g) Street jogs with centerline offsets of less than 125 feet shall be avoided.

(h) Sight distances on horizontal or vertical curves and at intersecting roads shall be a minimum of 200 feet. Sight distance for intersecting streets shall be measured 10 feet from the edge of the traveled portion of the road and from an eye height of 3.5 feet to an object height of 3.5 feet.

(i) All types of streets must have a right-of-way width of 60 feet and a pavement width of at least 24 feet.

(j) Cul-de-sacs must have a right-of-way radius of 60 feet and a pavement width of 45 feet.

(k) The maximum length for residential cul-de-sac streets shall generally be 500 feet; however, the Planning Commission may approve a distance of up to 1,000 feet.

(l) All pavements shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards prescribed by the City Engineer.

(5) Blocks.

(a) Blocks shall not exceed 1,000 feet in length, except at the discretion of the Planning Commission, conditions may justify a greater distance. Blocks shall be in a grid or modified grid pattern and connected to the abutting street system following principles of good street design.

(b) Width of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(6) Natural features and character of land must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

(7) Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet in width and shall be constructed of concrete four inches thick. In addition, walkways shall be located on both sides of all interior roadways and so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternative locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

(8) Architectural character.

(a) Residential standards.

1. Architectural features, as required in § 155.072 shall be complied with.

2. Attached townhome units shall meet the requirements of § 155.121, Townhomes and duplexes, as determined by the Planning Commission, upon recommendation of the City Planner.

3. Front doors with porches are required. Porches shall be minimally six feet in depth.
4. The front facade shall be composed of at least 75% brick or decorative masonry. Decorative masonry cannot extend above the first floor elevation.

(b) Non-residential standards.

1. Architectural features, as required in § 155.121 and §§ 155.111 through 155.142, Special Conditions and Land Use Standards, shall be complied with.
2. Entry doors shall be located on at least one public street.
3. The primary street facade shall be designed and constructed with at least 60% transparent glass.

(9) Utilities.

(a) An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.

(b) A public sanitary sewer system shall be required.

(c) A public water supply system shall be required.

(d) The proprietor shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by the wire or cable to be placed underground entirely throughout the development area. Such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the City Engineer and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately held property shall be protected by easements granted by the proprietor.

(E) Review of condominium documents and engineering and landscape plans.

(1) Following preliminary site plan approval, the applicant shall submit condominium documents to the city for the review by the City Attorney and other appropriate staff. The city shall review the condominium documents with respect to all matters subject to regulation.

(2) Following preliminary site plan approval, the applicant shall submit landscape and engineering plans in sufficient detail for the city to determine compliance with applicable laws, ordinances and design standards for construction of the project.

(3) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the applicable department, the engineering plan and associated documents shall be submitted to the Planning Commission for final review and action.

(4) If the condominium documents and engineering plans conform in all respects to applicable laws, ordinances and design standards, the Planning Commission shall grant preliminary development approval.

(F) Site plans for expandable or convertible projects. Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to § 155.286, Site plan review.

(1) The Planning Commission shall deny preliminary approval, if the condominium documents and engineering plans fail to conform to standards.

(2) Performance guarantee. The Planning Commission, as a condition of preliminary approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in § 155.293, Performance guarantee, of this chapter for the completion of improvements associated with the proposed use.

(3) Information required prior to occupancy. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Community Development Department:

(a) A copy of the recorded condominium documents including, but not limited to, the master deed and all exhibits.

(b) A copy of any recorded restrictive covenants.

(c) A copy of the final site plan on Mylar sheets in 11" X 17" and 24" X 36" formats at standard

engineering scales and acceptable to the city.

(d) Evidence of completion of improvements associated with the proposed use including two copies of an “as-built survey”.

(G) Revision of site condominium plan. Revision to preliminary site plan shall be submitted for review and approval by the Planning Commission before any building permit may be issued.

(1) Amendment of condominium documents. Amendment to a master deed or bylaws that affects the approved site plan, or any conditions of approval of a site plan, shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require changes in the site plan.

(2) Relocation of boundaries. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in Public Act 59 of 1978 (the condominium act,) as amended shall comply with all regulations of the zoning district in which located and shall be approved by the Building Department. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(3) Subdivision of condominium lot. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in Public Act 59 of 1978 (the condominium act,) as amended, shall comply with all regulations of the zoning district in which located, and shall be approved by the Building Department. These requirements shall be made a part of the recorded condominium documents.

(Ord. 792, passed 12-3-01)

#### **§ 155.152 PLANNED UNIT DEVELOPMENT.**

(A) Intent. Planned unit development (PUD) regulations are intended to provide for various types of land uses planned in a manner which shall foster the use and design of land in accordance with scale and character of the contextual environment; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreation opportunities; and, foster crime prevention methods. The provisions of this section provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

(B) PUD regulations.

(1) A PUD may be applied for in all districts. The grant of a planned unit development application shall require a special land use designation subject to the recommendation of the Planning Commission and approval of City Council.

(2) Any land use authorized in R-1A, R-1B, R-1C, RM, RM-1, B-1, B-2 and O-1 is permitted as a special land use, subject to design and development standards within this chapter, other applicable codes and regulations, and adequate public health, safety, and welfare features to ensure the compatibility of varied land uses both within and outside the development.

(3) A PUD application must meet the following criteria as a condition to being entitled to PUD treatment:

(a) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or

(b) A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

(c) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.

(d) The proposed development shall be contributed to the public health, safety and welfare of the city.

(e) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

(f) The standards set forth in this subchapter are met.

(g) The standards set forth in §§ 155.287 and 155.289 are met.

(h) All applicable codes, ordinances and regulations are met.

(I) The proposed development shall be consistent with the goals and policies of the city's Master Plan.

(C) Procedure for review and action.

(1) Pre-application conference. Prior to the submission of an application for PUD approval, the applicant shall meet with the City Planner, together with any staff and consultants the Director deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the proposed development and a data summary sheet with the following information:

(a) Total number of acres in the project;

(b) Number and type of residential units;

(c) Number and type of nonresidential uses;

(d) Number of acres to be occupied by each type of use;

(e) Known deviations from ordinance regulations;

(f) Number of acres to be preserved as usable open and recreation space; and

(g) Number of acres to be preserved as wetlands or other natural features.

(2) Preliminary plan. Following the pre-application conference, the applicant shall submit a preliminary site plan prepared in accordance with the standards set forth in this subchapter and § 155.287, Standards for site plan approval, and § 155.289, Standards for special condition use approval. In addition, a narrative report shall be prepared by the applicant that describes the physical and functional components of the project, discuss the market concept and feasibility of the project, and explain the manner in which the criteria set forth have been met.

(a) Planning Commission action. The preliminary plan shall be noticed for public hearing as a special land use before the Planning Commission. Following the hearing, the Commission shall review the preliminary site plan and supporting narrative report and shall take one of the following actions:

1. Approval. Upon finding that the preliminary plan meets the standards set forth in this subchapter and §§ 155.287 and 155.289, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not bind City Council to approve the final plan.

2. Tabling. Upon finding that the preliminary plan does not meet the standards set forth in this subchapter and §§ 155.287 and 155.289, but could meet such criteria if revised, the Planning Commission may delay action until a revised preliminary plan is resubmitted.

3. Denial. Upon finding that the preliminary plan does not meet the criteria and standards set forth in this subchapter and §§ 155.287 and 155.289, the Planning Commission shall deny preliminary approval.

(3) Final plan. Within six months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this subchapter and § 155.286. If a final plan is not submitted by the applicant for final approval within six months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.

(a) Information required. A final site plan and application for a PUD shall contain the following information:

1. A site plan meeting all requirements of this chapter.

2. A specification of all deviations from this chapter, which would otherwise be applicable to the uses and development, proposed in the absence of the application of this PUD section.

3. A specific schedule of the intended development and construction details, including phasing or timing.

4. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, methods to reduce noise, utilities, and visual screening features.

5. A specification of the exterior building and landscape materials with respect to the structures

proposed in the project.

6. Signatures of all parties having an interest in the property.

(b) Planning Commission action. The final plan shall be noticed for public hearing as a special land use before the Planning Commission, and acted upon by the Planning Commission and City Council.

1. Approval. Upon finding that the final plan meets the criteria and standards set forth in this section the Planning Commission shall recommend approval to the City Council.

2. Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in this section but could meet such criteria if revised, the Planning Commission may delay action until a revised final plan is resubmitted.

3. Denial. Upon finding that the final plan does not meet the criteria and standards set forth in this section, the Planning Commission shall recommend denial to the City Council.

4. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the proposed project including recommendations with respect to matters on which the City Council must exercise discretion.

(c) City Council action. Upon receiving a recommendation from the Planning Commission, City Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in this section, the City Council shall approve, table or deny the final plan. Prior to approval of a final plan, City Council shall require all final plans, supporting documents, standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the City Attorney, approved by the City Council, and signed by both the city and the applicant.

(D) Project design standards.

(1) General design standards.

(a) Design and development standards set forth in this chapter provide a base for design dimensions. Deviations may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this section.

(b) There shall be a perimeter setback and berming, as found to be necessary by the city, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established at the discretion of the City Council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

(c) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(d) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the city.

(e) Pedestrian sidewalks (five feet in width) shall be provided along all public and private streets and separated from vehicular circulation by a landscape strip and street trees.

(f) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(g) Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening such as landscape berms or strips or decorative walls shall be employed.

(2) Residential standards.

(a) Dwelling density shall be based on the underlying base zoning district. Additional density for residential uses is permitted, subject to a recommendation by the Planning Commission and approval by the City Council. Such increase shall be based upon review of the standards of this section.

(b) Consistency with the Master Plan;

- (c) Relationship to adjacent land uses;
- (d) Meet the following design standards;
  1. Attached townhome units shall meet the requirements of § 155.121, Townhouses and duplexes, as determined by the Planning Commission, upon recommendation of the City Planner.
  2. Buildings shall be built at the same setback as exiting structures on the same block or adjacent to the proposed development.
  3. Interior front build-to lines can be reduced to 18 feet of right-of-way line or sidewalk on private streets or ways.
  4. Front doors with porches are required. Porches shall be minimally six feet in depth.
  5. The front facade shall be composed of at least 75% brick or decorative masonry. Decorative masonry cannot extend above the first floor elevation.
  6. Public and private spaces separation and definition by walls, decorative fencing or landscaping is encouraged.
- (e) Pedestrian and/or vehicular safety provisions.
- (f) Off-street parking in front yards is not permitted.
- (g) Blocks shall have a maximum acreage of five acres as delineated by public rights-of-way or sidewalks. Blocks shall be in a grid or modified grid pattern and connected to the abutting street system following principles of good street design.
- (h) A minimum of 10% of the gross floor area of dwelling units shall be set aside as usable recreation and open space. Dwelling units shall front such space.
- (i) Provisions for the users of the project.
- (3) Non-residential standards.
  - (a) Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
  - (b) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
  - (c) Entry doors shall be located on at least one public street.
  - (d) Public sidewalks shall be at least ten feet in width on the entry door side of the building.
  - (e) The primary street facade shall be designed and constructed with at 60% transparent glass.
  - (f) Off-street parking in the front yard is not permitted.
  - (g) The City Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using this chapter, plan, and other city standards or policies as a guide.
- (E) Conditions. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring 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, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- (F) Construction and phasing.
  - (1) Phasing. Each phase of construction, when proposed, shall be capable of standing on its own for pedestrian and vehicular circulation, off-street parking, public services, utilities, facilities, and recreation space. Each phase shall contain the necessary components to ensure protection of the health, safety, and welfare of the residents and users of the PUD and surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.
  - (2) Construction. To ensure completion of required improvements, the city is authorized to impose performance guarantees in accordance with § 155.293, Performance guarantee. Construction shall be commenced within one year following final approval and shall proceed in conformance with the schedule set forth by the applicant as part of the application package. If construction is not commenced within such time,

approval shall expire and be null and void. However, an extension for a specified period may be granted by City Council upon good cause shown if such request is made to City Council prior to the expiration of the initial period. If approval has expired, City Council shall require a new application, which may be reviewed in regard to existing code and ordinance provisions.

(G) Effect of approval. When approved, the PUD, with all conditions imposed, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Wayne County Register of Deeds.

(Ord. 792, passed 12-3-01)

#### **§ 155.153 LOT AVERAGING FOR ONE-FAMILY DEVELOPMENTS.**

The intent of this section is to permit the subdivider or developer to vary his or her lot sizes and lot widths so as to average the minimum size of lot per unit. If this option is selected, the following conditions shall be met:

(A) In meeting the average minimum lot size, the subdivision shall be so designed as to create lots having an area or width required in the One-Family Residential District in § 155.061, Schedule of regulations, and shall not create an attendant increase in the number or lots.

(B) The technique of averaging minimum 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.

(C) All computations showing lot area and the average area resulting through this technique shall be indicated on the print of the preliminary plat.

(Ord. 792, passed 12-3-01)

#### **§ 155.154 through § 155.159 RESERVED.**

### **PERFORMANCE STANDARDS**

#### **§ 155.161 INTENT.**

This subchapter intends to establish controls and limitations to prevent unreasonable negative impact that might interfere with another person's use of his or her own property, or that might cause harm to the public health, safety and welfare.

(Ord. 792, passed 12-3-01)

#### **§ 155.162 SCOPE OF APPLICATION.**

After the effective date of this chapter, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this subchapter. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this subchapter.

(Ord. 792, passed 12-3-01)

#### **§ 155.163 SUBMISSION OF ADDITIONAL DATA.**

Nothing in this subchapter shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this subchapter, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this chapter will be upheld.

(Ord. 792, passed 12-3-01)

#### **§ 155.164 PERFORMANCE STANDARDS.**

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this section.

(A) Airborne emissions.

(1) Smoke. It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.

(2) 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. Such odors shall be prohibited when perceptible at any point along the property line.

(3) Gases. The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(B) Noise and vibration.

(1) Noise which is objectionable as determined by the city due to intensity, frequency, or duration shall be muffled, attenuated, or otherwise controlled subject to the following provisions:

(a) Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, shall be controlled so as not to become a nuisance to adjacent uses.

(b) Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

(c) Noise levels shall not exceed 75 decibels between the hours of 6:00 a.m. and 10:00 p.m. and shall not exceed 60 decibels between the hours of 10:00 p.m. and 6:00 a.m., and must comply with the levels set forth in Table 6-1 below:

<b>Table 6-1 Sound Levels</b>		
<b>Sound Levels in Decibels at Property Lines</b>		
<b>Octave Band Cycles per Second</b>	<b>Adjacent to All Residential Districts</b>	<b>Adjacent to All Commercial, Office and Industrial Districts</b>
0 to 75	58	73
75 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	43
2400 to 4800	26	41
Over 4800	20	35

(2) No use shall generate any ground transmitted vibration in excess of the limits set forth below in Table 6-2. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

**Table 6-2 Vibration Levels**

<b>Particle Velocity in Inches-Per-Second</b>	
<b>Frequency in Cycles per Second</b>	<b>Displacement in Inches</b>
0 to 10	0.001
10 to 20	0.0008
20 to 30	0.0006
30 to 40	0.0004
40 and over	0.0002

(3) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(C) Electrical disturbance, electromagnetic, or radio frequency interference. No use shall create an electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or 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.

(D) Glare and exterior lighting.

(1) Light and glare from indirect source.

(a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner so as not to be seen from any point beyond the property line, and so as not to create a public nuisance or hazard along lot lines.

(b) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property.

(c) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(2) Exterior lighting from direct sources.

(a) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

(b) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. These provisions are not intended to apply to public street lighting.

(c) Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(d) Lights shall be recessed into the fixture so that bulbs or elements are not visible from adjoining properties.

(e) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 footcandles along property lines. Light intensity shall not exceed a maximum of 20 foot-candles in any given area. The Planning Commission, upon City Planner's recommendation, may allow for an increased level of lighting above maximum permissible levels when it can be demonstrated that such lighting is necessary for safety and security purposes.

(f) Lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential

areas, lighting fixtures shall not exceed a height of 20 feet.

(g) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes is not permitted. Temporary holiday lighting is exempt from the aforementioned provision.

(E) Use, storage and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary waste.

(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 which uses, stores or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate federal, state or local authority having jurisdiction. The city shall be informed of any and all inspections conducted by a federal, state or local authority in connection with a permit and/or license.

(3) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances and/or hazardous waste shall complete and file a Material Safety Data Sheet (MSDS,) as provided by the Federal Occupational Safety and Health Administration (OSHA) in conjunction with the following:

(a) Upon submission of a site plan.

(b) Upon any change of use or occupancy of a structure or premise.

(c) Upon any change of the manner in which such substances are used, handled, or stored, and/or in the event of a change in the type of substances to be used, handled, or stored.

(4) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:

(a) Above ground storage, use and handling areas for hazardous substances.

1. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Containers shall not be stacked more than two high, shall be orderly, not less than 30 feet from the lot line, and shall not obstruct ingress or egress.

3. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains. Materials shall be kept in an orderly fashion, shall not be stacked within four feet of the ceiling and stored in a manner which shall not obstruct access.

4. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are stored, handled and used, shall be designed and constructed to prevent discharge or runoff.

(b) Underground storage tanks. Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate federal, state or local authority having jurisdiction and shall not contaminate the sanitary sewer system, storm drains, surface water, groundwater, or soils.

(c) Loading and unloading areas. Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled, or leaked, or vented.

(5) All site plans for businesses or facilities which use, store or generate hazardous substances shall be reviewed by the Fire Department, City Engineer, Community Development Department and any other appropriate experts determined necessary by the Community Development Department prior to approval by

the Planning Commission.

(F) Fire hazard. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. All fire prevention tools shall comply with applicable state rules and regulations, and shall be approved by the Fire Department in accordance with the city fire prevention code, as amended.

(G) Safety. Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, demolition sites, unused basements, abandoned wells or cisterns are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare. Compliance is required with all applicable state rules and regulations and the city fire prevention code, as amended.

(H) Building grades. Any building requiring a greenbelt or setback shall be located at an elevation to provide a sloping grade which shall cause the flow of surface water to run away from the building. A sloping grade shall begin at the sidewalk level, as determined by the City Engineer, and shall be established from the center of the front property line, extending to the finished grade line at the front of the building. The rear and side yards shall also be sloped to cause the flow of surface water to run away from the building, but without creating a nuisance on the adjacent properties. However, this shall not exclude the opportunity to provide sunken or terraced areas, providing the construction does not cause a nuisance on the adjacent properties from the runoff of surface water.

(1) When a new building is constructed on a vacant lot located between two existing buildings or adjacent to an existing building, the reference level shall be used to determine the building grade. In addition, the yard around the new building shall be graded to comply with the existing grades and shall not create the runoff of surface water onto the adjacent properties.

(2) The Building Official or his or her designee or the City Engineer shall approve final grades. Written approval upon a form provided by the city may be required to ensure compliance with the approved grading plan on file with the Building Department, and shall be completed and certified by a registered civil engineer or land surveyor.

(I) Accumulation of waste. Accumulations of waste paper, wood, hay, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot, alley, parking lot or open space. All weeds, grass, vines or other growth, when same endangers or threatens to endanger property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property. All combustible rubbish, oily rags or waste material when kept within a building, shall be stored in approved metal containers. Storage shall not produce conditions which in the opinion and judgment of the fire official will tend to create a nuisance or a hazard to the public health, safety, or welfare.

(Ord. 792, passed 12-3-01)

## **§ 155.165 PROCEDURES FOR DETERMINING COMPLIANCE.**

In the event that the city receives complaints, or otherwise acquires evidence of possible violation of any of the performance standards set forth in this subchapter, the following procedures shall be used to investigate, and if necessary, resolve the violation:

(A) Official investigation. Upon receipt of evidence of possible violation, the Building Official or other official responsible for code enforcement shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards as defined in this subchapter. The Building Official or other official responsible for code enforcement may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Building Official or other official responsible for code enforcement is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for denial or cancellation of any permits required for continued use of the land. Data which may be required includes, but is not limited to the

following:

- (1) Plans of the existing or proposed facilities, including buildings and equipment.
- (2) A description of the existing or proposed machinery, process, and products.
- (3) Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this subchapter.

(4) Measurement of the amount or rate of emissions of the material purported to be in violation.

(B) Method and cost of determination. The Building Official or other official responsible for code enforcement shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Building Official or other official responsible for code enforcement using equipment and personnel normally available to the city without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled professional and specialized equipment or instruments shall be secured in order to make the required determination. If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate.

(C) Appropriate remedies. If after appropriate investigation, the Building Official or other official responsible for code enforcement determines that a violation does exist, the Building Official or other official responsible for code enforcement shall take or cause to be taken lawful action as provided by this chapter to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The Building Official or other official responsible for code enforcement shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

(1) Correction of the violation within time limit. If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Building Official or other official responsible for code enforcement shall note "violation corrected" on the city's copy of the notice, and the notice shall be retained on file. If necessary, the Building Official or other official responsible for code enforcement may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this chapter or any other ordinances.

(2) Violation not corrected and owner or operator fails to reply. If there is no reply from the owner or operator within the specified time limits, and the alleged violation is not corrected in accordance with the regulations set forth in this subchapter, then the Building Official or other official responsible for code enforcement shall take such action as may be warranted to correct the violation.

(3) Reply requesting extension of time. If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in this chapter, but that more time is required than was granted by the original notice, the Building Official or other official responsible for code enforcement may grant an extension if:

(a) The Building Official or other official responsible for code enforcement deems that such extension is warranted because of circumstances in the case, and

(b) The Building Official or other official responsible for code enforcement determines that such extension will not cause imminent peril to life, health, or property.

(4) Reply requesting technical determination. If a reply is received within the specified time limit requesting further review and technical analysis even though the alleged violations continue, then the Building Official or other official responsible for code enforcement may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

(a) If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this chapter. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation.

(b) If the bill is not paid within 30 days, the city shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation

occurred. If no substantial violation is found, cost of determination shall be paid by the city.  
(Ord. 792, passed 12-3-01)

#### **§ 155.166 CONTINUED VIOLATION.**

If, after the conclusion of the time period granted for compliance, the Building Official or other official responsible for code enforcement finds that the violation still exists, any permits previously issued shall be void and the city shall initiate appropriate legal action, including possibly pursuit of remedies in circuit court.  
(Ord. 792, passed 12-3-01)

#### **§ 155.167 APPEALS.**

Actions taken by the Building Official or other official responsible for code enforcement pursuant to the procedures outlined in this section may be appealed to the Zoning Board of Appeals within 30 days following said action. In the absence of such appeal, the Building Official or other official responsible for code enforcement's determination shall be final.  
(Ord. 792, passed 12-3-01)

#### **§ 155.168 through § 155.179 RESERVED.**

## **NONCONFORMING USES AND STRUCTURES**

#### **§ 155.181 INTENT.**

(A) This chapter intends to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival. The city recognizes that existing lots, structures and uses of land and structures, which were lawful before this chapter was passed or amended, would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.

(B) This chapter further intends that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. 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 adoption of this chapter by attachment of 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 generally prohibited in the district involved. Alleged nonconformities, which cannot be conclusively proven to have existed prior to the enactment or amendment of this chapter, shall be declared illegal and shall be discontinued.

(C) To avoid undue hardship, 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. 792, passed 12-3-01)

#### **§ 155.182 NONCONFORMING LOTS.**

Where a lawful lot of record exists in any district where single-family dwellings are permitted, 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. Such single-family property may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) 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, width, or both of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

(B) If two or more lots including portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, the lands involved shall be considered to be an undivided parcel. No portion of same parcel shall be used or occupied in any manner which does not meet lot width and area requirements as established by this chapter, no division of the parcel shall be made which creates any remaining lot width or area below the requirements stated in this chapter.

(Ord. 792, passed 12-3-01)

#### **§ 155.183 NONCONFORMING USES OF LAND.**

Where a lawful use of land exists at the effective date of adoption or amendment of this chapter 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. Such land use shall be subject to the following provisions:

(A) 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;

(B) 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; and

(C) If such nonconforming use of land ceases for any reason for a period of more than 6 consecutive months or 18 nonconsecutive months in any 3 year period, 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. 792, passed 12-3-01)

#### **§ 155.184 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 terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful. Such structures shall be subject to the following provisions:

(A) No such structure may be enlarged or altered in a way that increases its nonconformity. However, upon approval of the Zoning Board of Appeals, a building in residential use in an R-1 District may be extended along one side of the structure even though the side of the existing structure to be extended may not comply with § 155.061, Side yard setback requirements.

(B) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(C) 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. 792, passed 12-3-01)

#### **§ 155.185 NONCONFORMING USES OF STRUCTURES.**

Where 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, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) 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.

(B) 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.

(C) Any structure or structure and land in combination, in or on which a nonconforming use is superseded

by a permitted use, shall thereafter no longer be considered a nonconforming use. Such structure or structure and land in combination shall henceforth conform to the regulations for the district in which such structure is located. The nonconforming use shall not thereafter be resumed.

(D) If such nonconforming use of a structure, or structure and land in combination ceases for any reason for a period of more than 6 consecutive months or 18 nonconsecutive months within a 3 year period, any subsequent use of such structure or land in combination shall conform to the regulations specified by this chapter for the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this provision.

(E) 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.

(Ord. 792, passed 12-3-01)

#### 155.186a Preferred Class Designations

It is the intent of this Section to establish a “preferred class” designation that the Planning Commission may approve for certain nonconforming uses, subject to the following:

##### A. Procedure.

The procedure for considering all preferred class nonconforming designations shall be as follows:

1. **Application.** Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the owner, operator or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use and the reasons for the request.
2. **Public hearing.** A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in §155.291.

##### B. Conditions for Approval of a Preferred Class Designation.

Subsequent to a public hearing, the Planning Commission may grant a preferred class designation upon finding that all of the following conditions exist:

1. **Use standards.**
  - a. The nonconformity does not significantly depress the value of nearby properties.
  - b. The use does not adversely impact the public health, safety, and welfare.
  - c. The use does not adversely impact the purpose of the district where it is located.
  - d. No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
2. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with §155.230.
3. **Plan for site improvements.** The Planning Commission may require that a site plan be submitted for review per §155.286.
4. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this section and Ordinance; or to the public health, safety, and welfare.

##### C. Effect of Approval of a Preferred Class Designation.

Preferred class nonconformities may perpetuate and expand in accordance with an approved site plan, subject to the provisions of this Section, and any conditions of approval. Preferred class nonconforming structures may be perpetuated, expanded, improved or rebuilt if damaged or destroyed, in accordance with an approved site plan and subject to the provisions of this Section and any conditions of approval.

##### D. Effect of Denial of a Preferred Class Designation.

An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of 365 calendar days have elapsed from the date of denial.

##### E. Cessation of Preferred Class Nonconforming Uses.

The preferred class designation shall be deemed removed when the principal structure occupied by a preferred class nonconforming use is permanently removed or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.

#### **F. Rescinding Approval of a Preferred Class Designation.**

Failure of the owner, operator or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain or improve the site in accordance with the provisions of this Section, an approved site plan or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation.

Such action shall be subject to the following.

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in §155.291, at which time the owner, operator or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or person having beneficial use occupied by a preferred class nonconforming use.

#### **G. Existing Dwellings in Non-Residential Districts.**

Single-family dwellings so existing and used in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered or replaced if destroyed, subject to the following:

1. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform to all applicable dimensional and use standards of the §155.041 District.
2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations, and rules.

#### **§ 155.186 REPAIRS AND MAINTENANCE.**

(A) 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 non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% 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.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 792, passed 12-3-01)

#### **§ 155.187 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 there is no change in the nature or character of such nonconforming uses.

(Ord. 792, passed 12-3-01)

#### **§ 155.188 through § 155.199 RESERVED.**

## **REGULATED USES**

#### **§ 155.201 INTENT.**

In the development and execution of this chapter, it is recognized that some uses which, because of their very nature, are recognized as have serious objectionable operational characteristics, particularly when several of them are concentrated, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such negative or adverse effects could affect both commercial and residential uses in surrounding neighborhoods. These special regulations are itemized in this subchapter. The primary control of regulation is for the purpose of preventing a concentration of these uses in any one area.

(Ord. 792, passed 12-3-01)

### **§ 155.202 ESTABLISHMENT.**

The following kinds of uses are prohibited if the establishment of such use will constitute the second such use within a 1,000-foot radius (i.e. not more than one such use within 1,000 feet of each):

- (A) Adult amusement devise center.
- (B) Adult bookstore.
- (C) Adult business activity.
- (D) Adult live conduct business or activity.
- (E) Adult mini-motion picture theater.
- (F) Adult motion picture theater.
- (G) Adult personal service business.
- (H) Adult supply store.
- (I) Adult outdoor motion picture theater.
- (J) Arcades.
- (K) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (L) Bar or establishment for the sale of juice or non-alcoholic beverages for consumption on the premises.
- (M) Cabaret.
- (N) Dance clubs.
- (O) Firearms sales establishments.
- (P) Hotels or motels.
- (Q) Massage establishments.
- (R) Pawnshops.
- (S) Pool or billiard halls.
- (T) Public lodging house, transient housing, rooming house.
  
- (V) Specially Designated Distributor (SDD).
- (W) Specially Designated Merchant (SDM).

(Ord. 792, passed 12-3-01; Am. Ord. 830, passed 12-21-09)

### **§ 155.203 REVIEW AND ACTION PROCEDURES.**

Applications must be submitted to the Planning Commission for following procedures and requirements:

(A) Location restriction. The City Council, upon recommendation of the Planning Commission, shall not approve any such request if there is already in existence one such regulated use within a 1,000-foot radius of the property line of the site of the proposed regulated use, excepting as provided for below.

(B) Waiver of location restriction. The City Council may waive the location restrictions set forth herein for enumerated regulated uses, except adult uses and bars, provided all of the following findings are made:

- (1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties, and that the spirit and intent of this chapter will be observed.
- (2) That the proposed use will not enlarge or encourage the development of a blighted area.
- (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conversation or interfere with any program of urban renewal.
- (4) That regulations of this chapter and city, county, state and federal codes will be observed.

(C) Public hearing. The following uses shall be permitted, subject to the conditions set forth in this subchapter and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

Prior to granting waiver of the location restrictions set forth above, and not less than 15 days before the request for waivers is considered or a public hearing held pursuant to this division, the City Council shall publish, in a newspaper of general circulation in the city, a notice that a request for waivers to establish a

regulated use has been received. This notice shall follow the requirements of § 155.291, Public hearing notification requirements, for special condition uses.

(D) Required petition.

(1) It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 300-foot radius of a residentially zoned district, residential development, or within a 1,000-foot radius of any church or primary, secondary, or nursery school. This prohibition relative to the establishment of a regulated use near residentially zoned districts shall be waived upon the presentment to the City Council of a validated petition requesting such waiver, signed by 51% of those persons owning, residing, and doing business within 300 feet of the proposed location. No waiver shall be given to permit a regulated use to locate within 1,000-foot radius of any primary, secondary, or nursery school. The City Council shall adopt rules and regulations governing the procedure for securing any petition of consent, which may be provided for in this section of the chapter. The rules shall provide that the circulator of the petition circulate such petition in accordance with said rules, and that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The City Council shall not consider the waiver of location requirement until the above-described petition, if required, shall have been filed and verified.

(2) Exception: Liquor may be served for consumption on the premises at a standard restaurant provided that such a use is accessory to the principal use of the business and that the bar area where patrons are served does not exceed 20% of the total public area of the building. If the above uses do not exceed 20% of the total public area of the building, a petition requiring 51% of persons owning, residing or doing business within 300 feet of the proposed location is not required. No waivers shall be given to permit a regulated use to locate within a 300 foot radius of any nursery, primary or secondary school. However, waivers may be given to allow above uses serving beer, wine or liquor for consumption on the premises to locate within 300 feet of a nursery or primary school if separated by a major thoroughfare comprised of four or more lanes of traffic.

(E) Condition and limitations. Prior to the granting of approval for the establishment of any regulated use, the City Council may impose any such conditions or limitations upon the establishment, location, construction maintenance, or operation of the regulated use as may be, in its judgment, necessary of the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(Ord. 792, passed 12-3-01; Am. Ord. 823, passed 5-4-09)

### **§ 155.204 INVALIDATION OF VARIANCES, SPECIAL CONDITION USE, AND REGULATED USE PERMITS.**

(A) In any case where a variance special condition use permit or regulated use permit has not been established within six months after City Council approval, the variance or specified permit shall become null and void.

(B) A variance or special condition use permit or regulated use permit shall be deemed to authorize only a specific special land use. Such variance or special condition use permit shall expire if that use shall cease for more than six consecutive months for any reason.

(Ord. 792, passed 12-3-01)

### **§ 155.205 MASSAGE ESTABLISHMENTS.**

Because of their deleterious effect on adjoining areas, massage establishments shall be subject to the following requirements:

(A) No massage establishments shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

(B) All massage establishments subject to this section are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.

(C) No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.

(D) Federal, state and county regulations shall be complied with.

(E) The following uses shall not be included within the definition of a massage establishment for the purposes of this section:

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

(2) Electrolysis treatment by a licensed operator of electrolysis equipment.

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

(4) Hospitals, nursing homes, medical clinics or medical offices.

(5) Barbershops or beauty parlors and/or salons, which offer massages to the scalp, face, neck or shoulders only.

