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## Southgate, MI Code of Ordinances

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## **CHAPTER 1260**

### **General Provisions and Definitions**

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Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

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#### **1260.01 SHORT TITLE.**

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

(Ord. 458. Passed 1-4-89.)

### **1260.02 INTERPRETATION.**

(a) In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Zoning Code to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, or with any rule, regulation or permit previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises. However, where this Zoning Code imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, this Zoning Code shall control.

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

(Ord. 458. Passed 1-4-89.)

### **1260.03 CONFORMITY REQUIRED.**

No building or structure, or part thereof, shall hereafter be erected, constructed, altered or maintained, and no new use or change of any building, structure or land, or part thereof, shall be made or maintained, except in conformity with this Zoning Code. Any use that is not specifically permitted in a given district shall be a prohibited use within that district.

(Ord. 458. Passed 1-4-89.)

### **1260.04 AMENDMENTS.**

Council may, from time to time on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.

(Ord. 458. Passed 1-4-89; Ord. 842. Passed 2-7-07.)

### **1260.05 CONFLICT OF LAWS.**

Whenever any provision of this Zoning Code imposes a more stringent requirement, regulation, restriction or limitation than is imposed or required by any other law or ordinance, then the provision of this Zoning Code shall govern. Whenever a provision of any other law or ordinance imposes a more stringent requirement than is imposed or required by this Zoning Code, then the provision of such other law or ordinance shall govern.

(Ord. 458. Passed 1-4-89.)

### **1260.06 SEPARABILITY.**

Sections of this Zoning Code shall be deemed to be severable, and if any section, paragraph or provision of this Zoning Code is declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Zoning Code as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

(Ord. 458. Passed 1-4-89.)

### **1260.07 RULES OF CONSTRUCTION; DEFINITIONS.**

(a) Construction of Language. The following rules of construction apply to the text of this Zoning Code:

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

(3) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(4) Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) "Building" or "structure" includes any part thereof.

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

(7) The word "person" includes an individual, corporation, partnership, incorporated association or similar entity.

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

A. "And" indicates that all the connected items, conditions, provisions or events shall apply.

B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

C. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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

(b) Definitions. In addition, as used in this Zoning Code:

(1) Accessory use or accessory. "Accessory use" or "accessory" means a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as, unless otherwise specified, the principal use to which it is related. "Accessory" shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

A. Residential accommodations for servants and/or caretakers;

B. Swimming pools for the use of the occupants of a residence or their guests;

C. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;

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

E. The storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;

F. The storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;

G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;

H. Uses clearly incidental to a main use, including, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;

I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located; and

J. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

(Ord. 458. Passed 1-4-89.)

(2) Adult business. "Adult business" means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, massage parlors and nude modeling studios, defined as follows:

A. "Adult bookstore" means an establishment having more than twenty percent of its stock in trade in books, magazines and other periodicals, and/or photographs, drawings, slides, films, video tapes, recording tapes and novelty items, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and an establishment with a segment or section devoted to the sale or display of such material, which segment or section exceeds ten percent of the usable floor area of the establishment.

B. "Adult movie theater" means an enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media having as a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas for observation by patrons therein.

C. "Adult personal service business" means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, a modeling studio, a body painting studio, a wrestling studio and a conversation parlor.

D. "Adult cabaret" means:

1. "Group A cabaret" means an establishment which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

2. "Group D cabaret" means an establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

E. "Massage parlor" means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.

F. "Nude modeling studio" means any building, structure, premises or a part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

G. For purposes of this paragraph (b)(2):

1. "Buttock" includes the anus and perineum of any person.

2. "Massage" means the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another, for a fee.
3. "Sexual intercourse" includes fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body, or of any object, into the genital or anal openings of another's body.
4. "Sodomy" means sexual bestiality.
5. "Specified anatomical areas" means:
  - a. Less than completely and opaquely covered:
    - (A) Human genitalia and the pubic region;
    - (B) A buttock and the anus; and
    - (C) A female breast below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
6. "Specified sexual activities" means:
  - a. Human genitalia in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy; or
  - c. Fondling or other erotic touching of human genitalia, the pubic region, a buttock, the anus or a female breast.

(Ord. 579. Passed 8-9-95)

(2A) Adult day-care facility.

A. "Adult family day-care home." A private home in which six or less adults 18 years of age or older, receive care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

B. "Adult group day-care home." A private home in which more than six but not more than 12 adults 18 years of age or older, receive care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

(Ord. 16-973. Passed 2-3-16.)

(2B) Adult foster-care facility. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, M.C.L.A. §§ 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this zoning code:

A. "Adult foster care family home." A private residence with the approved capacity to receive six or fewer adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

B. "Adult foster care small group home." An owner-occupied facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks.

(Ord. 16-973. Passed 2-3-16.)

(3) Alley. "Alley" means any dedicated public right of way affording a secondary means of access to abutting property and not intended for general traffic circulation.

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

(5) Apartment. "Apartment" means a suite of rooms or a room in a multifamily building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

(6) Apartment house. See Dwelling, multifamily.

(7) Automobile repair, major. "Major automobile repair" means general repair, engine rebuilding or rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting and undercoating of automobiles.

(7A) Automobile repair, minor. "Minor automobile repair" means servicing, repair, and/or installation of motor vehicle accessories such as spark plugs, batteries, tires, mufflers, fan belts, greasing, lubrication and radiator flushing, and minor motor adjustments. At no time shall major mechanical work, body work, or other work involving noise, fumes, smoke, or other characteristics to an extent greater than normally found in a typical service station.

(Ord. 728. Passed 8-29-01.)

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

(9) Billboard. "Billboard" means any construction or portion thereof upon which there is a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to identify public or quasi-public uses.

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

(11) Board. "Board" means the Board of Zoning Appeals.

(12) Boarding or rooming house. "Boarding or rooming house" means any dwelling wherein rooms are occupied as a home or household unit and are leased or rented, without any attempt to provide therein cooking or kitchen accommodations for individuals leasing or renting rooms.

(13) Buildable area. "Buildable area" means the space remaining after the minimum open space and parking requirements of this Zoning Code have been met.

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

(15) Building height. "Building height" means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs.

(16) Building Inspector (Official). "Building Inspector (Official)" means the Director of Inspections or his or her authorized representative.

(17) Building line. "Building line" means a line formed by the exterior surface of a building opposite the front lot line. For the purposes of this Zoning Code, a minimum building line is the same as a front set-back line.

(18) Cellar. See Basement.

(19) Clinic. "Clinic" means a structure housing under one roof facilities for the medical or dental care, diagnosis or treatment of sick, ailing, infirm and injured persons, and persons who are in need of medical, dental or surgical attention and who are not kept on the premises for more than forty-eight hours.

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

(20A) Color, earth tone. "Earth tone" means a color scheme that resembles the hue of soil defined as the surface layer of earth and draws from a color palette of browns, grays, and dark reds. The colors in an earth tone scheme shall be muted and flat in an effort to emulate the natural colors found in dirt and rocks.

(Ord. 728. Passed 8-29-01; Ord. 08-857. Passed 2-16-08.)

(21) Commercial vehicle. "Commercial vehicle" means any motor vehicle which is used for the transportation of passengers for hire, which is constructed or used for the transportation of goods, wares or merchandise, or which is designed and used for drawing other vehicles.

(22) Commission. "Commission" means the City Planning Commission.

(Ord. 458. Passed 1-4-89.)

(22A) Condominium. "Condominium" means a form of ownership which, for purposes of this Zoning Code, is applied to the following terms:

A. "Condominium Act" means Act 59 of the Michigan Public Acts of 1978, as amended.

B. "Condominium site plan" means a scaled drawing of a site, including a survey, utility layouts, floor plans and elevation sections, as appropriate, showing existing and proposed structures, improvements, parking, etc., as the same are to be erected on the site.

C. "Condominium unit" means that portion of the project designed and intended for separate ownership and use, as described in the master deed.

D. "Consolidating master deed" means the final amended master deed for a contractible or expandable condominium project, or for a condominium project containing convertible land or space, which final amended master deed fully describes the condominium project as completed.

E. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents, and in accordance with this subsection and the Condominium Act.

F. "Conversion condominium" means a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.



G. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units, or general or limited common elements, may be created pursuant to express provision in the condominium documents and in accordance with this subsection and the Condominium Act.

H. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this subsection and the Condominium Act.

I. "Master deed" means a condominium document recording the condominium project as approved by the City, to which is attached, as exhibits, and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

(Ord. 465. Passed 5-24-89.)

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

(23A) Convenience Store. "Convenience store" means a small retail establishment developed as a component of a neighborhood, which operates to meet the daily needs of the local market.

(Ord. 728. Passed 8-29-01.)

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

(25) Density. "Density" means the total number of dwelling units that may be placed on an acre of land in a zoning district.

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

(27) District. "District" means a portion of the incorporated area of the Municipality within which certain regulations and requirements or various combinations thereof apply under this Zoning Code.

(28) Drive-in. "Drive-in" means a business establishment, other than for the dispensing of food and beverages, so designed that its retail or service character is dependent on providing a driveway, standing space or parking space for motor vehicles so as to serve patrons while in a motor vehicle.

(29) Driveway. "Driveway" means any area or portion of a premises, lot, parcel or yard used or proposed to be used to provide a means of ingress, egress, access and circulation of vehicles and traffic to, from and between any public or private street or road, principal or accessory building, use or structure, loading space or parking lot or space.

(30) Driveway approach. "Driveway approach" means that portion of a driveway located between the road right-of-way line and the travel portion of the roadway.

(31) Dwelling. "Dwelling" means a place of residence, an abode or a place of continued living.

(32) Dwelling, multifamily. "Multifamily dwelling" means a building or portion thereof designed exclusively for occupancy by three or more families living independently of each other.

(33) Dwelling, single (one) family. "Single (one) family dwelling" means an attached or detached dwelling building designed and intended for occupancy by one family.

(34) Dwelling, two-family. "Two-family dwelling" means a detached building designed and intended for occupancy by two separate families separated from each other by a common party wall with separate

cooking and toilet facilities.

(35) Earth berm, obscuring. "Obscuring earth berm" means an earthen mound of definite height, location and appearance designed to serve as an obscuring device in carrying out the requirements of this Zoning Code.

(36) Easement. "Easement" means a quantity of land set aside, over which a liberty, privilege or advantage is granted by the owner to the public or a part thereof, to a corporation or to a particular person for a specific use and purpose. An easement may be designated as a public or a private easement depending on the nature of the user.

(37) Efficiency apartment. "Efficiency apartment" means a dwelling unit consisting of not more than one room in addition to kitchen and necessary sanitary facilities.