(Ord. 792, passed 12-3-01)

### **§ 155.206 RESERVED.**

### **§ 155.207 APPEALS PROCEDURE.**

Any City Council decision relative to a special condition use is considered final. All decisions may be appealed to circuit court as provided for in State Public Act 207 of 1921, as amended.

(Ord. 792, passed 12-3-01)

### **§ 155.208 TIME LIMITATIONS ON ORDERS.**

(A) No order of the City Council 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 City Council 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 the use of such permit is dependent upon the erection or alteration of a 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 the terms of such permit.

(C) 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 the use of such permit is dependent upon the erection or alteration of a 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 the terms of such permit.

(Ord. 792, passed 12-3-01)

### **§ 155.209 RESERVED.**

## **WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS**

### **§ 155.211 INTENT.**

(A) The intent of this subchapter is to establish regulations and guidelines for the siting of wireless communications towers and antennas within the municipal boundaries to protect the public health, safety and welfare of its residents. Objectives of the city's intent are listed as follow:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the community;

(4) Strongly encourage the joint use (collocation) of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(B) The city shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. 792, passed 12-3-01)

### **§ 155.212 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply:

**ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) wireless telecommunications signals or other communication signals.

**BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**FAA.** The Federal Aviation Administration.

**FCC.** The Federal Communications Commission.

**HEIGHT.** The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna when referring to a tower or other structure.

**PREEXISTING TOWERS** and **PREEXISTING ANTENNAS.** Any tower or antenna for which a building permit or special condition use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**TOWER.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Ord. 792, passed 12-3-01)

### **§ 155.213 APPLICABILITY.**

(A) New towers and antennas. All new towers or antennas in the city shall be subject to these regulations, except as provided in § 155.213 (B) through (D), inclusive.

(B) Amateur radio station operators/receive only antennas. Federal law shall govern installation and operation of amateur radio stations and receive only satellite dishes.

(C) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of § 155.214 (F) and (G).

(D) AM array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter

of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Ord. 792, passed 12-3-01)

### **§ 155.214 GENERAL REQUIREMENTS.**

(A) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses.

(B) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(C) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the city an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The city may share such information with other applicants applying for administrative approvals or special condition use permits under this chapter or other organizations seeking to locate antennas within its jurisdiction, provided however, the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(D) Aesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(E) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(F) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(G) Building and safety codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(H) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.

(I) Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter

and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(J) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the Community Development Director.

(K) Public notice. For purposes of this subchapter, any special condition use request, variance request, or appeal of an administratively approved use or special condition use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Table 11-1, in addition to any notice otherwise required for special condition uses in § 155.291, Public hearing notification requirements.

(L) Signs. No signs shall be allowed on an antenna or tower.

(M) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of this section.

(N) Multiple antenna/tower plan. The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ord. 792, passed 12-3-01)

### **§ 155.215 PERMITTED USES.**

Antennas or towers located on property owned, leased, or otherwise controlled by the city, provided a license or lease authorizing such antenna or tower has been approved by the City Council are deemed to be permitted uses and shall not require administrative approval or a special condition use permit.

(Ord. 792, passed 12-3-01)

### **§ 155.216 SPECIAL LAND USE PERMITS.**

(A) General. All new antennae or alterations to current antennae are considered Special Land Use. There is no provision to administratively approve such construction or modification. The following provisions shall govern the issuance of special land use permits for towers or antennae by the City Council:

(1) Applications for special land use permits under this section shall be subject to the procedures and requirements of § 155.288, Procedures for special land use review, and § 155.289, Standards for special land use approval, except as modified in this section.

(2) In granting a special land use permit, the City Council, upon recommendation of the Planning Commission and City Planner may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(4) An applicant for a special land use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the City Council to reimburse the city for the costs of reviewing the application.

(B) Towers.

(1) Information required. In addition to any information required for applications for special land use permits pursuant to §§ 155.288 and 155.289 applicants for a special land use permit for a tower shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including adjacent municipalities) Master Plan classification of the site and all properties within the applicable separation distances set forth in this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Community Development Director or designee to be necessary to assess compliance with this chapter.

(b) Legal description of the parent tract and leased parcel.

(c) The setback distance between the proposed tower and the nearest residential unit, platted

residentially zoned properties, and unplatted residentially zoned properties.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 155.214 (C) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(g) A description of compliance with § 155.214, General requirements, this section, and all applicable federal, state or local laws.

(h) A notarized statement by the applicant's engineer as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city.

(j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(k) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors considered in granting special land use permits for towers. In addition to any standards for consideration of special land use permit applications pursuant to §§ 155.288 and 155.289, the City Council, upon recommendation of the Planning Commission and Community Development Director, shall consider the following factors in determining whether to issue a special land use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this ordinance are better served thereby:

(a) Height of the proposed tower;

(b) Proximity of the tower to residential structures and residential district boundaries;

(c) Nature of uses on adjacent and nearby properties;

(d) Surrounding topography;

1. Surrounding tree coverage and foliage;

2. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

3. Proposed ingress and egress; and

4. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in division (7)(b) below.

(3) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference

with the applicant's proposed antenna.

(e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing exceed new tower development.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) **Setbacks.** The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby:

(a) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) **Separation.** The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby.

(a) Separation from off-site uses/designated areas.

(b) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 11-1, except as otherwise provided.

(c) Separation requirements for towers shall comply with the minimum standards established in Table 11-1.

<b>Table 11-1 Separation Distances from Land Use Types</b>	
<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family or duplex residential units <sup>1</sup>	200 feet or 300% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower (2), whichever is greater <sup>2</sup>
Vacant unplatted residentially zoned lands <sup>3</sup>	100 feet or 100% height of tower, whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

1 Includes modular homes and mobile homes used for living purposes.

2 Separation measured from base of tower to closest building setback line.

3 Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval on any multi-family residentially zoned land greater than duplex.

(d) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 11-2 below:

<b>Table 11-2 Separation Distances Between Tower Types</b>				
	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole 75 Feet in</b>	<b>Monopole Less Than</b>

			<b>Height or Greater</b>	<b>75 Feet in Height</b>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device. Such fencing shall be constructed of a color to blend with surrounding development and not noticed.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively and opaquely screens the view of the tower compound. Design and installation shall meet requirements and the spirit and intent of this chapter.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(8) Buildings or other equipment storage.

(a) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall be contained within the building upon which the antennae are mounted. Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas mounted on utility poles, flag poles, or light poles. The equipment cabinet or structure used in association with antennas shall be no greater than 8 feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.

(c) Antennas located on towers. The related unmanned equipment structure shall not contain more than 300 square feet of gross floor area or be more than 9 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) Modification of building size requirements. The requirements of this section may be modified by the Community Development Director or designee in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special land use to encourage collocation.

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

(10) Nonconforming uses.

(a) Nonexpansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this subchapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this subchapter.

(c) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding division (9) above, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special land use permit and without having to meet the separation requirements specified in division (7)(b) above. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in division (9).

(Ord. 792, passed 12-3-01)

### **§ 155.217 INSURANCE OBLIGATION.**

All applicants shall provide insurance holding the city harmless of all legal and financial obligations.  
(Ord. 792, passed 12-3-01)

## **LOCATION RESTRICTIONS**

### **§ 155.218 THEATERS, ASSEMBLY HALLS, CONCERT HALLS, CLUBS AND SIMILAR ORGANIZATIONS.**

(A) Locations restrictions. It shall be unlawful for a theater, assembly hall, concert hall, club, or similar organization to be established within a 300-foot radius of any residentially zoned district or residential development. This prohibition relative to the establishment of the uses shall be waived upon the presentment to the City Council of a validated petition requesting the waiver. The petition shall be signed by 51% or more of those persons owning, residing, and doing business within 300 feet of the proposed use.

(B) The circulator of the petition shall:

- (1) Circulate the petition on a notarized form provided by the city;
- (2) Declare and affirm to have personally witnessed the signatures on the petition; and
- (3) Declare and affirm that the same were affixed to the petition by the person whose name appeared thereon.

(C) The City Council shall not consider the waiver of location requirements until the petition has been filed by the Community Development Department and verified by the Police Department.

(D) Return the petition to the Planning Division for processing and filing with the City Clerk.

(Ord. 838, passed 8-15-11)

### **§ 155.219 through § 155.229 RESERVED.**

## **SIGNS**

### **§ 155.231 INTENT.**

The regulations contained in this subchapter intend to provide for the establishment of signs, lighting, and displays that will promote viable commercial and industrial activity, but will not by reason of their size, location, spacing, construction, or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety. Furthermore, it is the intent of these regulations to preserve and improve the appearance of the city by preventing placement of oversized signs that are out-of-scale with surrounding buildings and structures, and an excessive accumulation of signs that would cause visual clutter. These regulations are further intended to regulate permitted signs in such a way as to create land use patterns compatible with other major land use objectives

and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the city. (Ord. 792, passed 12-3-01)

### **§ 155.232 SCOPE OF REQUIREMENTS.**

(A) It shall be unlawful for any person, firm, or corporation to erect, construct or alter any sign in the city without complying with the provisions of this chapter. Applicable penalties for any violation of this chapter are established through City Council resolution and may be amended from time to time.

(B) Any sign already established on the effective date of this chapter, and which is rendered nonconforming by the provisions herein and any sign which is rendered nonconforming as a result of subsequent amendments hereto, shall be subject to the regulations concerning nonconforming structures and uses set forth in subchapter.

(Ord. 792, passed 12-3-01)

### **§ 155.233 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall govern the meaning of the terms used:

**BUILDING LINE.** The minimum distance required between the right of way and the nearest supporting member of a building, structure, or sign, as specified in the building code.

**FACE.** The area or display surface used for the message.

**LOT.** Part of a subdivision, the plat of which has been recorded in the office of the Wayne County Register of Deeds; or a plot of land, the deed of which has been recorded in the office of the Wayne County Register of Deeds.

**MARQUEE.** A roof like structure or awning projecting over an entrance, as to a theater.

**PARCEL.** One or more lots under single ownership and control, which are used, developed, or built upon as a unit. Such lots may be in one or more subdivisions, and in one or more municipalities.

**SIGN.** Any use of words, numbers, figures, devices, designs, logos or trademarks visible to the general public and designed to inform or attract the attention of persons not on the premises on which the **SIGN** is located, including the structure upon which such words, numbers, figures, devices, designs, logos or trademarks are or may be written, printed or affixed unless said structure is a building as defined in applicable city codes. A **SIGN** shall include a device commonly known as a “search lights” or mechanism which emits beam(s) of light into the air as well as “floating” displays such as balloons or stuffed or inflated figures.

(1) **ANIMATED SIGN.** A sign which uses lights, moving parts, or other means to depict a creature or being as living or having life.

(2) **AWNING SIGN.** A sign which is printed on or affixed to an awning or canopy.

(3) **BANNER SIGN.** Signs produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.

(4) **BILLBOARD.** A freestanding or ground sign with an area in excess of 200 square feet.

(5) **FESTOON SIGN.** A sign consisting of a wreath or garland of flowers, leaves, paper or other material hanging in a loop or curve.

(6) **FREESTANDING OR GROUND SIGN.** A sign which is erected upon or supported by the ground, including signs on poles or pylons that are anchored in the ground.

(7)

(8) **MONOLITH SIGN.** A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two or more sides extending up from the base, and upon which a message is painted or posted. A **MONOLITH SIGN** may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

(9) **NONCONFORMING SIGNS.** Signs which are prohibited under the terms of this chapter but were in use and lawful at the date of enactment of this chapter, shall be deemed nonconforming.

(10) **OBSOLETE SIGNS.** Signs that advertise a product that is no longer made or that advertise a business that has closed.

(11) **OUTLINE TUBING SIGN.** A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

(12) **PENNANT SIGN.** Signs or displays consisting of long, narrow, usually triangular flags.

(13) **PORTABLE SIGN.** Signs which are not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. **PORTABLE SIGNS** are capable of being readily moved from one location to another.

(14) **PROJECTING SIGN.** A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure and projecting out therefrom.

(15) . A sign used to indicate that a parcel of property or building is for sale, lease or rent.

(16) **ROOF SIGN.** A sign erected upon and structurally supported by the roof of a building.

(17) **SANDWICH SIGN.** A sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.

(18) **SPINNERS.** A sign or display consisting of paper, plastic, or other types of parts that spin.

(20) **TEMPORARY SIGN.** A sign which is intended to be erected only a few days or weeks including portable signs, trailer signs, banners, pennants or any other sign which is not permanently affixed to a building face or to a pole, pylon or other support that is permanently anchored on the ground.

(21) **TRAILER SIGNS.** A sign that is mounted on a frame with wheels, and is capable of being pulled by a vehicle or by hand. For the purposes of this chapter, **TRAILER SIGNS** shall be considered portable signs.

(22) **WALL SIGN.** A sign which is attached to, affixed to, placed upon, or painted upon any exterior wall or surface of any building, building structure, or part thereof, provided that no part of any such sign extends more than 12 inches from the face of the exterior wall. For the purposes of this chapter, signs attached to the face of a mansard roof shall be considered **WALL SIGNS**.

(23) **WINDOW SIGN.** Any sign located in or on a window and visible to the general public on the exterior.

**VARIANCE.** A modification of the literal provisions of this chapter, granted when strict enforcement would cause undue hardship due to circumstances unique to the individual parcel on which the **VARIANCE** is granted.

(Ord. 792, passed 12-3-01)

## **§ 155.234 REVIEW, ACTION AND INSPECTION.**

(A) Plans, specification and permits.

(1) Permits. No new sign shall be erected, constructed, affixed, or painted, unless a sign permit therefor shall have first been approved and issued in accordance with the provisions set forth herein.

(2) Permit fee. A permit fee, as established by resolution of City Council and may be amended from time to time, shall be paid to the City Treasurer prior to the issuance of a sign permit in order to cover the costs of examination of sign plans and specifications. Said permit fee shall be credited to the general revenue fund of the city.

(3) Bond fee. A bond fee, as established through resolution of City Council and may be amended from time to time, is required to be submitted at the time the permit is issued. Said bond shall be per property, in cash or check form and refundable upon final inspection of sign and electrical work where applicable.

(4) Application for permanent signs. Although only one permit per sign may be required, the sign erector, contractor or builder and the owner or lessee of the premises upon which the sign is to be erected shall be jointly and severally responsible for applying for and securing a permit and complying with this chapter. Application for sign permits shall be made upon forms provided for this purpose by the Building Department and shall include:

(a) Plans and specifications showing the dimensions, materials and required details of construction, including loads, stresses, and anchorage.

(b) Plans indicating the location of the building structure, or parcel of land upon which the sign is to be placed.

- (c) Written consent of the owner or lessee of the premises upon which the sign is to be erected whenever the application is submitted by a person, firm or corporation other than the owner or lessee.
- (d) The name of the person, firm, or corporation owning, erecting, maintaining, or operating such sign.
- (e) All other information required on the application form.

(5) Review of application for permanent signs. The application for sign permit and all supporting plans and specifications shall be reviewed as follows:

(a) Sign permit applications submitted in conjunction with the proposed construction of a new building shall be reviewed by the Planning Commission as part of the required site plan review. The Planning Commission shall also review sign permit applications for nonconforming signs. Planning Commission review shall be in accordance with the site plan review procedures set forth in § 155.286 of this chapter.

(b) The Building Official or other official responsible for code enforcement shall review sign permit applications for conforming signs to be erected on a site or existing building where no other new construction is proposed. The Building Official or other official responsible for code enforcement shall also review sign permit applications submitted in conjunction with the proposed construction of a new building and for nonconforming signs, following the review by the Planning Commission.

(c) The Building Official or other official responsible for code enforcement shall have the authority to issue a sign permit, provided that the application meets the approval of all reviewing authorities, as outlined above.

(6) Alteration. A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. The changing or movable parts of an approved sign that is designed for such changes (such as lettering on a marquee sign or numbers on a gasoline price sign) or the repainting or reposting of display matter, shall not be deemed an alteration and shall not require a new permit, provided the conditions of the original approval and the requirements of this article are not violated.

(7) Permit not required. A permit shall not be required for the following signs:

- (a) Any sign listed as an exception under § 155.241 of this chapter.
- (b) Street address signs.
- (c) Nameplate and identification signs in residential districts.
- (d) Signs accessory to parking areas.
- (e) Temporary Signs Permitted Without Permit
- (f) Temporary window signs.
- (g)
- (h)

(8) *Temporary signs Permitted without Permit.* (a) Temporary signs are subject to the following:

(1) Temporary signs shall only be ground or wall signs. The total area of temporary signs on any single lot shall not exceed twenty-four (16) square feet in all residential districts and thirty-two (32) square feet in any other zoning district.

(2) The maximum sign height of each temporary sign shall be four (4) feet in all residential districts and six (6) feet in any other zoning district.

(3) The maximum size of any single temporary sign shall be eight (8) square feet.

(4) Temporary signs shall be located solely on private property outside of any street right-of-way or corner clearance area, with written permission from the property owner.

(9) Permitted Temporary Signs. An application for a permitted temporary sign permit shall be submitted to the Building Department upon forms provided by the city. Such forms shall contain all information specified in § 155.234 (A) for application for a permanent sign permit. An application and permit shall be required for each such sign.

(b) The Building Official or other official responsible for code enforcement shall have the authority to approve a temporary sign application and issue a permit to be valid for up to 30 days in length or the duration of the event to which the sign applies, whichever is shorter.

(c) The following size limitations shall apply for all temporary signs:

- 1. In residentially zoned areas: 16 square feet total for all faces of the sign combined.

2. In commercially zoned areas: 32 square feet total for all faces of the sign combined.
3. In industrially zoned areas: 32 square feet total for all faces of the sign combined.
4. A sign with more than one face shall have its faces back-to-back or arranged so that any two faces which form a "V" in plan shall not have any angle greater than 15 degrees.

(d) The sign shall contain no visible, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or blinking lights, or by action of normal wind current.

(e) The location, design, structure, materials and support shall not constitute a hazard to safety, health or welfare of the general public during its period of erection.

(f) The sign shall not be attached to a tree, fence, utility pole, standpipe, gutter, drain or fire escape or impair access to a roof or ingress or egress of any structure.

(g) The sign shall not be located on any public property, right-of-way or sidewalk or on any property designated or required for parking.

(h) The applicant shall submit the permit for a temporary sign which shall be established by resolution of City Council except as follows:

1. City organizations, city-sponsored organizations or quasi-city organizations and functions will not be required to pay a temporary sign permit fee.

2. Whether such organizations are city-sponsored or quasi-city associations or functions shall be within the sole discretion of the Building Department or City Council, when applicable.

(i) No person, firm or organization shall be entitled to more than two temporary sign permits per year. This regulation shall not be circumvented by a business, firm or organization's having a permit issued on its behalf to different applicants. In all cases where a person applies on behalf of any other person, firm, business or organization, such applicant shall divulge on the application form the name of the entity which is intended to benefit by issuance of the temporary sign permit.

(j) Prior to issuance of a temporary sign permit to a nonprofit organization, such organization shall provide to the Building Department a permission form signed by the owner of the property where the sign is to be located. Such form, which shall be provided by the Building Department, shall specifically indicate that such organization has permission to erect a sign upon the owner's premises. A temporary sign for any organization which is not nonprofit shall only be erected on the organization's own property.

(B) Inspection and maintenance.

(1) Inspection of new signs. All signs for which a permit has been issued shall be inspected by the Building Official or other official responsible for code enforcement when erected, and if found to have been constructed, supported, braced and painted in accordance with the approved plans submitted to the Building Official or other official responsible for code enforcement and in accordance with the provisions of this chapter, then a certificate of inspection shall be issued, upon request and without charge to the owner or erector.

In cases where fastenings, anchorages, etc., are to be installed and bricked in or enclosed in such a manner that the inspector would not be able to inspect the anchorages or fastenings used, the sign erector shall advise the Building Official or other official responsible for code enforcement in writing when such anchorages and fastenings are to be installed so that inspection may be completed before enclosure; otherwise the Building Official or other official responsible for code enforcement shall be empowered to stop further construction or erection of said sign until any such concealed anchorages or fastenings are inspected and approved by the Building Official or other official responsible for code enforcement.

(2) Inspection of existing signs. All signs shall be inspected by the Building Official or other official responsible for code enforcement or electrical inspector once a year. If found to be adequately supported, painted to prevent corrosion, and so secured to the building as to safely support the weight of the sign as well as resist wind pressure in accordance with the general structural requirements for new signs, a certificate of inspection shall be issued, upon request. Upon receipt of the inspector's written report, an annual inspection fee, as established by resolution of City Council and may be amended from time to time, shall be paid by the owner or applicant to the city.

(3) Correction of defects; new signs. Should any new sign erection of any kind be found unsafe, insecure, improperly constructed, or not in accordance with the approved plans or the requirements of this chapter, the sign erector, owner of the sign, or owner of the land shall make such erection safe, secure, and according to the requirements of this chapter, or entirely remove the sign in accordance with the following timetable:

(a) If the Building Official or other official responsible for code enforcement determines that the sign is an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within 48 working hours (two working days) from time of notification in writing from the Building Official or other official responsible for code enforcement, provided the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If said sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety, then all required action to correct the defects shall be made without delay.

(b) If the Building Official or other official responsible for code enforcement determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within seven working days after notification in writing from the Building Official or other official responsible for code enforcement.

(c) If defects are not corrected within the specified time limits, the Building Official or other official responsible for code enforcement may remove such sign at the expense of the sign owner or lessee.

(4) Correction of defects; existing signs. If, upon inspection, an existing sign is found to be unsafe, insecure, corroded, or subject to corrosion or otherwise poorly maintained so that the sign may become unsafe or insecure before the next annual inspection, then the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting, or other improvements, in accordance with the following timetable:

(a) If the Building Official or other official responsible for code enforcement determines that the sign is an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within 48 hours (two working days) from the time of notification in writing from the Building Official or other official responsible for code enforcement, provided the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If said sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety, then all required action to correct the defects shall be made without delay.

(b) If the Building Official or other official responsible for code enforcement determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within 30 days after notification in writing from the Building Official or other official responsible for code enforcement. The Building Official or other official responsible for code enforcement may extend the 30 day timetable if temperatures below 25 ° Fahrenheit prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety (such as replacement of burned out bulbs).

(c) If defects are not corrected within the specified time limits, the Building Official or other official responsible for code enforcement may remove such sign at the expense of the sign owner or lessee.

(Ord. 792, passed 12-3-01)

### **§ 155.235 OBSOLETE SIGNS.**

Obsolete signs, which include all signs that advertise a product that is no longer made or that advertise a business that has closed, shall be removed by the owner, agent, or person having beneficial use of the building or structure upon which such sign is located, within 30 days after written notification from the Building Official or other official responsible for code enforcement. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for the removal of all signs used in conjunction with the business. However, where a conforming sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign

structure and frame are maintained in accordance with the standards of this chapter and the city's adopted building code.

(Ord. 792, passed 12-3-01)

### **§ 155.236 NONCONFORMING SIGNS.**

No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of § 155.237 of this chapter, except that nonconforming signs shall comply with the following regulations:

(A) Repairs and maintenance. Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent of more than 50% of its replacement cost, exclusive of the foundation shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; repair or replacement of electrical wiring or electrical devices; or changing of movable parts of a sign that is designed for such changes, as specified in this section.

(B) Change of occupancy, tenancy or ownership. All nonconforming signs shall be removed upon change of the business which occupies the premises or building upon which or for which said signs have been posted, including a change in tenancy or ownership of the premises to which the nonconforming signs apply. However, where a change in ownership occurs, which does not result in a simultaneous change of tenancy, then the nonconforming signs, which belong or apply to the tenant need not be removed during such tenancy provided they meet with all other applicable code requirements.

(C) Removal. Whenever a building upon which a nonconforming sign has been posted or which a sign is physically attached is structurally extended or enlarged such that the building's size is increased by 25% or more, or whenever such a building has 25% or more of the area of its interior or exterior remodeled or altered, then all such posted or attached nonconforming signs shall be removed by completion of the structural extension, enlarged, remodeling or alteration.

(Ord. 792, passed 12-3-01)

### **§ 155.237 ALTERATION OF SIGNS.**

A sign that is altered in appearance or dimension in any manner, including a change in face, lettering, coloring or lighting, or moved to a new location shall be subject to all restrictions applying to a new sign, as set forth herein.

(Ord. 792, passed 12-3-01)

### **§ 155.238 COMPLIANCE WITH THE ZONING CODE.**

Notwithstanding anything to the contrary, the provisions of this chapter shall be strictly complied with. Where the conditions imposed by any provisions of this code are either more or less restrictive than comparable conditions imposed by provisions in the chapter, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(Ord. 792, passed 12-3-01)

### **§ 155.239 APPEAL TO ZONING BOARD OF APPEALS.**

(A) Any party who has been refused a sign permit by the Building Department for a proposed sign installation may file a claim of appeal to the Zoning Board of Appeals. Upon receipt of the appeal and payment of an appeal fee as established by City Council, the Board shall schedule a date for an appeal hearing. At such hearing, the Board may grant such appeal and allow a variance to the provisions of this chapter as to non-temporary sign(s) upon a finding that:

(1) Because of the particular physical surroundings, shape, or topographical conditions of the property, compliance with the provisions of this chapter would result in a particular hardship on the owner, as distinguished from inconvenience or a desire to make more money;

(2) Strict enforcement of the provisions of this chapter would serve no useful purpose, and

(3) A variance would be in the best interest of the city and not against the spirit and intent of this

chapter.

(B) In considering a request for erection of a temporary sign, the Board may consider, in addition to the factors above, their criteria enumerated below and may establish the appropriate setback of the sign, its size and location and may, by majority vote, reverse, modify or amend any order denying a temporary sign permit or may place reasonable conditions upon the issuance of such a permit. The criteria, along with any other factors found by the Board to be relevant to the request, shall include:

(1) Whether hardship or practical difficulty is the motivation of the request, i.e. an existing or otherwise permanent sign is out of commission or not yet erected;

(2) Whether the person or business presently and actually is going-in or going-out of business;

(3) Whether the type of sign structure would pose a significant risk to public health or safety on the premises or on adjacent public property, and

(4) Whether the benefit of the temporary sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the city's desire to eliminate the accumulation of visual clutter in accordance with this chapter's stated purpose.

(Ord. 792, passed 12-3-01)

### **§ 155.240 REGISTRATION OF SIGN CONTRACTORS; LICENSING AND BONDING.**

Sign contractors, construction companies, maintenance companies, and individual builders or maintenance workers shall register annually with the Building Official or other official responsible for code enforcement prior to erecting, construction, or repairing any sign in the city. Such persons or companies shall be required to apply for and secure a business license in accordance with the general regulations of the city and shall post a cash bond, as established by resolution of City Council and may be amended from time to time, with the Building Department for each licensing year. The Building Official or other official responsible for code enforcement shall also be empowered to require a cash bond in an amount he or she deems appropriate for erection of a sign which, due to its size, location, type and manner of construction, may pose a risk to the health, safety and welfare of the general public during its erection or construction on site.

(Ord. 792, passed 12-3-01)

### **§ 155.241 GENERAL LIMITATIONS AND PROVISIONS.**

(A) Exceptions. The provisions of the chapter shall not apply to the following signs, provided such signs are in compliance with the provisions restricting placement of structures in the road right-of-way.

(1) Miscellaneous traffic and other official signs of any public or governmental agency, such as traffic control or directional signs, railroad crossing signs, trespassing signs, signs indicating danger, signs indicating the location of U.S.G.S. benchmarks, or signs used as aids to service or safety.

(2) Directional signs required for the purpose of orientation, when approved by the city or by the county or state government.

(3) Any flag, emblem or insignia of our nation, its governmental units, or its schools.

(4) Any sign which is located completely within an enclosed building, and which is not visible from outside the building.

(5) Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature.

(6) Temporary decorations or displays celebrating the occasion of traditionally-accepted patriotic or religious holidays and special municipal and public school activities.

(7) Public safety and routing signs used on public and private construction sites.

(B) Prohibited signs. The following signs shall not be permitted or erected in any district:

(1) Signs which have flashing, blinking or moving lights, or expose incandescent light bulbs. This shall include strobe lights which are wholly located inside a building which are visible to the public outside the premises and are intended to attract the attention of persons not on the premises.

(2) Cloth and banner signs, pennants, spinners, and paper festoon signs.

(3) String lights used for commercial purposes, other than Christmas or other decorations.

(4) Any sign which has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsation, or by action of normal wind current, except for marina signs located on the waterfront, time, temperature, and stock market signs as provided in this section.

(5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact with it.

(6) Any sign that obstructs a window, door or other opening that could be used for fire escape.

(7) Any sign which makes use of the words "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.

(8) Any sign or other advertising structure containing obscene, indecent, or immoral matter.

(9) Any sign unlawfully installed, erected, or maintained.

(10) Any sign now or hereafter existing, which no longer advertises a bona fide business conducted, or product sold.

(11) Any sign attached to a standpipe, gutter drain, or fire escape, or any sign erected so as to impair access to a roof.

(12) Any sign that would project above the parapet line of any roof, except as permitted in § 155.251 (J) and as permitted with ground or freestanding signs.

(13) Projecting or overhanging signs, except permitted wall signs which may project up to 12 inches from the face of the wall.

(14) Any sign which is attached to a tree, fence, or utility pole.

(15) Portable or temporary signs, except as specifically provided for in this chapter.

(16) Signs painted on or attached to a parked vehicle, truck, trailer, or van, which is being used principally for advertising purposes, rather than for transportation purposes. This restriction shall not apply to permitted temporary truckload sales.

(17) Any other sign not specifically authorized by this chapter.

(18) Signs on street furniture, such as benches, newspaper stands, and trash receptacles.

(19) Billboards.

(Ord. 792, passed 12-3-01; Am. Ord. –, passed –)

#### **§ 155.242 STRUCTURAL REQUIREMENTS, MOUNTING.**

All signs shall be constructed and erected in a safe and stable manner in accordance with provisions of the city's adopted building code, the National Electrical Code, and of this section. All electrical wiring associated with freestanding signs shall be installed underground. All signs must be mounted in one of the following ways:

(A) Flat against a building or wall.

(B) Back-to-back in pairs, so that the backs of the signs will be screened from view.

(C) Clustered in an arrangement, which will screen the backs of the signs from view.

(D) Mounted so that the backs of the signs are painted and maintained in a neutral color that blends with the surrounding environment.

(Ord. 792, passed 12-3-01)

#### **§ 155.243 MOTORIST VISIBILITY.**

No sign shall be located on or near any street corner or near any right-of-way, which would obscure vision of drivers using said street, and no sign shall in any way conflict with traffic control signals at the intersection of any streets. No sign shall be located so as to impair or impede the visibility of a vehicle entering into or exiting from a parcel of property.

(Ord. 792, passed 12-3-01)

#### **§ 155.244 ILLUMINATION.**

(A) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.

(B) All exterior illumination shall be shaded so as not to project onto adjoining property or thoroughfares.

(C) Direct exterior illumination and internally illuminated signs shall avoid the use of glaring undiffused lights or bulbs that could distract motorists.

(D) No signs shall be illuminated by the use of flashing, moving, or intermittent lighting, 155.251 (I).

(E) Illuminated signs shall not produce more than one foot-candle of illumination measured four feet from such signs. Illumination levels shall be certified through signed plans, elevations, sections and details from a licensed electrical engineer as employed or retained by the sign company.

(Ord. 792, passed 12-3-01)

(F) Electronic Messaging. Signs in the B-1, B-2, B-3, TC and MI districts may include electronic messaging, provided that the following standards are met. Signs in the R-1A, R-1B, and R-1C may include electronic messaging signs on lots with buildings of greater than 3,000 square feet.

1. The maximum area of electronic messaging shall be half the total area of the sign in which the electronic message board is placed.

3. Copy change shall be no more frequent than once per 8 seconds.

4. Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 10% of its maximum brightness.

5. Motion, Animation and Video: Video display, animation, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.

6. When text is displayed, the background behind the text must be a solid color, for the purpose of ensuring that the text is readable. Images are permitted, provided that no text is displayed in front of them.

#### **§ 155.245 MEASUREMENT.**

The area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structures to which the letters and/or logo are attached.

(A) Wall sign area shall be computed using the envelope around the letters.

(B) Double-faced freestanding area sign shall be computed using only one face of the sign provided that:

(1) The outline and dimensions of both faces are identical, and

(2) The faces are back-to-back so that only one face is visible at any given location.

(C) Monolith sign area shall be computed by measuring the entire vertical surface of a face upon which the letters and/or logo are attached. In the case of a double-faced or multi-faced monolith sign, the area of the sign shall be computed using only one face of the sign. The area of a cylindrical monolith sign shall be computed by multiplying the diameter of the cylinder by its height.