(38) Entrance ramp. "Entrance ramp" means a roadway connecting a feeder road with a limited access highway and used for access to such limited access highway.

(39) Erected. "Erected" means built, constructed, altered, reconstructed or moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like.

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

(41) Excavation. "Excavation" means any breaking of ground, except common household gardening and ground care.

(42) Exception. "Exception" means a use permitted only after review of an application by the Board of Zoning Appeals or Council, or a modification in the standards of this Zoning Code specifically permitted after a review by the Board, the Planning Commission or Council. Such review shall be necessary because the provisions of this Zoning Code covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation. An exception is not a variance.

(43) Exit ramp. "Exit ramp" means a roadway connecting a limited access highway with a feeder road and used for access to such feeder road.

(Ord. 458. Passed 1-4-89.)

(43A) Face brick (nonresidential). "Face brick (nonresidential)" means, whenever it is called for as an exterior building wall material for a nonresidential building, material consisting of kiln-baked clay or shale masonry units and the individual shape of which shall be rectangular in appearance.

(Ord. 655. Passed 6-10-98; Ord. 728. Passed 8-29-01.)

(43B) Face brick (residential). "Face brick (residential)" means, whenever it is called for as an exterior building wall material for a residential building, material consisting of kiln-baked clay or shale masonry units, the exterior dimensions of which shall not exceed twelve inches in length and three and one-quarter inches in height and the individual shape of which shall be rectangular in appearance.

(Ord. 583. Passed 12-27-95; Ord. 728. Passed 8-29-01.)

(44) Family. "Family" means a single individual or a number of individuals domiciled together whose relationship is of a continuing nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority,

association, lodge, coterie, organization or group of students or other individuals whose relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

(45) Farm. "Farm" means the parcel on which the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income is conducted.

(46) Filling. "Filling" means the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

(47) Floodplain. "Floodplain" means the areas of land which include both the floodway and the floodway fringe.

(48) Floodway. "Floodway" means the area of water conveyance or the flowing portion of the watercourse during a 100-year flood.

(49) Floodway fringe. "Floodway fringe" means the area of ponded water which provides no water carrying or flowing capability during a 100-year flood.

(50) Floor area, residential. "Residential floor area" means, for the purpose 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 exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

(Ord. 458. Passed 1-4-89.)

(50A) Floor area, usable. For the purpose of computing parking, "usable floor area" means that area used for, or intended to be used for, the sale of merchandise or services, or for use to service patrons, or clients or customers. Such floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from the computation of

usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Any outdoor facilities that are used for, or intended to be used for, the sale of merchandise or services or for use to service patrons, or clients or customers will be included in the computation of usable floor area.

(Ord. 685. Passed 10-13-99; Ord. 728. Passed 8-29-01).

(51) Foster child. "Foster child" means a child unrelated by blood or adoption to the family with whom he or she lives for the purpose of care and keeping.

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

(53) Garage, service. "Service garage" means any premises used for the storage or care of motor-driven vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

(54) Gasoline service station. "Gasoline service station" means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

(55) Grade. "Grade" means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. 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.

(56) Greenbelt, obscuring. "Obscuring greenbelt" means a landscaped area of definite width, height and location, containing plant materials of definite spacing, designed and intended to serve as an obscuring device in carrying out the requirements of this Zoning Code.

(57) Gross leasable floor area. "Gross leasable floor area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and generally all that area on which tenants pay rent, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

(58) Home for the aged. "Home for the aged" means an establishment operated for the purpose of providing domiciliary care for a group of persons who, by reason of age, are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

(59) Home occupation. "Home occupation" means a gainful occupation or profession customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

(60) Hospital, general. "General hospital" means an installation providing health services primarily for in-patient medical or surgical care of the sick or injured, and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices, which are an integral part of the facility.

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

(62) Housing for the elderly (senior citizen housing). See division (115A) "Senior Citizen Housing".

(63) Junk yard. "Junk yard" means an area where waste, used materials or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. "Junk yard" includes automobile wrecking yards and any open area of more than 200 square feet used for the storage, keeping or abandonment of junk.

(64) Kenel, commercial. "Commercial kennel" means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded or bred.

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

(66) Local street. "Local street" means a street of limited continuity which is to be used to gain immediate access to abutting residential properties.

(67) Lot. "Lot" means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings, together with accessory buildings, or utilized for a principal use and uses accessory thereto, together with such yards and open spaces as are required under this Zoning Code. A lot may or may not be specifically designated as such on public records. Specifically:

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

B. "Interior lot" means any lot other than a corner lot.

C. "Through lot" means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.

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

A zoning lot shall satisfy this Zoning Code with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

A zoning lot line shall serve as a lot line for the purposes of establishing building setbacks within the respective zoning districts.

(68) Lot area. "Lot area" means the total horizontal area within the lot lines of a lot. For the purpose of this Zoning Code, the front property line shall be at the edge of the street or street right of way, not the centerline.

(69) Lot coverage. "Lot coverage" means the part or percent of the lot occupied by buildings, including accessory buildings.

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

(71) Lot lines. "Lot lines" means the lines bounding a lot. Specifically:

A. "Front lot line" means, in the case of an interior lot, that line separating such lot from the street. In the case of a through lot or a corner lot, "front lot line" means that line separating such lot from the street which is designated as the front street in the request for a zoning compliance permit.

B. "Rear lot line" means 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.

C. "Side lot line" means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street shall be known as the exterior side street lot line. A side lot line separating a lot from another lot shall be known as an interior side lot line.

(72) Lot of record. "Lot of record" means a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County officials, which parcel of land actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

(73) Lot width. "Lot width" means the horizontal straight line distance between the side lot lines, measured between the two points where the front set-back line intersects the side lot lines.

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

(75) Major thoroughfare. "Major thoroughfare" means an arterial street which is intended to serve as a large volume trafficway for both the immediate Municipal area and the region beyond, and which is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Thoroughfare and Street Plan to identify those streets comprising the basic structure of such Plan.

(76) Maneuvering lane or aisle. "Maneuvering lane or aisle" means an open unobstructed area located directly behind an off-street parking space or loading/unloading area and which is to be used to gain access to and exit from a parking space or loading/unloading area. A maneuvering lane or aisle may serve a single row of off-street parking spaces or may be used jointly when located between two opposing rows of parking spaces.

(77) Marginal access road. "Marginal access road" means a service roadway parallel to a feeder road or to a street, which service roadway provides access to abutting properties and protection from through

traffic.

(78) Master Plan. "Master Plan" or "Comprehensive Development Plan" means the comprehensive community plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such Plan and any amendment to such Plan or part thereof. Such Plan may or may not be adopted by the Planning Commission and/or Council.

(78a) Medical marijuana facility. "Medical marijuana facility" means a facility where a primary caregiver who is legally registered by the Michigan Department of Community Health may lawfully assist qualified patients who are legally registered by the Michigan Department of Community Health for the medical use of marijuana in accordance with the Michigan Marijuana Act as amended. Assistance to qualifying patients does not include the ingestion of marijuana on the premises. A medical marijuana facility does not include an operation which in any way fails to comply with the Michigan Medical Marijuana Act or the rules of the Michigan Department of Community Health, as it may be amended from time to time.

(Ord. 917. Passed 9-1-10.)

(79) Mezzanine. "Mezzanine" means an intermediate floor in any story occupying not more than one-third of the floor area of such story.

(80) Mobile home. "Mobile home" means any vehicle designed or constructed so as to permit its being used as a conveyance upon the public streets or highways, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

(81) Mobile home park. "Mobile home park" means any plot of ground upon which three or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(82) Motel. "Motel" means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

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

(84) Motor vehicle repair, major. "Major motor vehicle repair" means general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services, such as body, frame or fender straightening, and repair, painting or undercoating.

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

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

(87) Municipality. "Municipality" means the City of Southgate, Michigan.

(88) Nonconforming building. "Nonconforming building" means a building or portion thereof lawfully existing on the effective date of this Zoning Code (Ordinance 458, passed January 4, 1989), or any

amendment thereto, that does not conform to the use regulations of the district in which it is located.

(89) Nonconforming use. "Nonconforming use" means a use which lawfully occupied a building or land on the effective date of this Zoning Code (Ordinance 458, passed January 4, 1989), or any amendment thereto, that does not conform to the use regulations of the district in which it is located.

(90) Nuisance factor. "Nuisance factor" means an offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristic of an activity or use across a property line, which physical characteristic can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregations of people, particularly at night, passenger traffic, invasion of a nonabutting street frontage by traffic, a burned out structure or a condemned structure.

(91) Nursery, plant materials. "Plant materials nursery" means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. "Plant materials nursery" does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(92) Nursery school or day care center. "Nursery school" or "day care center" means an establishment wherein three or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are, for remuneration, cared for.

(93) Off-street parking lot. "Off-street parking lot" means a facility providing vehicular parking spaces, along with adequate drives and aisles, for maneuvering so as to provide access for entrances and exits for the parking of more than three vehicles.

(94) Open front store. "Open front store" means a business establishment so developed that service to the patron may be extended beyond the walls of the structure and which does not require the patron to enter the structure. "Open front store" shall not include automobile repair or gasoline service stations.

(95) Open space. "Open space" means an area of land that remains primarily undeveloped and in its natural state. "Open space" may include park lands and park facilities so long as they are provided as a part of an open space area.

(Ord. 458. Passed 1-4-89.)

(96) Open storage, motor vehicle. "Motor vehicle open storage" means the outdoor standing or placement of motor vehicles, including truck trailers and new and used motor vehicles on display for lease or sale.

(Ord. 491. Passed 6-5-91.)

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

(98) Outlot. "Outlot" means, when included within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

(99) Parking. "Parking" means the parking of a motor vehicle for a short duration, and possessing the element of a vehicle in use being temporarily parked until it is shortly to be again put into service. "Temporarily" or "shortly," for the purpose of this definition, means a maximum of eighteen hours.

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

(100A) Personal service establishment. "Personal service establishment" means the repair, care of, or maintenance of an individual or his or her personal property. Personal establishments shall include, but are not limited to, tanning salons, nail salons, beauty/barber shops, tailors, dressmakers, and similar places of business.

(Ord. 728. Passed 8-29-01.)

(101) Pet. "Pet" means a domesticated animal kept, other than for a commercial use, as a companion or for protection, show or play.

(Ord. 458. Passed 1-4-89.)

(101A) Pilot business program. "Pilot business program" means a temporary use of limited duration, the intent of which is to conceive and nurture a small, initial endeavor into a full scale contrivance.

(Ord. 518. Passed 10-7-92.)

(102) Planned commercial center. "Planned commercial center" means a business development consisting of two or more retail commercial outlets characterized by a unified grouping of stores under common architecture and served by a common circulation and parking system.

(103) Planned development (PD). "Planned development (PD)" means a specific parcel of land or several contiguous parcels of land under single ownership and control for which a comprehensive physical plan has been developed establishing functional use areas, density patterns where applicable, fixed systems of streets, marginal access drives where required, service drives and provisions for public utilities, drainage and other essential services, all of which shall be subject to review and approval by the Planning Commission and Council and which shall be developed in full accordance with the approved plan.

(104) Principal use. "Principal use" means the main use to which the premises are devoted and the principal purpose for which the premises exist.

(105) Public utility. "Public utility" means a person, firm, corporation or Municipal department, board or commission duly authorized to furnish and furnishing to the public, under Federal, State or Municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(106) Recreational vehicles and recreational equipment. "Recreational vehicles and recreational equipment" means any travel trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, float and raft, and includes transportation equipment and off-road vehicles, manufactured motorized homes and manufactured motor buses, all designed to be used as a temporary dwelling for travel, recreation and vacation use or for periodic and occasional recreational and vacation use.

(Ord. 10-898. Passed 2-3-10.)

(107) Regional center. "Regional center" means a commercial complex providing for general merchandise, apparel, furniture and home furnishings in depth and variety as well as a range of services and recreational facilities built around one or two full line department stores of not less than 100,000 square feet and containing not less than 400,000 square feet of gross leasable floor area overall.

(108) Restaurant, drive-in. "Drive-in restaurant" means a business establishment primarily designated to provide a motor vehicle driveway approach, standing space or parking space where patrons receive food and beverages while in motor vehicles for consumption in such motor vehicles while on the premises.

(Ord. 819. Passed 12-14-05.)

(109) Restaurant, fast food. "Fast food restaurant" means a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.



(Ord. 819. Passed 12-14-05.)

(110) Restaurant, drive-through. "Drive-through restaurant" means any restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

(Ord. 819. Passed 12-14-05.)

(111) Restaurant, sit-down. "Sit-down restaurant" means a business establishment in which a patron purchases food or beverages, which food or beverages are then prepared on the premises after the patron orders and which food or beverages are thereafter served to the patron and consumed by the patron while seated in the restaurant. For zoning purposes, limited designated parking spaces for a carry-out function that is clearly incidental and accessory to the primary sit-down use, shall not classify the restaurant as fast food.

(Ord. 819. Passed 12-14-05.)

(112) Room. For the purpose of determining lot area requirements and density in a Multiple-Family District, a "room" means a living room containing at least 150 square feet of floor area or a dining room or a bedroom containing at least 100 square feet of floor area. "Room" shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one, two or three bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

(113) Rubbish. "Rubbish" means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, and includes other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper products, rags, chemicals or similar or related combinations thereof.

(114) Screen. "Screen" means to conceal from view or to make difficult to see clearly.

(115) Secondary thoroughfare. "Secondary thoroughfare" means a street of limited continuity designed and intended to collect and distribute traffic to and from local streets, to or from major thoroughfares.

(115A) Senior citizen housing (retirement housing). "Senior citizen housing (retirement housing)" means a planned housing development or facility for elderly persons.

(Ord. 728. Passed 8-29-01.)

(116) Setback. "Setback" means the distance required to obtain minimum front, side or rear yard open space provisions of this Zoning Code.

(117) Sign. "Sign" means a name, identification, description, display, illustration or other device which is affixed to, painted on or otherwise represented directly or indirectly upon a building, structure or parcel of land, which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, right of way, sidewalk, alley, park or other public property.

(118) Sign, accessory. "Accessory sign" means a sign which is related to the principal use of the premises.

(119) Sign, nonaccessory. "Nonaccessory sign" means a sign which is not related to the principal use of the premises.

(120) Storm water detention facility. "Storm water detention facility" means a facility designed for detaining storm water runoff for a short period of time and for releasing it at a controlled rate to the natural watercourse where it returns to the hydrologic cycle.

(121) Storm water retention facility. "Storm water retention facility" means a facility which does not possess the ability of dewatering, whereby water is held for a considerable length of time for aesthetic,

agricultural or consumptive holding of storm water runoff or other uses. The water may never be discharged to a natural watercourse, but may be dissipated by plants, evaporation or percolation into the ground.

(122) Story. "Story" means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

(123) Story, half. "Half story" means an uppermost story lying under a sloping roof and having an area of at least 200 square feet, with a clear height of seven feet six inches. For purposes of this Zoning Code, the usable floor area is only that area having at least four feet of clear height between the floor and the ceiling.

(124) Street. "Street" means a dedicated public right of way, other than an alley, which right of way affords the principal means of access to abutting property.

(125) Structural alteration. "Structural alteration" means any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

(126) Structure. "Structure" means anything constructed or erected, the use of which requires a location on the ground or an attachment to something having a location on the ground.

(127) Temporary use or building. "Temporary use or building" means a use or building permitted by the Director of Inspections or his or her designee to exist during a specified period of time.

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

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

iii. Veterinary clinic. "Veterinary clinic" means any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of nonresident animals.

iv. Veterinary hospital. "Veterinary hospital" means any establishment maintained and operated for the diagnosis and treatment of disease and injuries of animals, including resident animals.

v. Wall, obscuring. "Obscuring wall" means a structure built of architectural masonry materials to a definite height and location for the purpose of serving as an obscuring device in carrying out the requirements of this Zoning Code.

vi. Yard. "Yard" means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code. Specifically:

(1) "Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) "Rear yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

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

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1262**

### **Administration, Enforcement and Penalty**

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- 1262.01 Enforcement.
- 1262.02 Duties of Director of Inspections.
- 1262.03 Plans and specifications to accompany building permit applications.
- 1262.04 Building permits.
- 1262.05 Temporary use permits.
- 1262.06 Certificates of occupancy.
- 1262.07 Public hearings.
- 1262.08 Designation of Planning Commission under State law.
- 1262.09 Authority of Planning Commission.
- 1262.10 Violations; declaration of nuisance.
- 1262.99 Penalty.

#### ***CROSS REFERENCES***

Board of Zoning Appeals - see CHTR. Sec. 77; M.C.L.A. Sec. 125.585; P. & Z. Ch. 1264

City zoning ordinances; public hearing, notice; report of Planning Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Conflicting laws; governing law - see M.C.L.A. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

Amendments - see P. & Z. 1260.04

Appeals - see P. & Z. 1264.03 et seq.

#### **1262.01 ENFORCEMENT.**

This Zoning Code shall be administered and enforced by the Director of Inspections or by such deputies as he or she may delegate.

(Ord. 458. Passed 1-4-89.)

#### **1262.02 DUTIES OF DIRECTOR OF INSPECTIONS.**

The Director of Inspections may grant zoning compliance and occupancy permits and may make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Zoning Code. It shall be unlawful for the Director to approve plans or issue permits or certificates of

occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Zoning Code.

The Director shall record all nonconforming uses existing on the effective date of this Zoning Code (Ordinance 458, passed January 4, 1989) for the purpose of carrying out the provisions of Chapter 1296.

Under no circumstances is the Director permitted to make changes to this Zoning Code or to vary the terms of this Zoning Code in carrying out his or her duties.

The Director shall not refuse to issue a permit when conditions imposed by this Zoning Code are complied with by the applicant, despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of such permit.

(Ord. 458. Passed 1-4-89.)

### **1262.03 PLANS AND SPECIFICATIONS TO ACCOMPANY BUILDING PERMIT APPLICATIONS.**

The Director of Inspections shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan, in triplicate, 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 or altered or already on the lot; and
- (c) The existing and intended use of the lot and of all structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(Ord. 458. Passed 1-4-89.)

### **1262.04 BUILDING PERMITS.**

The following shall apply in the issuance of any building permit or certificate of occupancy:

- (a) Conditions for Nonissuance. 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 this Zoning Code.
- (b) New Use of Land. No land heretofore vacant shall hereafter be used, and no existing use of land shall hereafter be changed to a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.
- (c) New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (d) Building Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit has been issued for such work. The terms "altered" and "repaired" include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation or means of ingress and egress, or other changes affecting or regulated by the Building and Housing Code or this Zoning Code, except for minor repairs or changes not involving any of the aforesaid features.

(Ord. 458. Passed 1-4-89.)

## **1262.05 TEMPORARY USE PERMITS.**

(a) The Director of Inspections or the City Council may grant temporary use permits for tent sales or outdoor sales subject to the following conditions:

(1) Temporary use permits may be issued to the certificate of occupancy holder of a business in C-1, C-2, C-3 Zoning Districts provided the temporary use is an extension of the primary use of the property;

(2) The temporary use permit shall be effective for no longer than seven consecutive days. Not more than six permits shall be issued within a single calendar year for any location. A minimum fourteen days is required between events;

(3) No temporary use shall be permitted if it reduces the required off-street parking requirements;

(4) All temporary use applications and plans shall be reviewed and approved by the Police and Fire Departments to ensure public safety.

(b) The Director of Inspections or the City Council may grant use permits for outdoor seasonal sales subject to the following conditions:

(1) Seasonal sale permits may be issued in C-1, C-2, C-3 Zoning Districts only as a principal permitted use;

(2) The seasonal sale permit shall by its terms be effective for no longer than 150 days within a single calendar year, except sales of Christmas trees shall only be effective for forty-five days ending on December 25th;

(3) Seasonal sale permits may only be granted to the certificate of occupancy holder of a business and not on vacant properties except for Christmas tree sales;

(4) No seasonal sales shall be permitted if it reduces the required off-street parking;

(5) All seasonal use applications and plans shall be reviewed by the Police and Fire Departments to ensure public safety;

(6) All seasonal use applications shall comply with all applicable zoning regulations for the district, including lot size, height, setback, open space, lot coverage, off-street parking requirements, and traffic flow.

(c) Applications for temporary use permits or seasonal sale permits shall be filed with the Building Department and shall include the following:

(1) Application fee as provided by resolution of the City Council;

(2) Plans detailing the shape and dimensions of the lot, the location and size of all existing and proposed structures, dimensions and location of all off-street parking spaces, including parking space reductions, width dimensions of all maneuvering lanes, and all designated fire lanes;

(3) The materials and design of all temporary structures to be erected or moved to the lot, including buildings, trailers, tents, tables or display racks;

(4) For all vacant lots or parcels where Christmas tree sales are approved, a one thousand dollar (\$1,000) bond shall be posted with the City Clerk's office for site cleanup and removal of all signs, structures and debris.

(Ord. 458. Passed 1-4-89; Ord. 602. Passed 3-5-97; Ord. 815. Passed 11-16-05; Ord. 847. Passed 4-4-07; Ord. 851. Passed 5-30-07.)