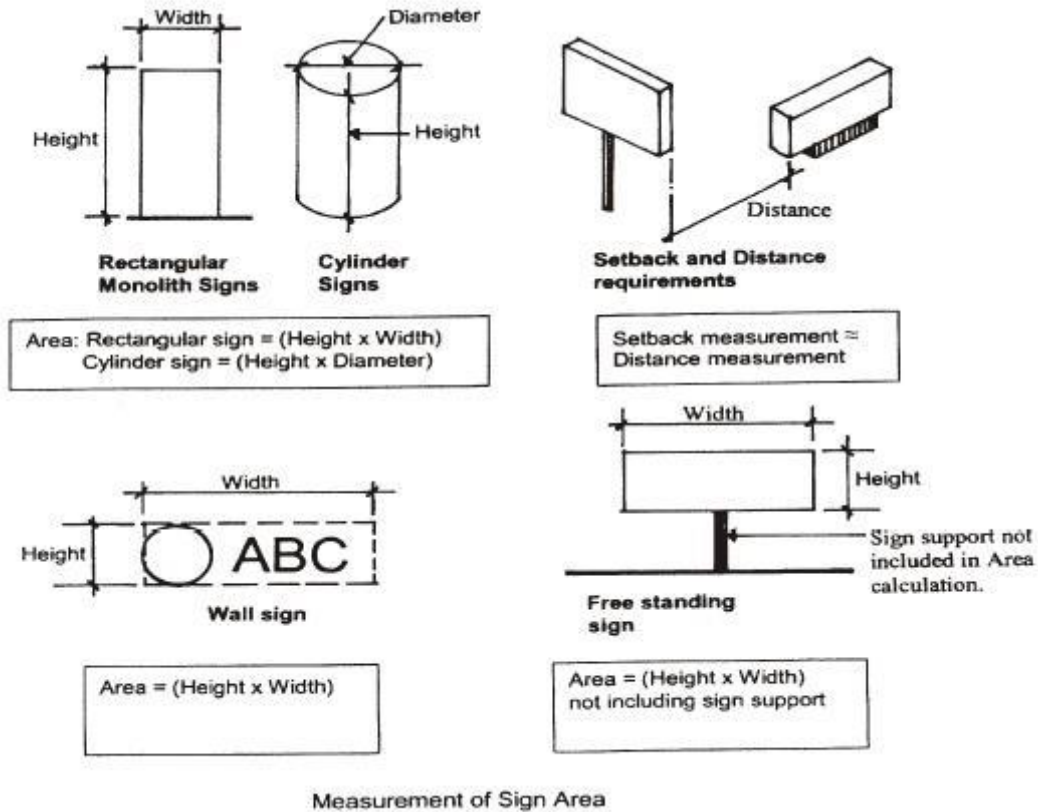
(D) A sign support shall not be considered when measuring the area of ground or freestanding sign.

(E) In determining conformance with setback standards and distance requirements, the following guidelines shall be used:

(1) The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

(2) The distance between a sign and a parking lot shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot.

(3) The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.



(Ord. 792, passed 12-3-01)

**§ 155.249 (RESERVED)**

**§ 155.250 RESIDENTIAL DISTRICT SIGNS.**

(A) Required street address. For the purposes of public safety, the street number of every residential building shall be prominently displayed on a side of the building facing the street, using numbers that are at least three inches in height.

(B) Nameplate and identification signs. Nameplate and identification signs shall be permitted in residence districts subject to the following controls:

(1) Content. Nameplate and identification signs may be used only to indicate the name and address of the occupant.

(2) Number. There shall be not more than one nameplate or identification sign, which may be either freestanding or attached to the building.

(3) Location. Such signs shall be located at least six feet inside all property lines.

(4) Size. Such signs shall be no larger than one square foot.

(5) Height. Such signs shall project no higher than five feet above curb level.

(C) (D) Signs accessory to parking areas. Signs accessory to parking areas shall be permitted in multiple-family residential districts subject to the following:

(1) Entrance/exits signs. Signs designating parking area entrances and exits shall be limited to one sign for each such exit or entrance, and to a maximum size of two square feet each.

(2) Identification sign. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted. Parking lots that are accessible from more than one street shall be permitted to erect one identification sign facing each street.

(3) Directional signs, no parking signs, and signs identifying parking spaces for the handicapped shall be

permitted as needed within parking areas.

(E)

(F) Permanent residential identification signs. Residential development permanent identification signs shall be permitted in residential districts subject to the following controls:

(1) Content. Permanent residential identification signs shall bear only the name of the development or subdivision, the address of the building if a multiple-family structure and the name and address of the management if applicable.

(2) Area. No such sign shall exceed 48 square feet in area.

(3) Number. There shall not be more than one such sign located at each entrance to the subdivision or development.

(4) Height. No such sign shall project higher than six feet above curb level.

(

(I) Signs for nonconforming uses. Each nonconforming nonresidential use in a residential district shall be permitted one accessory sign which shall conform to the requirements of this subchapter concerning content, location, height and projection. In addition, the following requirements shall be met:

(1) Area. No such accessory wall sign shall exceed two square feet in area.

(2) Lighting. No such accessory wall sign shall be intentionally lighted.

(J) Business districts signs. The signs in § 155.251 shall be permitted in all districts zoned for business uses, including those districts zoned B-1, B-2, and B-3.

(Ord. 792, passed 12-3-01)

***Cross-reference:***

*Tables and figures, see § 155.253. Table 12-2*

**§ 155.251 BUSINESS AND OFFICE DISTRICT SIGNS.**

The following signs shall be permitted in O-1, B-1, B-2 and B-3 zoning districts subject to the conditions and standards set forth within.

(A) Signs for residential uses in business districts. Signs for nonconforming residential uses in business districts shall be governed by the sign regulations for residential district uses set forth in this subchapter.

(B) Wall-mounted signs. Wall-mounted signs shall be permitted in business districts subject to the following controls:

(1) Number. One wall-mounted sign shall be permitted per street frontage on each parcel. However, where more than one tenant share a building, one wall sign shall be permitted per tenant, and total permitted sign area shall be allocated on an equal basis to all tenants.

(2) Area. Total wall sign area shall not exceed 1½ square feet per lineal foot of building frontage.

(3) Location. Wall-mounted signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to have one wall-mounted sign on the side facing a street.

(4) Vertical dimensions. The maximum vertical dimension of any wall-mounted sign shall not exceed of the height of the building.

(5) Horizontal dimensions. The maximum horizontal dimension of any wall-mounted sign shall not exceed ¾ of the width of the building.

(6) Height. The top of a wall-mounted sign shall not be higher than whichever is lowest:

(a) 25 feet above grade.

(b) The top of the sills at the first level of windows above the first story.

(c) The height of the building facing the street on which the sign is located.

(7) Projection. Wall-mounted signs shall not project farther than 12 inches from the face of the wall.

(C) Ground or freestanding signs. Ground or freestanding signs shall be permitted in O-1, B-1, B-2 and B-3 districts subject to the following controls:

(1) Number. One ground or freestanding sign shall be permitted per street frontage on each parcel. If more than one tenant shares a building or shopping center, only one ground or freestanding sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

(2) Area. Where total parcel frontage is 64 feet or less, the total sign area shall not exceed 48 square feet. Where the total parcel frontage exceeds 64 feet, the total sign area shall not exceed  $\frac{3}{4}$  of one square foot per lineal foot of parcel frontage, up to a maximum of 200 square feet, except that the maximum area of monolith signs shall be 125 square feet.

(3) Setback. A ground or freestanding sign shall be located on private property and no part of the sign or its structure shall extend beyond the established building line. No such sign shall project over public right-of-way.

(4) Distance from other signs. Ground or freestanding signs shall be located at least 35 feet from any other existing ground or freestanding sign. Where compliance with this standard would not be possible due to the close proximity of existing signs on adjacent parcels, installation of a ground or freestanding sign on an intervening parcel shall be permitted provided said sign is located midway between signs on adjacent parcels.

(5) Height. The top of a ground or freestanding sign shall not be higher than 25 feet.

(D) Marquees. Marquees shall be permitted in business districts subject to the following controls:

(1) Construction. Marquee signs shall consist of hard incombustible materials. The written message must be affixed flat to the vertical face of any marquee.

(2) Vertical clearance. A minimum vertical clearance of ten feet shall be provided beneath any marquee sign.

(3) Projection. Limitations imposed by this chapter on the projection of signs from the face of the wall of a building or structure shall not apply to marquee signs.

(4) Number. One marquee shall be permitted per street frontage.

(5) Area. Total marquee sign area shall not exceed  $1\frac{1}{2}$  square feet per lineal foot of building frontage.

(E) Signs on awnings and canopies. Signs shall be permitted on awnings and canopies in business districts subject to the following controls:

(1) Lettering and logo area. The total area of the lettering and logo shall not exceed 25% of the total area of the awning or canopy that is visible from the street.

(2) Vertical clearance. A minimum vertical clearance of eight feet shall be provided beneath any awning or canopy.

(3) Construction. The written message must be affixed flat to the face of any awning or canopy.

(4) Projection. Limitations imposed by this chapter on the projection of signs from the face of a wall of a building or structure shall not apply to awnings or canopies.

(5) Height. The top of a wall-mounted sign shall not be higher than whichever is lowest:

(a) 25 feet above grade.

(b) The height of the building facing the street on which the sign is located.

(6) An awning or canopy sign shall only be permitted in lieu of a wall-mounted sign, a ground or freestanding sign, a marquee, a gasoline price sign, a time/temperature/stock market sign or roof sign otherwise permitted on the subject property.

(F) Cloth and banner signs (temporary). Temporary cloth and banner signs shall be permitted in business districts subject to the following controls:

(1) Duration. Temporary cloth and banner signs shall be erected for no longer than 30 days. Damaged signs shall be removed or repaired immediately.

(2) Area. Such signs shall not exceed 48 square feet in area.

(3) Number. One temporary cloth or banner sign shall be permitted per street frontage.

(4) Location. No such sign shall extend beyond the building line or into a public right-of-way or obstruct points of escape from buildings or structures.

(5) Illumination. Cloth or banner signs shall not be purposely illuminated.

(6) Bond. Permits for temporary cloth or banner signs may be obtained from the Building Official or other official responsible for code enforcement. A cash bond, as established by resolution of City Council and may be amended from time to time, shall be posted with the Building Official or other official responsible for code enforcement with each temporary sign application. The cash bond shall be released to the applicant upon removal of the temporary sign in compliance with the time stated on the application.

(G)

(H) Window signs. Temporary and permanent window signs shall be permitted on the inside in commercial or office districts provided that the total combined area of such signs does not exceed of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall-mounted signs on the parcel. Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

(J) Roof signs. Roof signs shall be permitted in business districts after Planning Commission recommendation and City Council review and approval. The City Council shall grant approval of a roof sign only if the Council determines that either of the following conditions exists.

(1) A permitted wall or freestanding sign could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.

(2) A permitted wall or freestanding sign could not be erected in a location that is visible to passing motorists because of the unavailability of land or wall area.

(3) If conditions (A) and (B) above are met as determined by the City Council, the following requirements shall be complied with:

(a) Area. Total sign area of roof signs shall not exceed 40 square feet.

(b) Height. The top of a roof sign shall not be higher than six feet above the top of the roof or parapet.

(c) Number. One roof sign shall be permitted per street frontage. Where more than one tenant share a building total permitted sign area shall be allocated on an equal basis to all tenants.

(d) Location. Roof signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to have one roof sign on the side facing the street.

(e) Vertical dimensions. The maximum vertical dimension of any roof sign shall not exceed of the height of the building.

(f) Horizontal dimensions. The maximum horizontal dimension of any roof sign shall not exceed  $\frac{3}{4}$  of the width of the building.

(g) Distance from utilities. Roof signs shall be located at least four feet from any utility poles, at least five feet from any 600 volt utility conductor, and at least eight feet from any 13,200 volt utility conductor.

(K) Required street address. For the purposes of public safety, the street number of every building shall be prominently displayed on a side of the building facing the street, using numbers that are at least five inches in height.

(Ord. 792, passed 12-3-01)

***Cross-reference:***

*Tables and figures, see § 155.253. Table 12-3*

**§ 155.252 INDUSTRIAL DISTRICT SIGNS.**

The following signs shall be permitted in the M-1 zoning district subject to the conditions and standards set forth within.

(A) Signs for residential, commercial, and office uses in an industrial district. Signs for nonconforming residential, commercial and office uses in industrial district shall be governed by the sign regulations for residential and business districts uses set forth in §§ 155.250 and 155.251 herein.

(B) Wall mounted signs. Wall-mounted signs shall be permitted in industrial districts, subject to the following controls:

(1) Number. One wall-mounted sign shall be permitted per street frontage on each parcel. However, where more than one tenant share a building, one wall sign shall be permitted per tenant, and total permitted sign area shall be allocated on an equal basis to all tenants.

(2) Area. Total sign area shall not exceed 1½ square feet per lineal foot of building frontage.

(3) Location. Wall mounted signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to have one wall-mounted sign on the side facing the street.

(4) Vertical dimensions. The maximum vertical dimension of any wall-mounted sign shall not

exceed of the height of the building.

(5) Horizontal dimensions. The maximum horizontal dimension of any wall-mounted sign shall not exceed 3/4 of the width of the building.

(6) Height. The top of a wall-mounted sign shall not be higher than whichever is lowest:

(a) 25 feet above grade.

(b) The top of the sills at the first level of windows above the first story.

(c) The height of the building facing the street on which the sign is located.

(7) Projection. Wall-mounted signs shall not project farther than 12 inches from the face of the wall.

(C) Ground or freestanding signs. Ground or freestanding signs shall be permitted in industrial districts subject to the following controls:

(1) Number. One ground or freestanding sign shall be permitted per street frontage on each parcel. If more than one tenant share a building, only one ground or freestanding sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

(2) Area. Total sign area shall not exceed 100 square feet.

(3) Setback. Ground or freestanding signs shall be located on private property no closer than 15 feet from the building line or front property line of the industrial park or parcel. Where compliance with this standard would not be possible due to the location of existing industrial buildings or structures within the required 15-foot setback area, a ground or freestanding sign shall be permitted provided it is located on private property and no part of the sign or its structure extends beyond the established building line. No such sign shall project over public right-of-way.

(4) Height. The top of a ground or freestanding sign shall be no higher than 25 feet.

(D) Signs on awnings and canopies. Signs shall be permitted on awnings and canopies in industrial districts subject to the following controls:

(1) Lettering and logo area. The total area of the lettering and logo shall not exceed 25 percent of the total area of the awning or canopy that is visible from the street.

(2) Vertical clearance. A minimum vertical clearance of eight feet shall be provided beneath any awning or canopy.

(3) Construction. The written message must be affixed flat to the vertical face of any awning or canopy.

(4) Projection. Limitations imposed by this chapter on the projection of signs from the face of the wall of a building or structure shall not apply to awnings or canopies.

(5) An awning or canopy sign shall only be permitted in lieu of a wall-mounted or ground or freestanding sign otherwise permitted on the subject property.

(E) Required street address. For the purposes of public safety, the street number of every industrial building shall be prominently displayed on side of the building facing the street, using numbers that are at least five inches in height.

(Ord. 792, passed 12-3-01)

**Cross-reference:**

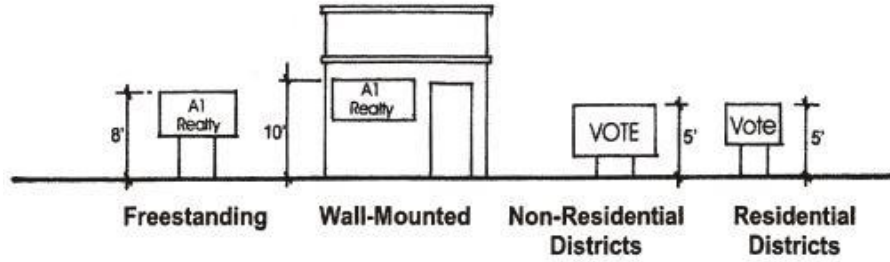
*Tables and figures, see § 155.253. Table 12-4*

**§ 155.253 TABLES AND FIGURES.**

(A) Table 12-1 Cross District Sign Schedule - Part 1.

<b>Area and Height Criteria (Maximum)</b>	Area: 32 square feet	Area: 32 square feet	Area: 16 square feet	Area: 3 feet height by 4
---	-------------------------	-------------------------	-------------------------	-----------------------------

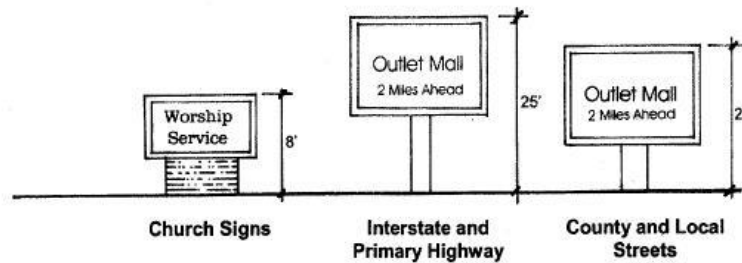
feet width




(B) Table 12-1 Cross District Sign Schedule - Part 2.