## **1262.06 CERTIFICATES OF OCCUPANCY.**

No land or building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy has been issued for such use. The following shall apply in the issuance of any certificate:

(a) Conditions for Nonissuance. No certificate of occupancy shall be issued for any building or structure, or part thereof, or for the use of any land, which is not in accordance with this Zoning Code.

(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 has been issued for such building or structure.

(c) Application of Building Code Provisions. Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Zoning Code.

(d) Existing Buildings. Certificates of occupancy shall be issued for existing buildings or structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings or structures, or parts thereof, or such uses of land, are in conformity with this Zoning Code.

(e) Records. A record of all certificates issued shall be kept on file in the office of the Building Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

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

(g) Applications. An application for a certificate of occupancy shall be made in writing to the Building Department on forms furnished by the Department, and such certificates shall be issued within five business 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 this Zoning Code. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within such five business days.

(h) Temporary Certificates. A temporary certificate of occupancy may be issued if the property owner is entitled to a temporary certificate of occupancy under the State Construction Code, provided there is compliance with the additional requirements of this subsection. Any temporary certificate of occupancy issued shall specify a reasonable time for site improvements. Failure to comply with the time limit set forth shall be considered a violation of the time limit placed on the temporary certificate of occupancy for purposes of enforcing this Zoning Code and requiring completion of site improvements. For purposes of this subsection, "City Engineer" shall include any private engineering firm that the City contracts with to perform the described engineering functions.

(1) Duration. A temporary certificate of occupancy shall not be effective for more than six months. Thereafter, occupancy may only be authorized under a final certificate of occupancy.

(2) Unfinished site improvements. All unfinished site improvements which are included on an approved site plan, or which are otherwise required by this Zoning Code, shall be constructed, installed or placed on the property, and shall be approved by the City Engineer by letter to the Building Department, within six months of obtaining a temporary certificate of occupancy. Failure to finish and obtain approval of such improvements shall constitute a violation of this Zoning Code, giving rise to the penalties provided for herein, and shall constitute a basis for relief in Circuit Court.

(3) Cash, letters of credit and bonds. Whenever any applicant seeks occupancy of premises prior to the completion of construction of every nature in accordance with an approved site plan and the requirements of the City's ordinances, or when the applicant occupies the premises at the time of application for a building permit and continued occupancy is contemplated during the time of construction, the applicant shall deposit cash, a certified check, an irrevocable bank letter of credit or a corporate surety bond forfeitable to the City in an amount equal to 150 percent of the estimated cost of the remaining improvements pursuant to such site plan and the requirements of this Zoning Code. The estimate of such

cost shall be solely at the discretion of the City Engineer. As used in this subsection, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area. "Improvements" includes roadways, lighting, utilities, sidewalks, screening and drainage. Such cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the City and shall be forfeitable by its terms and conditions, automatically, fifteen days after notice to the applicant that the requirements of the site plan or this Zoning Code have not been met according to the terms of the temporary certificate or a time specified in the building permit. Such cash deposit, certified check, irrevocable bank letter of credit or bond shall be considered posted with the condition that upon passage of such fifteen days after such notice, in writing, by first class mail to the last known address of the applicant, such amount shall automatically be transferred to the City, or otherwise enforceable by the City by any means available. Thereafter, the City shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The City may retain twenty percent of the cost of such completion as the City construction administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit or surety bond shall be released until all of the work is complete. In the case of a deposit of cash or a certified check, portions of the amount may be rebated as work progresses, at reasonable intervals, provided that at all times the amount on deposit equals the cost of the work to be completed.

(i) Final Certificates. A final certificate of occupancy may be issued if the property owner is entitled to a final certificate of occupancy under the State Construction Code and if the Director of Inspections finds that there are minor exterior site plan requirements that remain to be finished, provided there is compliance with the additional requirements of this subsection.

(1) Unfinished site improvements. All unfinished site improvements which are included on an approved site plan, or which are otherwise required by this Zoning Code, shall be constructed, installed or placed on the property, and shall be approved by the City Engineer, within six months of obtaining a final certificate of occupancy. Failure to finish and obtain approval of such improvements shall constitute a violation of this Zoning Code, giving rise to the penalties provided for herein.

(2) Cash, letters of credit and bonds. Whenever an applicant seeks occupancy of premises prior to the completion of construction of every nature in accordance with an approved site plan and the requirements of the City's ordinances, the applicant shall deposit cash, a certified check, an irrevocable bank letter of credit or a corporate surety bond forfeitable to the City in an amount equal to 200 percent of the estimated cost of the remaining improvements pursuant to such site plan and the requirements of this Zoning Code and the City's ordinances. The estimate of such cost shall be solely at the discretion of the City Engineer. As used in this subsection, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area. "Improvements" includes roadways, lighting, utilities, sidewalks, screening and drainage. Such cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the City and shall be forfeitable by its terms and conditions, automatically, fifteen days after notice to the applicant that the requirements of the site plan or this Zoning Code have not been met according to the terms of the final certificate. Such cash deposit, certified check, irrevocable bank letter of credit or bond shall be considered posted with the condition that upon passage of such fifteen days after such notice is sent, in writing, by first class mail, to the last known address of the applicant, such amount shall automatically be transferred to the City, or otherwise enforceable by the City by any means available. Thereafter, the City shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The City may retain twenty percent of the cost of such completion as the City construction administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit or surety bond shall be released until all of the work is complete. In the case of a deposit of cash or a certified check, portions of such amount may be rebated as work progresses, at reasonable intervals, provided that at all times the amount on deposit equals the cost of the work to be completed.

(Ord. 458. Passed 1-4-89.)

### **1262.07 PUBLIC HEARINGS.**

In instances where a public hearing is required under this chapter or the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act, written notice of the public hearing shall be as follows:

(a) The City Clerk shall publish notice of the hearing in a newspaper of general circulation in the City of Southgate not less than 15 days before the date of the hearing.

(b) Notice required under this Act shall be given as provided in subsection (c) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (c) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. 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 persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.

(c) The notice under subsection (b) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(d) A notice under this section shall do all of the following:

(1) Describe the nature of the request.

(2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(3) State when and where the request will be considered.

(4) Indicate when and where written comments will be received concerning the request.

(Ord. 933. Passed 5-18-11.)

### **1262.08 DESIGNATION OF PLANNING COMMISSION UNDER STATE LAW.**

The Planning Commission is hereby designated as the Commission specified in Section 4 of Act 207 of the Public Acts of 1921, as amended, and shall perform the zoning duties of such Commission as provided in the statute in connection with the amendment of this Zoning Code.

(Ord. 458. Passed 1-4-89.)

### **1262.09 AUTHORITY OF PLANNING COMMISSION.**

(a) (1) Formulation of zoning ordinances and amendments. The Planning Commission shall be responsible for the formulation of the zoning ordinance to include the official City map, review of



amendments to either the zoning ordinance or map, and hold a public hearing on any proposed zoning ordinance or amendments to the ordinance or map. A report outlining any findings and the Planning Commission's recommendations shall be forwarded to City Council.

(2) Site plan review. The Planning Commission shall be responsible for the review and approval of certain site plans as outlined in this title. The Commission shall grant or deny final approval for such site plans. Modifications may be required to the site plan before final approval is granted.'

(3) Uses subject to special approval review. The Planning Commission shall be responsible for holding a public hearing and reviewing all applications for uses subject to special approval as outlined in this title and in accordance with Public Act 33 of 2008, as may be amended. The Planning Commission may attach reasonable conditions to any approvals granted.

(4) Subdivision plats. The Planning Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification, or denial of such plat proposals to City Council.

(5) Variance review. The Planning Commission may review and make recommendations to the Board of Zoning Appeals on any variances that are required as part of site plan review.

(6) Formulation of a Master Plan. The Planning Commission shall be responsible for the formulation, adoption and amendments of the Master Plan as a guide for the development of the City.

(7) Other duties as assigned. The Planning Commission shall fulfill other duties and responsibilities as are delegated to it by City Council, City ordinances, and any State statutes.

(b) In cases where the Planning Commission is authorized to approve certain uses of premises, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper consideration of the matter.

(c) The Commission may impose such conditions or limitations in granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this code. The Planning Commission may deny, approve, or approve with conditions, requests for uses permitted subject to special conditions. The decision of the Planning Commission shall be incorporated in a statement of conclusions relative to the uses permitted subject to special conditions under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(d) Except where otherwise set forth in this title, any approval given by the Commission, shall lapse and cease to be in effect if work is not commenced within 12 months of the date of approval.

(e) The Commission shall not have the power to change the zoning classification of any property, nor to grant exceptions or variances from any terms of this Zoning Code.

(Ord. 934. Passed 5-18-11; Ord. 952. Passed 7-5-12.)

### **1262.10 VIOLATIONS; DECLARATION OF NUISANCE.**

Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance, site plan or regulation adopted under this title or other ordinance of the City or Act 33 of 2008 as hereinafter amended is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.

(Ord. 935. Passed 5-18-11.)

**1262.99 PENALTY.**

(a) Whoever violates or fails to comply with any of the provisions of this Zoning Code is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) and the costs of prosecution or imprisoned not more than ninety days, or both, for each offense.

(b) The owner of any building, structure or premises, or part thereof, where any condition in violation of this Zoning Code exists or is 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 provided in subsection (a) hereof.

(c) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(d) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1264**

### **Board of Zoning Appeals**

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1264.01 Establishment.

1264.02 Membership.

1264.03 Operation.

1264.04 Powers.

1264.05 Appeals.

1264.06 Decisions.

1264.07 Conditions of approval.

1264.08 Power of review; adult businesses.

1264.09 Re-application time periods.

#### ***CROSS REFERENCES***

Board of Zoning Appeals - see CHTR. Sec. 77; M.C.L.A. Sec. 125.585

Meetings of the Board; freedom of information - see M.C.L.A. Sec. 125.585a

Review by Circuit Courts; appeals to Supreme Court; procedure - see M.C.L.A. Sec. 125.590

Actions for review; proper and necessary parties; notice; failure to appear - see M.C.L.A. Sec. 125.591

Authority re soil erosion and sedimentation control - see B. & H. 1476.17

#### **1264.01 ESTABLISHMENT.**

Pursuant to Public Act 110 of 2006, as may be amended, the Board of Zoning Appeals shall be established and given authority to exercise jurisdiction over the incorporated area of the City as outlined in the Act.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.02 MEMBERSHIP.**

(a) The Board of Zoning Appeals shall consist of seven members. One member shall be a member of the Planning Commission and one member may be a member of City Council. The five remaining members shall be electors of the City who are representative of the community.

(b) Each member shall be recommended by the Mayor and appointed by City Council.

(c) Terms of membership shall be three years, except if the Planning Commission or City Council member's appointment to the Council or Commission expires prior to completing their three-year term.

(d) Vacancies will be filled in the same manner as allowed by this section for the remainder of the uncompleted term.

(e) Members who have more than three unexcused absences will be expected to resign from the Board of Zoning Appeals.

(f) Members may be removed from the Board of Zoning Appeals by City Council for misfeasance, malfeasance, or nonfeasance upon written charges and after a public hearing.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.03 OPERATION.**

(a) Officers.

(1) The Board of Zoning Appeals shall elect a Chairman and Vice Chairman.

(2) The officers shall be elected yearly by the membership of the Board of Zoning Appeals.

(3) If a City Council member sits on the Board, that member shall not be eligible to serve as an officer.

(4) A member of the Board who is currently an officer on the City Planning Commission may not simultaneously serve as an officer of the Board of Zoning Appeals.

(b) Meetings.

(1) A specific meeting time and date shall be established for the upcoming year at the last meeting of the current year. Meetings shall also be held at the call of the Chairperson.

(2) A majority of the members must be present to constitute a quorum for any meeting.

(3) All meetings are subject to the Open Meetings Act, Public Act 267 of 1976, and the Freedom of Information Act, Public Act 442 of 1976, as may be amended.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.04 POWERS.**

The Board of Zoning Appeals shall have the power to vary or modify any ordinance provision whenever there are practical difficulties or unnecessary hardships imposed on the property owner if the strict letter of the ordinance is carried out. The Board of Zoning Appeals shall decide appeals in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.05 APPEALS.**

An appeal may be taken to the Board of Zoning Appeals by any person wishing to appeal any ordinance provision or any final decision of the Director of Inspections or the Planning Commission. All appeals must be applied for in writing on forms provided by the City. The Board of Zoning Appeals shall give notice of the hearing to the parties involved. The Board of Zoning Appeals shall also give notice to owners and occupants of property within a minimum of 300 feet from the property lines of the property, which is the subject of the appeal. Notice shall be by regular mail or personal delivery and shall be sent to the property owners as shown on the latest tax assessment roll. Notice shall be given at least fifteen days prior to the hearing in accordance with Public Act 110 of 2006, as may be amended. The Board of Zoning Appeals shall hear the following:

(a) Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Director of Inspections or other administrative official in carrying out or enforcing this Zoning Code;

(b) Variances. To authorize, upon an appeal, a variance from the strict application of the provisions of this Zoning Code where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Zoning Code (Ordinance 458, passed January 4, 1989), or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of this Zoning Code would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Code.

(c) Exceptions and Special Approvals. To hear and decide, in accordance with this Zoning Code, requests for exceptions, for interpretations of the Zoning Map and for decisions on special approval situations on which this Zoning Code specifically authorizes the Board to pass. Any exception shall be subject to such conditions as the Board may require to preserve and promote the character of the district in question and to otherwise promote the purposes of this Zoning Code.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.06 DECISIONS.**

The Board of Zoning Appeals may require the applicant to provide such additional information as is necessary to make a decision. In making a decision, the Board of Zoning Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Code. No variance may be granted or decision overruled unless a majority of the voting members vote in favor thereof. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance. The Board of Zoning Appeals shall state the grounds of each decision, which shall be based on the following:

(a) That compliance with the ordinance results in a practical difficulty.

(b) That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district.

- (c) That the problem is not self-inflicted.
  - (d) That the variance is the minimum necessary to permit reasonable use if the property.
  - (e) That the variance, if granted, would not compromise the public health, safety, and welfare.
- (Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.07 CONDITIONS OF APPROVAL.**

Any conditions of approval imposed by the Board of Zoning Appeals shall meet the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the Zoning Code, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(Ord. 458. Passed 1-4-89; Ord. 841. Passed 2-7-07.)

### **1264.08 POWER TO REVIEW; ADULT BUSINESSES.**

The power of the Board of Zoning Appeals shall not be modified in any fashion by Section 1298.06(f). However, the Board's power to review and take additional action with respect to adult businesses, as defined in Section 1260.07, shall be subject to the following:

- (a) Effect of Denial. No appeal to the Board which has been denied wholly or in part shall be resubmitted for a period of one year from the effective date of said order of denial, except on the grounds of new evidence or proof of a change of conditions found to be valid by the Board. Applications for a rehearing shall be in writing and subject to the same rules as an original hearing.
- (b) Revocation of Grant. If the conditions prescribed by the Board in making any grant or approving any application are not complied with within six months from the effective date of said grant or approval, then, without further action by the Board, the grant shall be null and void. Extensions of time for compliance may be granted by the Board upon application of the appellee for good cause shown.
- (c) Costs. Upon the payment of costs, a copy of the record of any matter on appeal shall be made available to the parties. The official record of an appeal shall be open for examination as a public record.
- (d) Appeals from Board Decision. Any decision of the Board of Zoning Appeals may be appealed to the Circuit Court as specified in the Zoning Enabling Act of Michigan, Act 110 of 2006, as amended. The Circuit Court may order the Board of Zoning Appeals to rehear a case in the event that the Court finds that the record of the Board of Zoning Appeals is inadequate to make the proper review, or that there is additional evidence that is material and with good reason was not presented to the Board of Zoning Appeals.

(Ord. 579. Passed 8-9-95; Ord. 841. Passed 2-7-07.)

**1264.09 RE-APPLICATION TIME PERIODS.**

No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Zoning Appeals to be valid. Resubmission shall require all appropriate fees and application as any other BZA request.

(Ord. 919. Passed 11-3-10.)

## **CHAPTER 1266**

### **Districts Generally and Zoning Map**

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- 1266.01 Establishment of districts.
- 1266.02 Official Zoning Atlas and Zoning Map.
- 1266.03 Interpretation of district boundaries.
- 1266.04 Interpretation of text.
- 1266.05 Zoning of annexed areas.
- 1266.06 Zoning of vacated streets.
- 1266.07 General district requirements.

***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

**1266.01 ESTABLISHMENT OF DISTRICTS.**

For the purpose of this Zoning Code, the City is hereby divided into the following districts:

Residential Districts

- R-1 One-Family Residential District
- R-1A One-Family Residential District
- R-1B One-Family Residential District

- R-2 Two-Family Residential District
- RM Multiple-Family Residential District
- MH Mobile Home District

#### Nonresidential Districts

- RO Restricted Office District
- C-1 Community Business District
- C-2 General Business District
- C-3 Thoroughfare Service District
- P-1 Vehicular Parking District
- PD Planned Development District
- M-1 Light Industrial-Research District

(Ord. 603. Passed 3-5-97.)

### **1266.02 OFFICIAL ZONING ATLAS AND ZONING MAP.**

The boundaries of the zoning districts are hereby established as shown in the Official Zoning Atlas of the City and on the Zoning Map which accompanies this Zoning Code. Such Map, with all notations, references and other information shown thereon, shall be as much a part of this Zoning Code as if fully described herein.

(Ord. 458. Passed 1-4-89.)

### **1266.03 INTERPRETATION OF DISTRICT BOUNDARIES.**

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

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following City limits shall be construed as following City limits.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) hereof shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.



(g) Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (f) hereof, the Board of Zoning Appeals shall interpret the district boundaries.

(h) Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of Map clarity, do not cover public rights of way, it is intended that such district boundaries extend to the center of any public right of way.

(Ord. 458. Passed 1-4-89.)

#### **1266.04 INTERPRETATION OF TEXT.**

Where uncertainty exists with respect to a use permitted in any district, or under any other condition set forth in this Zoning Code, the following rules shall apply:

(a) No use of land shall be permitted in any use district except those uses specifically set forth in the district.

(b) Uses not specifically permitted in a zoning district shall not be permitted uses of land and shall be prohibited.

(Ord. 458. Passed 1-4-89.)

#### **1266.05 ZONING OF ANNEXED AREAS.**

Whenever any area is annexed to the City, one of the following conditions shall apply:

(a) Land zoned prior to any annexation to the City shall be zoned to a like or to the most nearly similar district, upon annexation, provided such zoning is in harmony with the City's Comprehensive Development Plan.

(b) Land zoned prior to any annexation to the City, the zoning of which is contrary to the recommendations of the Comprehensive Development Plan, shall be zoned to a district which corresponds to the recommendations of the Comprehensive Development Plan.

(Ord. 458. Passed 1-4-89.)

#### **1266.06 ZONING OF VACATED STREETS.**

Whenever any street, alley or other public way within the City is vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same district as the property to which it is attached.

(Ord. 458. Passed 1-4-89.)

#### **1266.07 GENERAL DISTRICT REQUIREMENTS.**

All buildings and uses in any district shall be subject to the following applicable provisions:

(a) Those set forth for the use in the particular use district; and

(b) Those set forth in Chapters 1260, 1292, 1294, 1296 and 1298.



(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1268**

### **R-1, R-1A and R-1B One-Family Residential Districts**

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1268.01 Intent.

1268.02 Principal uses permitted.

1268.03 Uses permitted subject to special conditions.

1268.04 Required conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

One-family clustering option - see P. & Z. 1298.03

Off-street parking or storage of commercial and recreational vehicles - see P. & Z. 1298.05

Entranceways in Residential Districts - see P. & Z. 1298.11

#### **1268.01 INTENT.**

R-1, R-1A, R-1B, and R-E One-Family Residential Districts are designed to be the most restrictive of the Residential Districts. The intent is to provide for an environment of predominantly moderate density, one-family detached dwellings, along with other residentially related facilities which serve the residents in the Districts.

(Ord. 458. Passed 1-4-89; Ord. 732. Passed 10-10-01.)

#### **1268.02 PRINCIPAL USES PERMITTED.**

In R-1, R-1A, R-1B, and R-E One-Family Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) One-family dwellings;

- (b) Farms and greenhouses on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the City, provided that no farm shall be operated as a piggery, for the disposal of garbage, sewage, rubbish or offal, for a rendering plant or for the slaughtering of animals, except where such animals have been raised on the premises for use and consumption by persons residing on the premises;
- (c) Publicly owned and operated parks, parkways and recreational facilities;
- (d) Cemeteries which lawfully occupied land at the time of adoption of this Zoning Code;
- (e) Home occupations; and
- (f) Accessory buildings, structures and uses customarily incident to any of the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89; Ord. 732. Passed 10-10-01.)