**Area and Height Criteria (Maximum)**

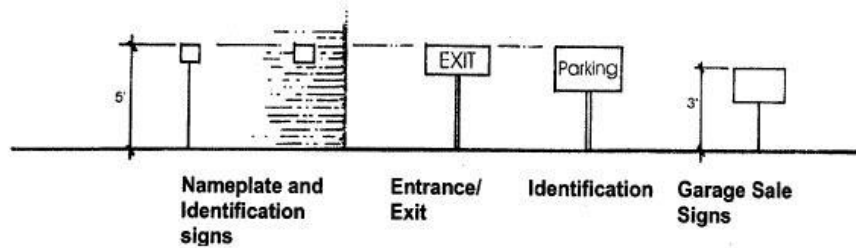
Area: 32 square feet      Area: 300 square feet per face up to 600 square feet total for all sign faces



Sign Type		Billboards
<b>Number of Signs (Maximum)</b>	One sign per parcel, except corner parcels may have one sign facing each street up to a maximum of two signs.	No billboard shall be erected when 12 or more billboard faces are located in the city, or within the TCD (Town Center District).
<b>Sign Location</b>	Signs shall be located at least 10 feet inside of all property lines.	Signs shall be located at least 15 feet inside of all property lines.
<b>Additional Criteria</b>	See § 155.248 for additional requirements.	See § 155.249 for additional requirements.

(C) Table 12-2 Residential District Sign Schedule - Part 1.

**Area and Height Criteria (Maximum)**      Area: 6 square feet      Area: 2 square feet      Area: 9 square feet      Area: 2 square feet



Sign Type		Signs Accessory to Parking Areas	
<b>Number of Signs (Maximum)</b>	One wall-mounted or freestanding sign per property.	One entrance/exit sign per drive. One identification sign per parking area, except one identification sign per street for areas accessible from more than one street.	Maximum of three signs.
<b>Sign Location</b>	Shall be located at least six feet inside property lines.	Not applicable	Shall be located on private property only.
<b>Additional Criteria</b>	Signs shall only indicate the name and address of the property occupant.	Directional, no parking, and barrier-free parking space signs shall be permitted as needed.	See § 155.250(E) for additional requirements.

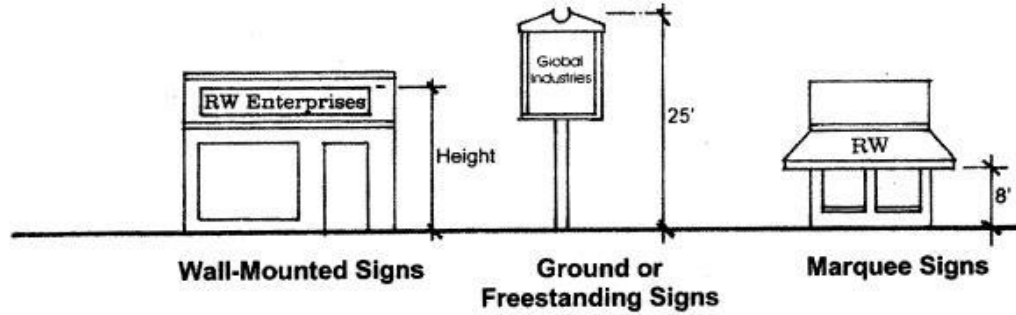
(D) Table 12-2 Residential District Sign Schedule - Part 2.

**Area and Height Criteria (Maximum)**      Area: 48 square feet      Area: 64 square feet      Area: 6 square feet      Area: 5 square feet


(E) Table 12-3 Business and Office Sign Schedule - Part 1.

**Area and Height Criteria (Maximum)**      Area: 1½ square feet per lineal foot of building frontage      Area: See § 155.250(C)      Area: 1½ square feet per one lineal foot of building frontage  
 Vertical and Horizontal Dimensions: See § 155.250(B)      Height: See § 155.250(B)

See §  
155.250(C  
)



Sign Type	Business and Office District Uses		
<b>Number of Signs (Maximum)</b>	One sign per street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.	One sign per street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.	One sign per street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.
<b>Sign Location</b>	A sign shall be located on the building front except that one sign shall be permitted per street frontage for corner lots.	Sign shall be located on private property. No part of the sign or its structure shall extend beyond the building line or overhang the sidewalk.	A sign shall be located on the building front except that one sign shall be permitted per street frontage for corner lots. Shall be permitted in lieu of other permitted business district signs.
<b>Additional Criteria</b>	See § 155.250 (B) for additional requirements	See § 155.250 (C) for additional requirements	See § 155.250 (D) for additional requirements

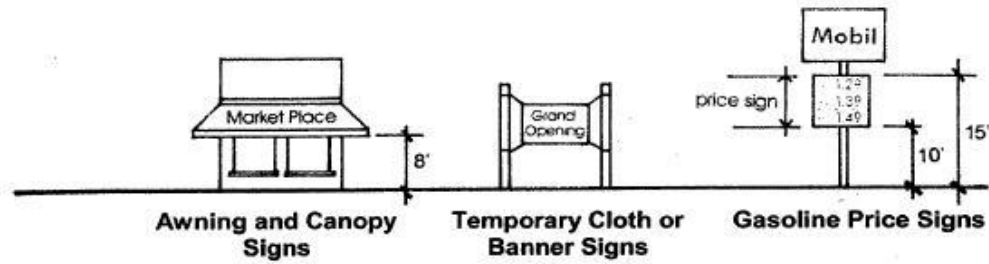
(F) Table 12-3 Business and Office District Sign Schedule - Part 2.

**Area and Height Criteria (Maximum)**

Area: 25%, including logo, of awning or canopy area visible from the street.

Area: 48 square feet.

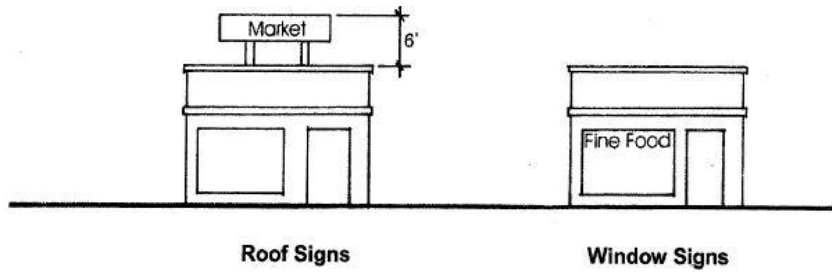
Area: 20 square feet for price portion of the sign.



Sign Type	Business and Office District Uses		
<b>Number of Signs (Maximum)</b>	One sign per public street frontage.	One sign per street frontage.	One sign per station except that corner lots may have two signs with one per street frontage.
<b>Sign Location</b>	Not applicable	Sign shall be located on private property. No part of the sign or its structure shall extend beyond the building line, obstruct points of escape from buildings or structures, or overhang a sidewalk.	Sign shall be located on private property. Such signs shall not be located within one foot of right-of-way lines and not located within one foot of setback lines adjacent to any private property.
<b>Additional Criteria</b>	Shall be permitted in lieu of other permitted business district signs. See § 155.251(E) for additional requirements.	See § 155.251(F) for additional requirements.	None

(G) Table 12-3 Business and Office Sign Schedule - Part 3.

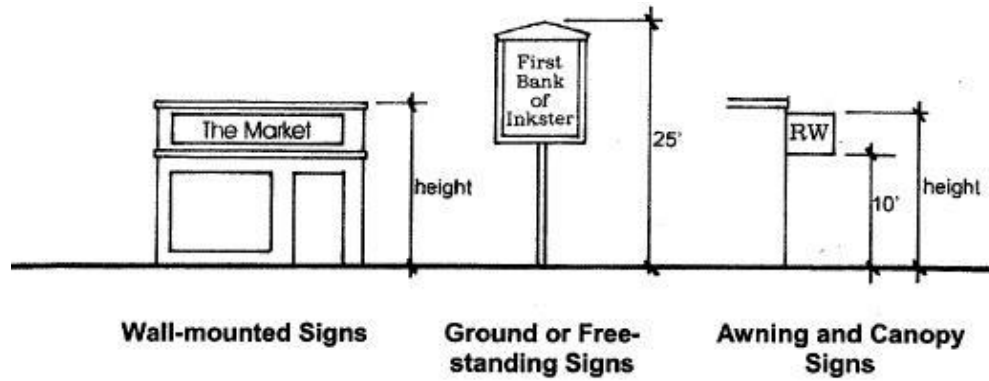
**Area and Height Criteria (Maximum)** Area: 40 square feet  
 Vertical and Horizontal Dimensions: See § 155.251 (J) Area: 1/3 of total window



Sign Type	Business and Office District Uses	
<b>Number of Signs (Maximum)</b>	One sign per street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.	Not applicable.
<b>Sign Location</b>	A sign shall be located near the building front except that one sign shall be permitted per street frontage for corner lots.	Sign shall be located on the inside of windows of business and office uses located in a Business or Office District.
<b>Additional Criteria</b>	See § 155.251(J) for additional requirements.	The area of such sign(s) shall be counted in determining compliance with area requirements of permitted wall-mounted signs. Signs that are faded, discolored, ripped or otherwise damaged shall be immediately removed.

(H) Table 12-4 Industrial District Sign Schedule.

<b>Area and Height Criteria (Maximum)</b>	Area: 1½ square feet per lineal foot of building frontage.	Area: 100 square feet	Area: 25%, including logo, of awning or canopy area visible from the street
	Vertical and Horizontal Dimensions: See § 155.252(B) Height: See § 155.252(B)		



Sign Type	Industrial District Uses		
<b>Number of Signs (Maximum)</b>	One sign per public street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.	One sign per public street frontage. The total permitted sign area shall be equally allocated between all tenants of a multi-tenant building.	One sign per public street frontage.
<b>Sign Location</b>	A sign shall be located on the building front except that one sign shall be permitted per street frontage for corner lots.	Sign shall be located on private property at least 15 feet from the front property line. No part of the sign or its structure shall extend beyond the building line or project over a public right-of-way.	None
<b>Additional Criteria</b>	See § 155.252(B)	See § 155.252(C)	Shall be permitted in lieu of other permitted business district signs. See § 155.252 (D) for additional requirements.

(Ord. 792, passed 12-3-01)

### **§ 155.255 SEVERABILITY CLAUSE**

All portions of this Chapter are found to be severable. If any part, subsection, paragraph, sentence, phrase, clause, term, or word in this Chapter is deemed invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Chapter.

### **§ 155.256 WAIVER PROCESS**

The Planning Commission, after a Public Hearing that meets the requirements of the State of Michigan and this Zoning Ordinance, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the sign in question, but shall not be transferable to any other sign or premises.

The applicant provides all requested information and pays all applicable application and review fees, to be determined by the City Council

The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.

The design of the sign is consistent with character of the surrounding area.

The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.

The sign will not be a nuisance to any residential uses.

A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.

### **§ 155.257 through § 155.269 RESERVED.**

## **POWERS AND DUTIES OF BOARDS AND DEPARTMENTS**

### **§ 155.271 CITY COUNCIL.**

(A) Powers and duties. The City Council shall have the following powers and duties prescribed under this chapter:

(1) Zoning Ordinance text amendments. Review petitions and Planning Commission recommendations for text amendments to this chapter and take final action to approve, approve with conditions or deny such petitions.

(2) Zoning map amendments (rezoning). Review petitions and Planning Commission recommendations for amendments to the zoning map and take final action to approve or deny such petitions.

(3) Planned unit development rezoning. Review petitions and Planning Commission recommendations for amendments to the zoning map and take final action to approve, approve with conditions or deny such petitions.

(4) Planned unit development site plan submission. Review applications and Planning Commission recommendations for site plan and condominium documents and take final action to approve, approve with conditions or deny such preliminary site plans and condominium documents.

(5) Special land use. Review applications and Planning Commission recommendations and take action to approve, approve with conditions or deny such petitions.

(6) Regulated uses. Review applications and Planning Commission recommendations and take action to

approve with conditions or deny such petitions.  
(Ord. 792, passed 12-3-01)

### **§ 155.272 CITY PLANNING COMMISSION.**

(A) Establishment. The City Planning Commission is hereby designated as the zoning commission specified in Section 4 of Act 207 of the Public Acts of 1921, and shall perform the duties of said zoning commission as provided in the statute in connection with the amendment of this chapter.  
(1968 Code, § 9-189) (Ord. 500, passed 1-5-1976)

(B) Powers and duties. The Planning Commission shall have the following powers and duties as prescribed under this chapter:

- (1) Zoning Ordinance text amendments. Submit petitions or provide recommendations on submitted petitions to City Council.
- (2) Zoning map amendments (rezoning). Submit petitions or provide recommendations on submitted petitions to the zoning map to City Council.
- (3) Planned development rezoning. Provide recommendations on submitted petitions for amendments to the zoning map to City Council.
- (4) Planned development submission. Review applications and provide recommendations for site plan and condominium documents to City Council.
- (5) Special land uses. Review applications and provide recommendations to City Council.
- (6) Site plan submission. The City Planning Commission has the power and authority to review and approve, approve with conditions or deny site plans as specified in § 155.287, Standards for site plan review in addition to the following guidelines:
  - (a) In cases where the City Planning Commission is empowered to approve specific land uses or site plans under the provisions of this chapter, the applicant shall furnish surveys, plans or other information as required by § 155.286, Site plan review, to permit the Planning Commission proper consideration of the matter.
  - (b) The Planning Commission shall investigate the circumstances of each case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure and § 155.291, Public hearing notification, when applicable.
  - (c) The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and intent of this chapter.
  - (d) Any approval given by the Planning Commission under which premises are not used or work is not started within six months, or when such use or work has been abandoned for a period of six months, shall lapse and be revoked.

(Ord. 792, passed 12-3-01)

### **§ 155.273 COMMUNITY DEVELOPMENT DEPARTMENT.**

(A) Powers and duties. The Community Development Department (CDD) shall have the following powers and duties as prescribed under this chapter:

- (1) Application procedure. The CDD shall distribute applications for site plan review on a form approved by City Administration, as may be amended periodically by City Council. The CDD shall receive completed applications and applicable fees. CDD personnel shall review applications, site plan submissions and other required or requested information for completeness. Submissions deemed incomplete will not be processed and returned with written explanation to the applicant.
- (2) Pre-application planning meetings. The CDD shall meet with an applicant to provide guidance when requested. Consultants may be included and invoiced to the applicant for their time and expenses.
- (3) Recommendations of other departments, agencies and consultants. The CDD shall distribute information on specific submissions to appropriate departments, agencies and consultants for review when deemed advisable. The CDD shall collect necessary information and reviews and distribute to the Planning

Commission or City Council, when applicable. CDD personnel may provide a summary. The CDD Director has the authority to utilize engineering, planning, legal and other consultants when deemed necessary.

(4) Administrative site plan review. The CDD shall review and take final action to approve, approve with conditions or deny site plans as empowered in § 155.286, Site plan review.

(5) Written interpretations. Provide written interpretations of the text of this chapter.

(6) Master Plan. The CDD shall serve as the keeper of the official City Master Plan.

(Ord. 792, passed 12-3-01)

#### **§ 155.274 BUILDING DEPARTMENT.**

(A) Powers and duties. The Building Department shall have the following powers and duties as prescribed in this chapter:

(1) Applications for permits, certificates of occupancy, and certificate of re-occupancy. The Building Department shall review applications for permits, certificates of occupancy, and certificate of re-occupancy, including temporary certificates, and act to approve, approve with conditions or deny such applications. Applications deemed incomplete will not be processed and returned with written explanation to the applicant.

(2) Temporary use permits. Review applications for temporary use permits and act to approve, approve with conditions or deny such applications. Applications deemed incomplete will not be processed and returned with written explanation to the applicant.

(3) Final site plan approval. The Building Department shall review final site, architectural and engineering plans and shall not issue permits or certificates of occupancy or certificates of re-occupancy until such plans meet approvals and conditions imposed by the Planning Commission, City Council and Zoning Board of Appeals and other reviewing agencies.

(4) Enforcement. The Building Official or other official responsible for code enforcement shall have the authority to inspect and enforce provisions of this chapter as empowered in this chapter, other applicable city codes and state statutes.

(Ord. 792, passed 12-3-01)

#### **§ 155.275 Zoning Board of Appeals.**

(A) Establishment. The Zoning Board of Appeals is hereby established as permitted in Section 5 of Act 207 of the Public Acts of 1921, as amended, and shall perform the duties as provided in the statute and in such manner as to observe the spirit, intent and objectives of this chapter. In performing such duties, the Board shall secure public safety and provide justice.

(B) Membership.

(1) The City Council shall appoint at least five members. One member may be appointed from the City Planning Commission for a term coinciding with the Planning Commission appointment. Appointment shall be made for one, two and three years, respectively, so as nearly as possible to provide for an equal number of appointments each year. After the initial appointments, each officer shall hold office for a full three year term.

(2) The City Council may appoint not more than two alternate members for the same term as the regular members. The alternate members may be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

(C) Appeals taken by Board.