### **1268.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In R-1, R-1A, R-1B, and R-E One-Family Residential Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

- (a) Churches and other facilities normally incidental thereto subject to the following conditions:
  - (1) Buildings of greater than the maximum height allowed in Section 1298.01 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.
  - (2) A two-acre site, at a minimum, shall be provided.
  - (3) All access to the site shall be in accordance with Section 1298.16.
  - (4) All off-street parking shall be screened as set forth and regulated in Section 1298.13.
- (b) Public, parochial and other private intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories;
- (c) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the location of such a building within such Districts in order to serve the immediate vicinity and when the architecture is in keeping with the surrounding area;
- (d) Nursery schools, day nurseries and child care centers (not including dormitories), provided that:
  - (1) The facility meets the requirements established in the Licensing Rules for Child Care Centers manual, as established by the Department of Human Services with the State of Michigan for indoor space;
  - (2) For each child there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a minimum area of not less than 1,200 square feet per the requirements of the Licensing Rules for Child Care Centers manual as established by the Department of Human Services with the State of Michigan;
  - (3) The outdoor play area shall be fenced and screened from any adjoining lot in any Residential District;
  - (4) That all other requirements of the Licensing Rules for Child Care Centers manual as established by the Department of Human Services with the State of Michigan be fulfilled; and

(5) All access to the site shall be in accordance with Section 1298.16.

(e) Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts, all subject to the following conditions:

(1) 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 and the site shall be so planned as to provide all access in accordance with Section 1298.16.

(2) Front, side and rear yards shall be at least eighty feet wide and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. There shall be no parking, structures or recreation facilities permitted in these minimum yards, except that off-street parking may be permitted to within twenty-five feet of a street, and except for required entrance drives and walls used to obscure the use from abutting residential uses or districts.

(3) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will, therefore, be pedestrian. Prior to the issuance of a building permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.

(4) Whenever a swimming pool is constructed under this Zoning Code, such pool and the pool area shall comply with the standards of this Zoning Code regulating the location of accessory uses and with applicable State regulations. In those instances where a conflict exists between State and local regulations, the most restrictive standard shall govern.

(f) Golf courses consisting of at least nine holes and not including driving ranges, and pitch and putt, miniature or par-3 courses, which may or may not be operated for profit, subject to the following conditions:

(1) The site shall be so planned as to provide all access in accordance with Section 1298.16.

(2) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.

(3) Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands, provided that where topographic conditions are such or will be such that buildings will be screened from view, the Planning Commission may modify this requirement.

(4) Whenever a swimming pool is to be provided, such pool and the pool area shall comply with the conditions set forth in subsection (e) hereof.

(g) Colleges, universities and other institutions of higher learning, public and private, offering courses in general, technical or religious education, and not operated for profit, subject to the following conditions:

(1) Any use permitted herein shall be developed only on sites of at least 40 acres in area and shall not be permitted on any portion of a recorded subdivision plat.

(2) All access to such sites shall be in accordance with Section 1298.16.

(3) No building shall be closer than 100 feet to any property line.

(4) Buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

(5) Buildings of greater than the maximum height allowed in Section 1298.01 may be permitted, provided front, side and rear yard setbacks are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

(h) Private pools as an accessory use within the rear yard or within a non-required interior side yard. Such pools shall not require Planning Commission review and approval. However, private pools and pool areas shall comply with the conditions set forth in subsection (e) hereof.

(i) Cemeteries, provided that:

(1) Not more than 51% of the land in the residential unit, as graphically outlined in the City's Comprehensive Development Plan, in which the cemetery is to be located, is in recorded plats.

(2) All access to the site shall be in accordance with Section 1298.16.

(j) Railroad rights of way, but not including terminal freight facilities, transfer and storage tracks or marshalling yards;

(k) The keeping of horses and ponies subject to the following:

(1) No such animal or building intended for its keeping shall be the principal use of the land, but shall be accessory to a principal permitted use on the land.

(2) Such animals are for private use only.

(3) A minimum of two acres of grazing land shall be provided for each animal kept.

(4) Animal pens and stables shall be kept clean. Manure and stable refuse shall be treated so as to control flies and other insects and shall be disposed of regularly and not allowed to accumulate so as to become a public nuisance.

(5) An animal, when kept on land adjacent to land containing residential dwellings, shall be tethered not closer than eighty feet from the property line. Irrespective of Section 1298.04, all outbuildings intended for the keeping of animals shall be located not less than 100 feet from such property lines and from any on-site dwelling premises.

(l) Accessory buildings and uses customarily incident to any of the uses set forth in this section.

(m) Adult day-care facilities.

(1) Adult family day-care homes service six or fewer adults shall be considered a residential use of property and a permitted use in all residential districts. The adult daycare home shall receive adults for care and supervision for periods of less than 24 hours a day.

(2) Adult group day-care home with greater than six but no more than 12 adults is subject to the following:

A. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.

B. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four feet in height, but no higher than six feet.

C. The hours of operation do not exceed 16 hours within a 24 hour period with no activity between the hours of 10:00 p.m. and 6:00 a.m.

D. Appropriate license with the State of Michigan shall be maintained.

(n) Adult foster care facilities.

(1) Intent. It is the intent of this section to establish standards adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(2) Adult foster care facilities.

A. Application of regulations.

1. A state licensed adult foster care family home and adult foster care small group home serving six persons or less shall be considered a residential use of property and a permitted use in all residential districts, provided they conform to all applicable building codes and ordinances.

2. The city may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six persons.

B. Adult foster care small group homes serving between seven and 12 adults, shall be considered as a use subject to special conditions and subject to the requirements and standards of the Zoning Code and the following additional standards:

1. 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 1,500 square feet per adult, excluding employees and/or care givers.

2. The property is maintained in a manner that is consistent with the character of the neighborhood. Including but not limited to meeting the International Property Maintenance Code and all other applicable codes and ordinances.

3. Appropriate licenses with the State of Michigan shall be maintained. Copies shall be provided to the Building Department annually.

C. Any foster care facilities serving more than 12 adults shall not be permitted in any residential district.

(Ord. 458. Passed 1-4-89; Ord. 732. Passed 10-10-01; Ord. 08-869. Passed 8-20-08; Ord. 16-973. Passed 2-3-16.)

#### **1268.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) All single-family detached dwelling structures shall comply with the following standards:

R-1, R-1A and R-1B One-Family Residential Districts

(1) All dwelling units shall conform to all applicable City and State codes and ordinances.

(2) All dwelling units shall be permanently attached to an approved foundation.

(3) All dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(Ord. 458. Passed 1-4-89.)

(4) All dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. Partial second floor additions

may be constructed on existing one-story residences, provided that the roof pitch and style of the addition match that of the residence on which it is to be placed.

(Ord. 500. Passed 7-31-91.)

(5) Building height and the number of stories shall conform with that on adjacent properties or in the surrounding residential neighborhood.

(6) All dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or which is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood, but in no instance shall such width be less than twenty-four feet.

The Building Department, in reviewing any proposed dwelling unit with respect to paragraphs (a)(3), (4) and (5) hereof, shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Department shall require the applicant to furnish such plans, elevations and similar documentation as it deems necessary to permit a complete review and evaluation of the proposed dwelling unit.

(b) Except where otherwise regulated in this chapter, see Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(c) Residential yards shall be planted with vegetation or covered with other pervious material so as to provide a ground cover within twelve months of issuance of a Certificate of Occupancy. A minimum of eighty percent of the residential lot not covered by buildings, driveways, or walks as are permitted by ordinance or code shall be covered and maintained with grass or grass in combination with other absorptive materials, such as flowers, shrubs, mulch, bark, or other decorative ground cover which will suppress the formation of dust, mud, noxious weeds, and/or excessive water run-off. Failure to comply with this provision shall constitute a civil infraction punishable by a fee of not more than fifty dollars (\$50.00).

(Ord. 717. Passed 7-5-01; Ord. 834. Passed 10-18-06.)

(d) Home occupations as permitted under this chapter shall:

(1) Be conducted wholly and entirely within the principal dwelling;

(2) Be located either in the basement or on the ground floor of the principal dwelling and shall occupy not more than twenty-five percent of the ground floor area of the principal dwelling;

(3) Be conducted only by the inhabitants thereof. There shall be no other employees or assistants employed in connection therewith.

(4) Involve the keeping of a stock in trade, and no article shall be sold or offered for sale except such article as may be produced or provided by the inhabitants thereof;

(5) Have no equipment or machinery used in connection with a home occupation which is industrial in nature;

(6) Not change the character of the residential appearance and orientation of the dwelling as a residential use;

(7) Not require internal or external alterations or construction, other than that which may be required to meet local or State safety or construction code standards, as authorized by the City;

(8) Not be carried on to an extent that will require parking in excess of that required for a residential building by this Zoning Code;

(9) Have no signs, advertising devices or other manifestation located on the exterior of the dwelling structure or within any yard area which suggests or implies the existence of a home occupation;

(10) Not include clinics, hospitals, barber or beauty shops, tea rooms, tourist homes, kennels, millinery shops or other uses similar thereto or which do not meet the requirements of this subsection; and

(11) Be approved by the Director of Inspections when it is determined that the conditions set forth in this subsection are met. The Director may then issue a special use permit. Once established, no home occupation shall deviate from the required conditions. Upon the filing of a complaint by a neighbor or by the City, no home occupation shall be continued when the same is found objectionable or in violation of these conditions by the Board of Zoning Appeals due to noise, electrical interference, dust, smoke, odor, vibration, traffic congestion, reduction of on-street parking, reduction in the living environment of the dwelling or the neighborhood or other causes for which a reasonable complaint is brought.

(e) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Commercial and recreational vehicle parking and storage
- (3) Off-street parking and loading
- (4) Site plan review
- (5) Improvement guarantees
- (6) Screen walls and earth berms
- (7) Exterior lighting
- (8) Residential entranceways
- (9) Corner clearance
- (10) Landscape planting standards
- (11) Fences
- (12) Frontage on a public street
- (13) Access to major thoroughfares
- (14) Exterior building wall facades
- (15) Signs

(Ord. 458. Passed 1-4-89; Ord. 717. Passed 7-5-01.)

## **CHAPTER 1270**

### **R-2 Two-Family Residential Districts**

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1270.01 Intent.

1270.02 Principal uses permitted.

1270.03 Uses permitted subject to special conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

Off-street parking or storage of commercial and recreational vehicles - see P. & Z. 1298.05

### **1270.01 INTENT.**

R-2 Two-Family Residential Districts are intended to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfare or other uses which affect the character of an area. This District also allows the construction of new two-family residences where somewhat greater densities are permitted.

(Ord. 458. Passed 1-4-89.)

### **1270.02 PRINCIPAL USES PERMITTED.**

In an R-2 Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) All uses permitted and as regulated in R-1, R-1A and R-1B One-Family Residential Districts. The standards of Section 1298.01 applicable to the R-1B One-Family Residential District shall apply as minimum standards when one-family detached dwellings are erected.