(1) An appeal may be taken by a person, corporation, partnership, unincorporated association or similar entity aggrieved by any order, requirements, decision or determination made by an administrative official or body charged with the enforcement of the provisions of this chapter, or by an officer, department, board or bureau of the city. An appeal shall be taken, within such time as prescribed by the Zoning Board of Appeals

by general rule, by filing with the Building Official or other official responsible for code enforcement and the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. The Building Official or other official responsible for code enforcement from whom the appeal is taken shall immediately transmit to the board all papers constituting the record upon which the action was taken.

(2) An appeal, under this section, stays all proceedings in furtherance of the action appealed from unless the Building Official or other official responsible for code enforcement from whom the appeal was taken certifies to the Board, after the notice is filed, that by reason of facts stated in the certificate, a stay, in the opinion of the Building Official or other official responsible for code enforcement, would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by Circuit Court.

(D) Notice. The Board shall fix a reasonable time and place for hearing of an appeal and give due notice to the appeal to the persons to whom real property within 300 feet of the subject premises as assessed, and to the occupants of single- and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the latest assessment role. If the tenant's name is not known, the term "occupant" may be used. Upon the setting of a hearing, a party may appear in person or by agent or attorney. The notice shall follow public notification on requirements as specified in § 155.291, Public hearing notification.

(E) Powers and duties.

(1) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official or body charged with the enforcement of the provisions of this chapter. The Board shall also hear and decide matters referred to the Board or upon which the Board is required to pass under a code of the City Council adopted under this chapter.

(2) The Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from and shall make an order, requirement, decision, or determination in the matter, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board may vary or modify any rules or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the use of land, buildings or structures so that the spirit and intent of this chapter shall be observed, public safety secured and substantial justice done.

(3) The Board shall hear and decide upon requested interpretations of the zoning map fixing use districts and street location. The decision of the Board shall be final.

(F) Decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter which the Board is required to pass an ordinance, or to effect a variation in a provision of this chapter. However, a concurring vote of 2/3 of the members of the Board shall be necessary to grant a variance from uses of land as permitted in this chapter.

(G) Appeals of Board decisions. A person, corporation, partnership, unincorporated association or similar entity affected by a decision of the Board may appeal to the circuit court.

(H) Fees. The City Council shall establish application and review fees by resolution, which may be amended from time to time.

(Ord. 792, passed 12-3-01)

**§ 155.276 through § 155.279 RESERVED.**

## **ADMINISTRATION, ENFORCEMENT AND PENALTIES**

**§ 155.281 ENFORCEMENT AUTHORITY.**

Except where herein otherwise stated, the provisions of this chapter shall be administered and enforced by the Building Official or other official responsible for code enforcement, Community Development Director

or other official(s) as may be designated by City Council.  
(Ord. 792, passed 12-3-01)

### **§ 155.282 DUTIES OF THE BUILDING OFFICIAL OR OTHER OFFICIAL RESPONSIBLE FOR CODE ENFORCEMENT.**

The Building Official or other official responsible for code enforcement shall:

(A) Have the authority to grant occupancy permits;

(B) Not approve any site or engineering plans or issue any permits, certificates of occupancy or certificates of re-occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform to this chapter, conditions of site plan approval and other applicable codes and ordinances.

(C) Inspect buildings or premises as necessary to carry out duties in the enforcement of this chapter. The Building Official or other official responsible for code enforcement shall not change or vary the terms of this chapter in carrying out his or her duties as Building Official or other official responsible for code enforcement.

(D) Issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of private contracts, such as covenants, deed restrictions or other private agreements, which may occur upon the granting of said permit.

(Ord. 792, passed 12-3-01)

### **§ 155.283 PLOT PLAN.**

The Building Official or other official responsible for code enforcement shall require that all applications for single-family residential building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

(A) The actual shape, location and dimensions of the lot.

(B) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.

(C) The existing and intended use of the lot and or all such structures upon it, including, in residential areas, the number or dwelling units the building is intended to accommodate.

(D) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(E) Plot plans may be required of other construction permit applications.

(Ord. 792, passed 12-3-01)

### **§ 155.284 PERMIT REQUIREMENTS.**

The following requirements shall apply in the issuance of any permit:

(A) Compliance required. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof or for the use of any land which is not in accordance with provisions of this chapter.

(B) Permits for new use of land; certificate of occupancy required. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy or a certificate of re-occupancy is first obtained for the new or different use.

(C) Permits for new use of buildings. No building or structure or part thereof shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.

(D) Permits required. No building or structure or part thereof shall be hereafter erected, altered moved or repaired unless a building permit shall have been first issued for such work. The terms altered and repaired shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting regulated by the building code, Housing Law of Michigan, or this chapter, except for minor repairs of changes not involving any of the

aforesaid features.

(Ord. 792, passed 12-3-01)

(E) Zoning Compliance Permits. If any type of modification, repair, or construction does not require a building permit, applicants shall obtain a Zoning Compliance Permit to ensure compliance with the Zoning Ordinance.

### **§ 155.285 CERTIFICATE OF OCCUPANCY and Re-Occupancy.**

No land, building or part thereof shall be occupied by or for any use unless and until a certificate of occupancy or certificate of re-occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

(A) Compliance required. No certificates of occupancy or certificates of re-occupancy pursuant to the building code of the city shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.

(B) Certificates required. No building or structure or part thereof which is hereafter erected or altered shall be occupied or used or the same caused to be done unless and until a certificate of occupancy or certificate of re-occupancy shall have been issued for such building or structure.

(C) Certificates including zoning. Certificates of occupancy as required by this chapter for new buildings or structures or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy or certificates of re-occupancy as required by this chapter.

(D) Certificates for existing buildings. Certificates of re-occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found those such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this chapter.

(E) Temporary certificates. Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy or certificate of re-occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months, unless approved by the Planning Commission, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this chapter.

(F) Records of certificates. A record of all certificates issued shall be kept on file in the office of the Department of Building Inspection, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

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

(H) Application for certificates. Application for certificates of occupancy or certificates of re-occupancy shall be made in writing to the Department of Building Inspection on forms furnished by that Department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof within the aforesaid five-day period.

(Ord. 792, passed 12-3-01)

### **§ 155.286 SITE PLAN REVIEW (ALL DISTRICTS).**

(A) Intent. The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this chapter, other applicable local ordinances, standard engineering practices, and county, state, and federal rules, and laws. The procedures set forth herein are further intended to:

- (1) Achieve efficient use of the land;
- (2) Strengthen and maintain vibrant residential neighborhoods and business districts;
- (3) Provide a mechanism for review of new development and redevelopment or reuse of existing sites to

ensure compliance with current standards;

(4) Minimize adverse impacts on adjoining or nearby properties;

(5) Protect the natural environment; and

(6) Encourage cooperation and consultation between the city and the applicant to facilitate development in accordance with the city's land use objectives.

(B) Site plan review applicability and type. A building permit shall not be issued until a site plan is approved in accordance with the procedures and standards set forth herein, compliance with the land division, subdivision and other city ordinances and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four types below.

(1) Exempt. Projects include new or expanded single-family homes on individual lots in a residential zoning district, change in commercial business use without utility improvements, exterior site, building or structural alteration.

(2) Administrative review. These projects are required to provide a site plan and may not require review by the Planning Commission; but shall undergo a formal review for approval by the Community Development Department. Projects include:

(a) Increase in parking or loading area up to 20% of existing area;

(b) Change in building height that does not add floor area;

(c) Building additions to non-single-family uses that do not affect parking and meet all requirements of this chapter.

(d) Accessory buildings and structures for non-single-family uses;

(e) Architectural design changes to non-residential uses;

(f) Sidewalks or pathways;

(g) Screens or fences for non-one-family uses;

(h) Modifications to one-family or multiple-family dwellings to comply with ADA or other barrier-free regulations;

(i) Sign relocation or replacement;

(j) Site improvements meeting zoning code standards; and

(k) Waste storage relocation or installation of screening around receptacle.

(l) Minor deviations of site plans previously approved by the Planning Commission, which shall comply with all applicable city regulations. Minor deviations are defined as changes that shall not cause any of the following:

1. A change in character of the development.

2. An increase in the ratio of gross floor area to zoning-lot area.

3. An increase in coverage by structure unless justified by changes in other factors.

4. A reduction in approved open space or off-street parking and loading space unless justified by changes in other factors.

5. The creation of or increase in injurious effects to adjacent or contiguous land uses.

(3) Full site plan. The most involved process for larger and more intense residential and all non-residential projects not included in the other classifications. All special condition uses shall be subject to full site plan review.

(4) Planned unit development. Site plans for planned unit developments shall follow the procedure as provided in § 155.152, Planned unit development. Site condominiums shall be required to meet the same design standards as required in § 155.151, Condominium development.

(C) Planning Commission site plan review procedures and requirements. Site plans must be submitted in accordance with the following procedures and requirements. The Community Development Director performs an administrative review. Subsequently, the Planning Commission reviews and determines if the site plan is approved, conditionally approved, or denied.

(1) Applicant attendance. The owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner shall submit the application. The application shall contain current written

proof of ownership or current ownership option in the property. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two consecutive meetings without prior notice to the City Planner shall result in denial of the application. The City Planner may recommend to the Planning Commission Chairperson that the applicant's architect and/or engineer be present at the meeting in order to address technical matters related to the application.

(2) Pre-planning meeting. The applicant is encouraged to schedule a meeting with the Community Development Director to discuss the project, submittal requirements and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process. If the project is determined to be eligible for administrative approval, the procedures of this section shall be followed; in other cases, the process shall proceed as described below.

(3) Preliminary site plan submittal. The applicant shall submit four copies (five if in the Downtown Development Area) of the following items to the Community Development Department for Administrative Review at least two weeks prior to the scheduled Planning Commission meeting for the subject site plan:

- (a) A complete application form supplied by the city.
- (b) A complete site plan that includes the information listed in division (E) of this section.
- (c) Any additional information the Planning Commission finds necessary to make the determinations required herein.

(4) Technical (staff) review.

(a) The Community Development Department shall forward the application and site plan(s) to the city's public safety officials, Department of Public Works and applicable consultants. All reviews shall be submitted back to the Community Development Department.

(b) Upon completion of the technical review, the applicant shall submit 11 copies of the above documents, including possible changes by the Planning Commission and/or Community Development Department to the Planning Commission for final review.

(5) Planning Commission consideration of preliminary site plan. Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan approval, together with the reports and recommendations from staff, consultants and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this chapter. The Planning Commission is authorized to postpone, grant approval, approve subject to revisions or deny as follows:

(a) Postpone. The application may be postponed if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, code interpretation is needed from the Zoning Board of Appeals, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan or direct the city staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified as such by the applicant's design professional. Full sets of plans must be resubmitted.

(b) Approval. Upon determination that all requirements for site plan approval, as set forth herein, are met and a recommendation has been forwarded to the Planning Commission by all reviewing agencies of the city, approval shall be granted subject to the applicant providing copies of all required outside agency approvals. In those instances where approval authority is vested with the City Council, the Planning Commission shall make a recommendation to City Council.

(c) Approval subject to revisions. Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for final site plan approval. The applicant shall submit, with the final site plan, a complete list of all changes, certified by the applicant's design professional, to the Community Development Department for final approval after said revisions have been completed. At its discretion, the Planning Commission may require the right to review the revised final site plan.

(d) Denial of approval. Upon determination that a site plan does not comply with standards and regulations set forth in this chapter, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for postponing action, site plan approval shall be denied. The applicant must revise the plans and resubmit if still interested in pursuing the project. A re-submittal shall be considered a new site plan and be required to re-initiate the full site plan review process.

(6) Effect of site plan review action. Any preliminary site plan approved under this provision shall expire after one year from the date of such approval. If construction has not commenced within one year of site plan approval by the Planning Commission or the City Community Development Department (as applicable), approval becomes null and void and a new application for site plan review shall be required. The applicant may request a six month extension by the Planning Commission or the Community Development Department (as applicable), provided a written request is received before the expiration date and the site plan complies with current standards (i.e. any amendments to the zoning code since the site plan was approved). Applicant or designated representative of the applicant shall appear in front of the appropriate body to be eligible to receive an extension. This limitation shall not apply to preliminary planned development site plans accompanying approved planned development rezoning.

(7) Final site plans (detailed construction, landscape and engineering plans). Except where otherwise set forth in this chapter, final site plan approval may be given administratively when all conditions set forth herein for final site plans are complied with, except the Planning Commission may, at the time of preliminary site plan approval, require final site plan approval by the Commission as well. The Community Development Department shall grant final site plan approval where the following requirements are met:

(a) All local, county and state requirements as may apply to the proposed use are met. The applicant shall be required to obtain all other necessary agency permits from the Michigan Department of Environmental Quality, Wayne County Road Commission, Drain Commission, Environmental Department and Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the city.

(b) All applicable engineering requirements are met. Complete engineering plans shall be submitted to the Department of Public Service for approval.

(c) The design shown on the final site plan shall remain unchanged from the approved preliminary site plan. Upon determination that the final site plan does not comply with the conditions of preliminary site plan approval or that required engineering plan revisions alter the site plan configuration approved by the Planning Commission, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the body that approved the site plan for review and approval as an amended site plan.

(8) Final site plan approval, except as specifically permitted in divisions (a) and (b) below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted.

(a) Upon request, the city may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:

1. A grading and soil erosion and sedimentation control plan, drawn to local specifications and, when necessary, to county specifications, has been reviewed and approved; and
2. A soil erosion permit, when required, has been secured.

(b) Upon request of the applicant, the city may permit the layout of footings and the construction of foundation walls prior to final site plan approval, provided:

1. When justifiable conditions are found to exist;
2. Preliminary site plan approval has been given;
3. A grading and soil erosion and sedimentation control plan, drawn to local specifications and, when necessary, to county specifications, has been reviewed and approved;

4. A soil erosion permit, when required, has been secured;
5. Detailed engineering plans for all above ground and below ground utilities have been submitted for review and approval; and
6. Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.

(9) Completion of site design in accordance with approved site plan.

(a) Following approval of the site plan and final approval of the engineering plans by the Department of Public Services and the Community Development Department, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable city, county, state, federal or utility permits prior to issuance of a building permit.

(b) The approval of any site plan under this provision, other than subdivisions (subdivisions shall follow the procedures of the Land Division and Subdivision Acts), shall expire six months after the date of such approval, unless actual construction and development has commenced in accordance with the site plan. If construction and development is commenced within the six month period, then the approval shall continue for a period of six months from the approval date. However, a lapse of more than six months in continuous substantial construction and development shall cause the approval to expire. The Building Official or other official responsible for code enforcement shall not issue a building permit for any type of construction on the basis of the approved site plan after the approval has expired unless the plan has received an extension from the Planning Commission or City Council. Fees for review of an expired site plan may be waived or reduced in those instances where no substantial change in conditions of the site plan or of abutting uses has taken place. In those instances where substantial conditions have changed, the fee for review of an expired site plans shall be the same as for the initial submittal.

(c) It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Such maintenance shall include all building and site elements depicted on the site plan including parking configuration, lighting and landscaping. Any property owner who fails to maintain a site as approved shall be deemed in violation of the applicable use provisions of this chapter and shall be subject to penalties.

(d) A development agreement with suitable guarantee and performance bond may be required by the city to assure compliance with an approved final site plan.

(D) Administrative plan review. For uses and projects eligible for administrative review, the following procedure shall apply:

(1) Submittal requirements. Five copies of the site plan that contains the information listed in division (E) below, shall be submitted to the Community Development Department.

(2) Review. The Community Development Department shall review and either approve the site plan, approve the site plan with a condition that certain revisions be made, or deny the site plan.

(3) Appeal. Either the Community Development Department, Building Department or applicant shall have the option to request site plan review by the Planning Commission.

(4) Issuance of building permit. A building permit shall be issued following review and approval of any engineering or construction plans by the Building Department or Community Development Department, as appropriate.

(E) Submittal requirements. The following information shall be included with and as part of a site plan submitted for review. The Planning Commission, upon recommendation of the City Planner, shall not review applications considered to be incomplete by the Community Development Department. The Planning Commission may waive information considered not applicable to the proposed site plan.

(1) Application form. Including written proof of property ownership or option to purchase (with specified time limit) and signed authorization designating a representative.

(2) Site plan description and identification data.