(b) Two-family dwellings; and

(c) Accessory buildings and uses customarily incident to any of the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89.)

### **1270.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In the R-2 Two-Family Residential District, the following uses may be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

(a) Condominium developments provided that:

(1) Any such use shall be developed on sites containing not less than two acres.



- (2) Any such use shall meet the schedule of regulation requirements of the RM District.
  - (3) The design of the structures shall be compatible with existing single-family structures located in the general area in terms of architectural style and bulk.
  - (4) No single building shall contain more than eight units.
  - (5) All units shall have an attached garage.
- (b) Except where otherwise regulated in this chapter, see Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.
- (c) See Chapters 1292 and 1298 for provisions regarding:
- (1) Accessory uses
  - (2) Commercial and recreational vehicle parking and storage
  - (3) Off-street parking and loading
  - (4) Site plan review
  - (5) Improvement guarantees
  - (6) Screen walls and earth berms
  - (7) Exterior lighting
  - (8) Residential entranceways
  - (9) Corner clearance
  - (10) Landscape planting standards
  - (11) Fences
  - (12) Frontage on a public street
  - (13) Access to major thoroughfares
  - (14) Exterior building wall facades
  - (15) Signs

(Ord. 458. Passed 1-4-89; Ord. 840. Passed 2-7-07.)

## **CHAPTER 1272**

### **RM Multiple-Family Residential Districts**

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1272.01 Intent.

1272.02 Principal uses permitted.

1272.03 Uses permitted subject to special conditions.

1272.04 Required conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

Off-street parking or storage of commercial and recreational vehicles - see P. & Z. 1298.05

### **1272.01 INTENT.**

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

(Ord. 458. Passed 1-4-89.)

### **1272.02 PRINCIPAL USES PERMITTED.**

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

- (a) All uses permitted and as regulated in the R-2 Two-Family Residential District;
- (b) Multifamily dwellings; and
- (c) Accessory buildings and uses customarily incident to any of the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89.)

### **1272.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In an RM Multiple-Family Residential District, the following uses may be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

- (a) General hospitals, the height of which may exceed the maximum height restrictions of the district, provided no such use shall exceed a height of seventy-five feet, whichever is less, and provided, further, that:

- (1) Any such use shall be developed only on sites consisting of not less than twenty acres.

(2) The minimum distance of any main or accessory building from any lot line or street shall be at least 100 feet for all two-story structures. For every story above two, to the maximum building height permitted, the minimum yard setback shall be increased by twenty feet.

(b) Housing for the elderly (senior citizen housing), provided it meets the minimum requirements of the RM District, except as otherwise regulated below:

(1) All housing for the elderly shall be provided as a planned housing development and may provide the following:

A. Cottage-type dwellings and/or apartment-type dwelling units; and

B. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounges and workshops.

(2) All dwelling units shall consist of at least 500 square feet per unit.

(3) The maximum percent of lot area covered by all buildings shall not exceed twenty-five percent of the usable area of the site.

(4) The proposed site shall have at least one property line abutting a major thoroughfare, as designated on the City's Comprehensive Development Plan. All access to off-street parking, loading and unloading and other service areas shall be directly from a major thoroughfare.

(5) All housing for the elderly shall be developed in accordance with Act 346 of the Public Acts of 1966, as amended, and with the applicable rules and regulations of the State Housing Authority, except as may otherwise be provided in ordinances of the City. All housing for the elderly must receive the approval of the State Housing Authority before final approval by the Planning Commission is granted. Final approval, conditional upon proof of the approval of the State Housing Authority, may be granted at the discretion of the Commission.

(6) The height of a senior citizen housing building may exceed the maximum height limitations of the RM District, provided no such use shall exceed a building height of seventy-five feet. When such building exceeds the height limitations of the RM District, it shall be set back an additional ten feet for each one foot the building exceeds the height limitations of the RM District.

(c) Convalescent homes and child care centers when the following conditions are met:

(1) There shall be provided on the site the following minimum land area ratio:

A. Convalescent homes, 1,500 square feet of total land area per bed in the home;

B. Child care centers, 1,500 square feet of open space per bed in the home, exclusive of buildings, off-street parking, service drives and loading space.

(2) No building shall be closer than forty feet to any property line.

(d) Accessory buildings and uses customarily incident to any of the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89.)

#### **1272.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) See Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling unit density permitted, building setbacks and development

options.

(b) A community center building with a swimming pool and other outdoor recreational amenities shall be provided on site with sufficient off-street parking to accommodate its use. The Planning Commission, upon review of a site plan, may waive or reduce this requirement. In considering this requirement, the Commission shall consider the number of dwelling units in the complex, land availability and the existence of like or similar recreational facilities nearby.

(c) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Commercial and recreational vehicle parking and storage
- (3) Off-street parking and loading
- (4) Site plan review
- (5) Improvement guarantees
- (6) Screen walls and earth berms
- (7) Exterior lighting
- (8) Residential entranceways
- (9) Corner clearance
- (10) Landscape planting standards
- (11) Fences
- (12) Frontage on a public street
- (13) Access to major thoroughfares
- (14) Exterior building wall facades
- (15) Signs

(d) Internal access roads shall be, at minimum, 31 feet wide back-to-back of curb and provided with concrete pavement seven inches thick. This provision shall not apply to roads or driveways within a parking area; and further; ensure that public street construction and design must be in compliance with the City Engineer's standards.

(Ord. 458. Passed 1-4-89; Ord. 09-883. Passed 2-18-09.)

## **CHAPTER 1274**

### **RO Restricted Office Districts**

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1274.01 Intent.

1274.02 Principal uses permitted.

1274.03 Uses permitted subject to special conditions.

1274.04 Required conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

### **1274.01 INTENT.**

RO Restricted Office Districts are designed to accommodate uses, such as offices, banks and personal services, which can serve as transitional areas between residential and commercial districts, and to provide a transition between major thoroughfares and Residential Districts.

(Ord. 458. Passed 1-4-89.)

### **1274.02 PRINCIPAL USES PERMITTED.**

In an RO Restricted Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
- (b) Medical offices, including laboratories and clinics;
- (c) Facilities for human care, such as hospitals, sanitariums and rest and convalescent homes;
- (d) Banks, credit unions, savings and loan associations and similar uses with drive-in facilities as an accessory use only;
- (e) Personal service establishments, including barber shops, beauty shops and health salons;
- (f) Off-street parking lots;
- (g) Other uses similar to the uses set forth in this section; and
- (h) Accessory structures and uses customarily incident to the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89; Ord. 918. Passed 11-3-10.)

### **1274.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In an RO Restricted Office District, the following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

(a) Pharmacies or apothecary shops, stores limited to corrective garments or bandages or stores providing optical services and the like, provided such uses are those customarily related to a principal permitted use in the RO District;

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

(Ord. 458. Passed 1-4-89.)

(c) Publicly owned and occupied buildings containing administrative functions as the principal use of the building. Administrative functions may include, within the principal building, accessory functions that provide community recreation, and uses of a technical and research nature, including pilot business development programs of a temporary nature, provided that the following conditions are met:

(1) All such uses shall require review and approval by the Building Department for compliance with the intent and purpose of this section.

(2) All such uses approved by the Building Department shall be approved as temporary uses, and a temporary use permit shall be issued for each such use. A temporary use permit shall be for a one-year period, commencing on the date of issuance of the permit. A maximum of two additional one-year temporary use permits may be issued for the use by the Building Department for a maximum tenancy as a temporary use of three years, commencing on the date of issuance of the first temporary use permit. Beyond the third year, the pilot development operation shall lose its temporary status and shall either relocate to other premises off-site or relocate within the facility itself as a permanent use, provided that the use is one permitted in the district.

(3) Temporary pilot business programs shall be subject to periodic inspection and evaluation by the Building Department for conformance with the intent and purpose of the district and the applicable standards of this section. The Building Department, in making its periodic evaluations, shall find that a temporary business program is not:

A. Generating any outdoor storage of materials, parts or finished or partially finished products.

B. Creating a working environment that is hazardous to itself, the building it is in or other uses, programs or functions taking place within the building, by means of noise, vibration, smoke or dangerous or hazardous materials, without proper permits having been first obtained and without effective safeguards having been first established.

C. Generating an excessive demand for employee off-street parking or generating an excessive number of material or product deliveries.

(Ord. 518. Passed 10-7-92.)

#### **1274.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) No interior display shall be visible from the exterior of the building.

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

(c) Warehousing or the indoor storage of goods or materials, beyond that normally incident to the permitted uses described in this chapter, shall be prohibited.

(d) Uses permitted in Section 1274.02(c) shall be subject to the density restrictions of Section 1298.01(d).

(e) See Section 1298.01 for limitations on the height and bulk of buildings and building setbacks.

(f) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Off-street parking and loading
- (3) Site plan review
- (4) Improvement guarantees
- (5) Landscape planting standards
- (6) Exterior lighting
- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Frontage on a public street
- (10) Access to major thoroughfares
- (11) Exterior building wall facades
- (12) Signs

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1276**

### **C-1 Community Business Districts**

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1276.01 Intent.

1276.02 Principal uses permitted.

1276.03 Uses permitted subject to special conditions.

1276.04 Required conditions.

#### ***CROSS REFERENCES***

Power to regulate businesses - see CHTR. Sec. 4(14), (15)

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Licensing of businesses - see B.R. & T. Ch. 802

Schedule of area regulations - see P. & Z. 1298.01

### **1276.01 INTENT.**

C-1 Community Business Districts are designed and intended to provide a district of land use transition between major thoroughfares or other intense nonresidential uses and single-family residences. The C-1 District, therefore, is restricted to those types of convenience shopping and limited comparison shopping and service uses which are compatible with residential neighborhoods and which serve the shopping and service needs of persons in the community.

(Ord. 458. Passed 1-4-89.)

### **1276.02 PRINCIPAL USES PERMITTED.**

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

(a) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, hobbies, crafts, appliances, notions or hardware, except retail outlets whose principal commodity is the sale of alcoholic beverages;

(b) Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radios, televisions, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios and self-service laundries, dry cleaning establishments and dry cleaning pick-up stations, except central dry cleaning plants, there being no plants of this type permitted in the C-1 District;

(c) Any service establishment in the nature of an office, showroom or workshop of a decorator, dressmaker, tailor, baker or upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction or office supplies and office equipment sales, with a retail adjunct, but with no outdoor storage;

(d) Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices and real estate offices;

(e) Professional services, including offices of doctors, dentists, osteopaths, attorneys, accountants and similar or allied professions;

(f) Business schools and colleges or private schools operated for profit;

(g) Private clubs, fraternal organizations and lodge halls;

(h) Off-street parking lots;

(i) Planned commercial centers; and

(j) Accessory structures and uses customarily incident to the permitted uses set forth in this section.