(a) Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale

of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be at least 24 x 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included;

- (b) Written project description, including proposed use, building(s) and site improvements;
  - (c) Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year);
  - (d) Scale and north-point;
  - (e) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile;
  - (f) Legal and common description of property;
  - (g) Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings;
  - (h) Zoning classification of petitioner's parcel and all abutting parcels;
  - (i) Proximity to section corner and major thoroughfares; and
  - (j) Net acreage (minus rights-of-way) and total acreage.
- (3) Site analysis.
- (a) Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;
  - (b) Surrounding land uses and zoning;
  - (c) All existing easements;
  - (d) Existing roadways and driveways within 100 feet of the site;
  - (e) Existing sidewalks and non-motorized pathways.
- (4) Site plan.
- (a) Proposed lot lines, lot dimensions, property lines and setback dimensions;
  - (b) Structures, and other improvements;
  - (c) Proposed easements;
  - (d) Location of exterior lighting (site and building lighting) in accordance with site lighting standards;
  - (e) Location of trash receptacle(s) and transformer pad(s) and method of screening;
  - (f) Extent of any outdoor sales or display area.
- (5) Access and circulation.
- (a) Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;
  - (b) Opposing driveways and intersections within 100 feet of site;
  - (c) Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;
  - (d) Dimensions of acceleration, deceleration, and passing lanes;
  - (e) Dimensions of parking spaces, islands, circulation aisles and loading zones;
  - (f) Dimensions and details of wall and sidewalk protection;
  - (g) Calculations for required number of parking and loading spaces;
  - (h) Designation of fire lanes;
  - (i) Traffic regulatory signs and pavement markings;
  - (j) Location of existing and proposed sidewalks/pathways within the site or right-of-way;
  - (k) Location, height, and outside dimensions of all storage areas and facilities.
- (6) Landscape plans.
- (a) Location of existing and proposed lawns and landscaped areas;
  - (b) Planting plan, including location and type of all proposed shrubs, trees, and other live plant material;
  - (c) Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;
  - (d) Proposed dates of plant installation;

- (e) Description of methods to preserve existing plant materials;
  - (f) Landscape maintenance schedule; and
  - (g) A bond held in escrow may be required for up to three years to ensure landscape health and maintenance.
- (7) Building and structure details.
- (a) Location, height, and outside dimensions of all existing and proposed buildings or structures;
  - (b) Building floor plans and total floor area;
  - (c) Details on accessory structures and any screening;
  - (d) Location, size, height, and lighting of all proposed site and wall signs;
  - (e) Location, size, height and material of construction for all obscuring walls, berms and fences with cross-sections, where required;
  - (f) Building facade elevations for all sides, drawn at an appropriate scale;
  - (g) Description of exterior building materials and colors (samples may be required).
- (8) Drainage, soil erosion, sedimentation control and utilities.
- (a) Location and size of existing and proposed storm sewers;
  - (b) Soil erosion and sedimentation control measures;
  - (c) Location of existing and proposed sanitary sewers;
  - (d) Location and size of existing and proposed water mains, well sites, water service and fire hydrants;
  - (e) Location of existing and proposed gas, electric and telephone lines, above and below ground;
  - (f) Location of transformers and utility boxes; and
  - (g) Assessment of potential impacts from the use, storage, processing, or movement of hazardous materials or chemicals, if applicable.
- (9) Lighting plan.
- (a) Location and height of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
  - (b) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles);
  - (c) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding; and
  - (d) Use of the fixture proposed.
- (10) Additional information may be required as determined by the city Building Department, Planning Commission and other applicable city departments and codes, to properly review an application.  
(Ord. 792, passed 12-3-01)

**§ 155.287 STANDARDS FOR SITE PLAN APPROVAL.**

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this chapter as outlined below:

(A) Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s). All sheets must be consistent. The Planning Commission, upon recommendation of the City Planner, has the right to waive any of the submittal requirements if not applicable to the proposed project.

(B) Site design characteristics. All elements of the site design shall be designed and organized in relation to scale, character and architectural features of the adjoining properties, the size and type of subject property, the type and size of buildings and environmentally sensitive areas. The property shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter. The site shall be designed to conform to all provisions of this chapter. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this chapter which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.

(C) Buildings. Buildings and structures will meet or exceed setback standards, build-to lines, height and other dimensional standards, and placed to preserve environmentally sensitive areas. Redevelopment of

existing structures shall meet or exceed all standards for which a variance has not been obtained.

(D) Architecture. All proposed development subject to site plan approval shall utilize sensitive design and quality architecture materials to ensure that buildings are compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the city.

(E) Materials and colors. Building and sign materials and colors shall relate well and not deviate from the surrounding area. Subtle earth tone colors shall be used for building and roofing material. The Planning Commission or City Council, if applicable, may require a color rendering.

(F) Scale and compatibility. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.

(G) Architectural features. All buildings are encouraged to provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked rooflines or towers. Building walls over 100 feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances are encouraged to have windows, canopies and awnings; provide unity of scale, texture, and color; and provide a distinct exterior entry area between a building and access lanes or parking areas.

(H) Equipment screening. All rooftop HVAC and other mechanical equipment shall be screened.

(I) Privacy. The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walls, barriers, buffers and plantings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(J) Emergency vehicle access. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access.

(K) Ingress and egress. Safe, convenient, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking 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. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets.

(L) Non-motorized circulation. The site plan shall provide a non-motorized circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

(M) Vehicular, pedestrian and bicycle circulation layout. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry, on-street parking, where appropriate, and the desired character of the streetscape and neighborhood or district.

(N) Soil erosion. The proposed development shall include measures to prevent soil erosion and sedimentation.

(O) Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjacent properties, does not impede the vision of drivers on public streets and meets the intent of this chapter.

(P) Public services. The scale and design of the proposed development shall facilitate acceptable and adequate provision of services currently furnished by or that may be required of the city or other public agencies including, but not limited to, fire and police protection, stormwater and sanitary sewage removal and treatment, water supply, traffic control and administrative services.

(Q) Hazardous materials. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies.

(R) Consistency with the Master Plan and any applicable subarea or corridor plans.

(Ord. 792, passed 12-3-01)

## **§ 155.288 PROCEDURES FOR SPECIAL LAND USE REVIEW.**

(A) Application. Applications for special land use permits authorized by this chapter shall be submitted to

the Community Development Director on a form provided by the city. In addition to a complete application form, the applicant is required to submit a preliminary site plan meeting the requirements of site plan review. The Community Development Director shall not accept incomplete submittals.

(B) Effect of approval. Approval of a preliminary site plan by the city shall only be valid if approved in conjunction with approval of a special land use and shall indicate general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. Following approval of a special land use and preliminary site plan, the applicant shall be required to submit a final site plan in accordance with § 155.286, Site plan review.

(C) Procedures. The procedures set below shall be followed by the Planning Commission upon the scheduling of a public hearing, as specified in § 155.291.

(1) The Community Development Director shall review the proposed application and preliminary site plan to determine if all required information has been supplied, and forward the completed application, preliminary site plan, and supporting data to the Planning Commission for a recommendation.

(2) The Planning Commission shall conduct a public hearing as required in § 155.291. The Commission shall review the special land use application and preliminary site plan following the close of the public hearing, and shall within a reasonable period of time make a recommendation to City Council to either approve, approve with conditions, or deny the proposed special land use. Any such recommendation to approve or approve with conditions shall not constitute approval of the preliminary site plan.

(3) The City Council, within a reasonable period of time after receiving Planning Commission recommendation, shall approve, approve with conditions, or deny a request for a special land use. The City Council decision shall be incorporated in a statement of conclusions relative to the special land use under consideration. Any decision that denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.

(D) Conditions. The City Council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the special use is proposed will be observed.

(Ord. 792, passed 12-3-01)

#### **§ 155.289 STANDARDS FOR SPECIAL LAND USE APPROVAL.**

(A) Basis of determinations. The City Council and Planning Commission shall review the proposed special use in terms of any specific requirements stated within this chapter and shall establish that such use and the proposed location:

- (1) Will be harmonious and in accordance with the goals, policies and actions of the Master Plan;
- (2) Will be designed, constructed, operated, and maintained so as to be visually and physically harmonious and appropriate in appearance with the existing or intended character of the general vicinity and not change the essential scale and character of the area;
- (3) Will be a visual, physical and economic improvement in relation to property in the immediate vicinity and to the city as a whole;
- (4) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any such service or facility;
- (5) Will not detract from the desirability and orderly function of residential or business uses. Discretion shall be given to the impact of the proposed use upon existing uses, which may relate to traffic generation, sound, artificial lighting, odors, emission of exhaust gases, pedestrian traffic, hours and days of operation, creation of a public or private nuisance, opportunity for crime or criminal activity, congregation of individuals for purposes other than intended by the proposed use, and similar factors generated by the proposed use. The factors stated herein are not intended as a limitation upon the possible considerations and are by way of example only.
- (6) Will not erode or reduce the economic viability of other existing land uses. Consideration shall be given to the compatibility of other existing uses with the proposed use and maintaining land values within the

city;

(7) Will not impose additional service demands upon the city or its anticipated future resources.

(8) Will further and enhance the health, safety, welfare, morals, character, comfort, convenience, and policies of the city, will not create excessive additional public costs or be detrimental to the economic welfare of the city.

(9) Will be consistent with the intent and purposes of this chapter, and comply with all specific standards as established for said use by this chapter.

(B) Duration, voiding and extensions of special land use permit. Unless otherwise specified by the City Council, any special land use permit granted under this section shall be null and void unless the proposed development shall have its first building inspection within one year from the date of the granting of the permit. If an extension is needed, the applicant may request an extension from the City Council. This request shall be made prior to the expiration of their current permit. The City Council may grant an extension thereof for good cause for a period not to exceed one year.

(C) The Community Development Director may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this chapter and other ordinances or regulations of the city.

(D) Reapplication. No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission and City Council.

(Ord. 792, passed 12-3-01)

#### **§ 155.290 SPECIAL MEETINGS.**

The city may schedule special meetings per an applicant's request and availability of Planning Commissioners, necessary staff and professional consultants. The applicant is required to pay associated fees with the application.

(Ord. 792, passed 12-3-01)

#### **§ 155.291 PUBLIC HEARING NOTIFICATION REQUIREMENTS.**

(A) Zoning Ordinance adoption and amendments.

(1) The Planning Commission shall hold at least one public hearing prior to issuing a recommendation to the City Council for the adoption of a new zoning ordinance or zoning amendment. The City Council may hold additional hearings if considered necessary.

(2) The city shall notify the general public of the time and place of the public hearing at least 15 days prior to such hearing. The notice shall be published in an official paper or paper of general circulation within the city.

(3) The city shall notify each public utility company and railroad company owning or operating any public utility or railroad within the district or zone affected of the time and place of the public hearing and at least 15 days prior to such hearing. The notice shall be delivered via mail to the name and address as registered with the City Clerk. An affidavit of the mailing shall be maintained.

(4) Following adoption of a zoning ordinance or subsequent amendments, one notice of the adoption shall be published in newspaper of general circulation in the city within 15 days of adoption. The following information shall be provided in the notice:

(a) For a newly adopted zoning ordinance, the statement shall read; "A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Inkster."

(b) For an amendment to the existing ordinance, the statement shall either summarize the regulatory affect of the amendment including the geographic area affected or contain the amendment text.

(c) The effective date of the ordinance or amendment.

(d) The place and time where a copy of the ordinance may be purchased or inspected.

(B) Special land uses or discretionary decisions.

(1) The Planning Commission shall hold at least one public hearing prior to issuing a recommendation to the City Council for an application for a special land use or other discretionary decision relating to this chapter. The City Council may hold additional hearings if considered necessary.

(2) Prior to any public hearing, one notice shall be published in at least one newspaper of general circulation within the city. In addition, notice shall be mailed or personally delivered to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used. 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 or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice shall be given not less than 5 and no more than 15 days before the date of the public hearing. The notice shall:

- (a) Describe the nature of the request;
- (b) Describe the property which is the subject of the request;
- (c) State when and where the public hearing will be considered;
- (d) Describe when and where written comments will be received concerning the request;
- (e) Indicate that a public hearing has been scheduled at the initiative of the appropriate board.

(C) Appeals to the Zoning Board of Appeals. The Zoning Board of Appeals shall provide public notification for all appeals as required in § 155.275(D).

(D) Regulated uses. An application for waiver from location restrictions shall be decided upon following the public hearing procedure as required for special land uses in division (B) of this section.

(E) Wireless communications facilities. An application for special land uses shall follow notification requirements of § 155.214(K) and § 155.291(B).

(Ord. 792, passed 12-3-01)

### **§ 155.292 FEE STRUCTURE.**

(A) The City Council shall establish a schedule of fees and a collection procedure for site plan, rezoning and other reviews, building permits, certificates of occupancy, certificates of re-occupancy, inspections, appeals, and other matters pertaining to this chapter. The city shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. No permit, certificate, special land use approval, or variance shall be issued until such fees have been paid in full.

(B) The Planning Commission may recommend adjustments in the fee schedule for the site plan review process to City Council for formal adoption.

(Ord. 792, passed 12-3-01)

### **§ 155.293 PERFORMANCE GUARANTEE.**

(A) The Planning Commission, or City Council when applicable, may require an applicant to deposit a performance guarantee as set forth herein to ensure compliance and completion of improvements with this chapter. Improvements include, but not limited to, streets, parking, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

(B) A performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the city in consultation with the applicant. The city is authorized to review cost estimates and conduct periodic inspections of the progress of improvements.

(C) A performance guarantee shall be deposited with the city prior to the issuance of a building permit for

the development and use of the land. Upon the deposit of the performance guarantee the city shall issue the appropriate building permit.

(D) The Planning Commission, or City Council when applicable, shall set the period of time completion of improvements in relation to the required performance guarantee. The period will begin from the date of the issuance of the building permit.

(E) The Community Development Director, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.

(F) The city shall return to the applicant the performance guarantee deposited and any interest earned thereon upon the satisfactory completion of the improvement, as determined by the city, for which the performance guarantee was required. However, the city is not required to deposit the performance guarantee in an interest-bearing account.

(G) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right to use the deposited performance guarantee and any interest earned to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

(H) If the performance guarantee is not sufficient to allow the city to complete the improvements, the applicant shall be required to pay the city any additional costs incurred in completing the improvements. Should the city use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall first be applied to the city's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

(I) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city to ensure completion of an improvement, the applicant shall not be required to deposit with the city a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the city and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the city regarding the performance guarantee.

(Ord. 792, passed 12-3-01)

#### **§ 155.294 CHANGES AND AMENDMENTS.**

The City Council may from time to time, on recommendation from the City Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended.

(Ord. 792, passed 12-3-01)

#### **§ 155.295 FINAL INSPECTION.**

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Building Department immediately upon the completion of the work authorized by such permit, for final inspection.

(Ord. 792, passed 12-3-01)

#### **§ 155.296 PUBLIC NUISANCE AND ABATEMENT.**

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

(Ord. 792, passed 12-3-01)

**§ 155.297 OWNER’S LIABILITY TO PUNISHMENT.**

The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided in this chapter.

(Ord. 792, passed 12-3-01)

**§ 155.298 CUMULATIVE RIGHTS AND REMEDIES.**

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

(Ord. 792, passed 12-3-01)

**§ 155.299 (REPEALED)**

**§ 155.300 IMPOSITION OF PENALTY DOES NOT EXEMPT COMPLIANCE WITH REQUIREMENTS.**

Imposition of any sentence shall not exempt the defendant from compliance with the requirements of this chapter.

(Ord. 792, passed 12-3-01)

**§ 155.301 SEVERABILITY.**

This chapter and the various parts, sections, and clauses thereof are hereby declared to be severable. Should any part, section, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid for any reason, it is hereby provided that the remainder of the chapter shall not be affected thereby.

(Ord. 792, passed 12-3-01)

**§ 155.302 SAVINGS.**

All proceedings pending and all rights and liabilities existing and acquired or incurred at the time this chapter takes effect are saved and may be consummated according to the law in force when they are commenced.

(Ord. 792, passed 12-3-01)

**§ 155.303 VALIDITY.**

Should any section, clause, or paragraph of this chapter be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the chapter as a whole or part thereof other than the part declared to be invalid.

(Ord. 792, passed 12-3-01)

**§ 155.304 through § 155.319 RESERVED.**

**REPEAL AND EFFECTIVE DATE**

**§ 155.321 REPEAL.**

All ordinances inconsistent herewith are repealed. The repeal does not affect or impair any act done, offence committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

(Ord. 792, passed 12-3-01)

**§ 155.322 EFFECTIVE DATE.**

The provisions of this chapter are hereby ordered to take effect immediately after publication and/or

posting as may be required by law.  
(Ord. 792, passed 12-3-01)

**§ 155.999 PENALTY.**

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Required petition.* Any person convicted of a violation of any provision of § 155.203(D)(2) may be punished by a fine of not more than \$500 or imprisonment of not more than 90 days or by both the fine and imprisonment in the discretion of the court.

(C) Any person convicted of a violation of § 155.144 may be punished by a fine of not more than \$500 or imprisonment of not more than 90 days or by both such fine and imprisonment in the discretion of the court.  
(Ord. 823, passed 5-4-09; Am. Ord. 830, passed 12-21-09)