(Ord. 458. Passed 1-4-89.)



**1276.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In a C-1 Community Business District, the following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

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

(b) Sit-down restaurants;

(c) Sit-down restaurants when outdoor eating facilities are proposed in conjunction with the principal use of the building. The use shall be subject to review and approval of a site plan by the Planning Commission. The outdoor eating facilities:

(1) Shall be accessory to the principal sit-down restaurant use;

(2) Shall provide sufficient off-street parking;

(3) May be located in any yard;

(4) Shall be fenced, and when located in a yard adjacent to a Residential District, shall be effectively screened from view in accordance with Section 1298.13;

(5) Shall direct all outdoor lighting inward, away from adjacent properties;

(6) When located within a public right-of-way, shall first require written authorization by the public entity in control of the right-of-way, approving such location and the erection of a fence required in paragraph (c)(4) hereof;

(7) Shall be a part of the license of the restaurant and shall meet all applicable State and local health and sanitary regulations;

(8) Shall only include tables, chairs, umbrellas, canopies, awnings, fencing, and other fixtures which are uniform in design and made of quality materials and with quality workmanship to ensure the safety and convenience of users and to enhance the visual quality of the City environment;

(9) Shall be maintained in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day;

(10) Shall include an outdoor trash receptacle within the seating area to help ensure an orderly appearance; and

(11) Shall not include any cooking, storage, cooling, refrigeration or other equipment located within the seating area. No food preparation shall be allowed in the outdoor eating area.

(Ord. 458. Passed 1-4-89; Ord. 814. Passed 11-16-05.)

(d) Accessory seasonal open air business areas, provided that:

(1) All such outdoor facilities are designed and intended to be an integral part of a planned commercial center;

(2) Such outdoor facilities are limited to the retail sale of plant material, lawn furniture and landscaping amenities, playground equipment and garden supplies, including lawn and gardening appliances;

(3) Such outdoor facilities shall be restricted to locations at the ends of the building mass where such facilities may extend into an interior side or rear yard only, but not into any required interior side yard or rear yard setback;

(4) Space may be provided in a non-required interior side or rear yard for the loading of customer vehicles, but no such area shall interfere with any off-street parking spaces, or vehicle maneuvering lanes or service drives; and

(5) The entire area shall be enclosed with building walls that shall represent a physical extension of the principal building, including the same exterior building wall materials and the same color materials as the principal building, except that, for purposes of display and to provide light and air to the interior display area, exterior walls of the accessory outdoor sales area may also consist of decorative ornamental metal fencing materials, other than chain link or woven wire fencing. Except where gates are provided, all such fencing shall be placed on top of a continuous wall structure, the vertical height of which shall not be less than three feet.

To aid in its review of a site plan for an accessory outdoor sales area, the Planning Commission may require the submittal of drawings of sufficient detail and scale to clearly depict and identify, by name, the type of decorative ornamental metal fencing materials that will be used in conjunction with such areas, as required in paragraph (d)(5) hereof.

(e) Recreation space providing a children's amusement park and other similar recreation, provided that:

(1) Such space is made an integral part of a planned development;

(2) All such space is located only in a non-required interior side or rear yard setback at the end of the building mass; and

(3) All such space shall be securely fenced by a decorative ornamental metal fencing material, other than chain link or woven wire materials. The fence shall be at least four feet high.

To aid in its review of a site plan for an accessory outdoor sales area, the Planning Commission may require the submittal of drawings of sufficient detail and scale to clearly depict and identify, by name, the type of decorative ornamental metal fencing materials that will be used in conjunction with such areas, as required in paragraph (e)(3) hereof.

(f) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards, and water and sewage pumping stations.

(Ord. 684. Passed 10-13-99.)

#### **1276.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises.

(b) All business, servicing or processing, except for off-street parking or loading/unloading, shall be conducted within a completely enclosed building. No building or use shall exceed 10,000 square feet of gross floor area.

(c) See Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(d) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Off-street parking and loading
- (3) Site plan review
- (4) Improvement guarantees
- (5) Landscape planting standards
- (6) Exterior lighting
- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Frontage on a public street
- (10) Access to major thoroughfares
- (11) Exterior building wall facades
- (12) Signs

(Ord. 458. Passed 1-4-89; Ord. 479. Passed 7-5-90.)

## **CHAPTER 1278**

### **C-2 General Business Districts**

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1278.01 Intent.

1278.02 Principal uses permitted.

1278.03 Uses permitted subject to special conditions.

1278.04 Required conditions.

#### ***CROSS REFERENCES***

Power to regulate businesses - see CHTR. Sec. 4(14), (15)

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Licensing of businesses - see B.R. & T. Ch. 802

## Schedule of area regulations - see P. &amp; Z. 1298.01

**1278.01 INTENT.**

C-2 General Business Districts are designed to provide sites for more intense, thoroughfare-oriented business types which would often be incompatible with the more restricted retail commercial uses in the C-1 Community Business District.

(Ord. 458. Passed 1-4-89.)

**1278.02 PRINCIPAL USES PERMITTED.**

In a C-2 General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Any retail business or service establishment permitted in a C-1 District as a principal use;
- (b) Auto washes when completely enclosed in a building;
- (c) Bus passenger stations;
- (d) New motor vehicle salesrooms, showrooms or offices, except trucks and heavy off-road construction equipment;
- (e) Any service establishment of an electrician, plumber or painter, with a retail adjunct but with no outdoor storage;
- (f) Other uses similar to the uses set forth in this section; and
- (g) Accessory structures and uses customarily incident to the permitted uses set forth in this section, including, in the case of a new motor vehicle showroom, an auto bump and paint shop primarily intended to service vehicles sold, provided such use occurs no closer than 200 feet from a residence.

(Ord. 458. Passed 1-4-89; Ord. 743. Passed 3-13-02; Ord. 846. Passed 4-4-07.)

**1278.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In a C-2 General Business District, the following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

- (a) Any retail business or service establishment permitted in a C-1 District as a conditional use, subject to the conditions set forth therein for such use;
- (b) Outdoor space for the exclusive sale of new or used automobiles, campers, recreation vehicles or mobile homes, or for the rental of trailers or automobiles, subject to the following:
  - (1) Such sales shall be on the same premises with and shall be in conjunction with a new vehicle sales and service dealership.
  - (2) The area of the site to be used for outdoor sales, display or storage shall not exceed seventy percent of the total site.
  - (3) Access to the outdoor sales area shall be at least sixty feet from the intersection of any two streets.

- (4) A ten-foot wide greenbelt planting strip shall be maintained between the street right-of-way line and any area used for customer parking or vehicle display.
  - (5) No major repair or major refinishing shall be done on the lot.
  - (6) All lighting shall be shielded from adjacent Residential Districts.
- (c) A business, in the character of an open front store, subject to the following conditions:
- (1) A setback of at least sixty feet from the right-of-way line of any existing or proposed street shall be maintained.
  - (2) Access points shall be located at least sixty feet from the intersections of any two streets.
  - (3) All lighting shall be shielded from adjacent Residential Districts.
  - (4) A six-foot high completely obscuring wall shall be provided when abutting or adjacent to R-1, R-1A, R-1B, R-2, RM, RO or C-1 Districts. The wall shall further meet the requirements of Section 1298.13.
- (d) A drive-in restaurant, subject to the following:
- (1) If a separate structure, detached from the primary building, is planned for patrons to drive-in, park, and consume their food, these structures may be permitted in any part of the lot except the required front yard.
  - (2) The design and materials utilized by the accessory structures must be similar to, and compatible with, the exterior wall materials utilized on the main structure.
  - (3) Any accessory structures must be reviewed and approved by the Planning Commission as part of the site plan approval process.
  - (4) Review and approval of a site plan by the Planning Commission.
- (e) Veterinary hospitals or clinics, provided:
- (1) All activities are conducted within a totally enclosed building;
  - (2) That the building be climate controlled;
  - (3) That all buildings control noise levels through the insulation of soundproofing treatments like acoustic sound panels, ceiling tiles, and VET baffles that are designed to absorb animal noise within the hospital or clinic;
  - (4) That decibel levels outside of the building be no louder than 30dB; and
  - (5) That boarding of animals may only be an accessory use to the main use of a hospital or clinic.
- (f) Plant material nurseries for the retail sale of plant materials and for the sale of lawn furniture, playground equipment and garden supplies, subject to the following conditions:
- (1) The storage or display of any materials or products shall meet all set-back requirements of a structure.
  - (2) All loading and parking shall be provided off-street.
  - (3) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- (g) Motor vehicle service stations (gasoline stations), provided the following conditions are met, and subject to review and approval of a site plan by the Planning Commission:
- (1) They shall be located on corner lots adjoining at least one major thoroughfare.

(2) They shall be located at least 500 feet from an entrance or exit to a public library, public or private school, playground, playfield, park, church or hospital.

(3) The minimum frontage on any major thoroughfare shall be 120 feet.

(4) The minimum lot area for a gasoline service station shall be 10,000 square feet, and 12,000 square feet for a general repair facility.

(5) No ingress-egress access drive shall be located closer than twenty-five feet from any intersection or property line adjoining a Residential District.

(6) Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall be provided at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.

(7) Canopies, when constructed as an integral part of the main building, shall comply with the minimum set-back requirements of the C-2 District. Detached free-standing canopies shall comply with the requirements of Section 1298.04.

(8) Operable motor vehicles kept overnight for mechanical repair may be parked on the premises so long as they are kept within a screened compound. The storage of motor vehicles on the premises shall be prohibited.

(h) Bowling alleys, indoor archery ranges, indoor tennis courts and indoor skating rinks, together with accessory uses such as off-street parking, when the building is located 100 feet from any adjacent Residential District;

(i) Retail outlets whose principal function is the sale of alcoholic beverages, provided they are 500 feet from any school or church;

(j) General motor vehicle repair, provided the conditions set forth in subsection (h) hereof are met;

(k) Arcades, subject to the conditions for such uses set forth and regulated in Chapter 840 of the Business Regulation and Taxation Code;

(l) Fast food and drive-through restaurants, provided the following conditions are met:

(1) They shall be located at least 500 feet from any public or parochial school or public library.

(2) They shall front directly upon and have direct access to a major thoroughfare as designated in the City's Master Plan.

(m) Accessory buildings and uses customarily incident to any of the uses set forth in this section.

(Ord. 458. Passed 1-4-89; Ord. 819. Passed 12-14-05; Ord. 854. Passed 7-25-07.)

(n) Business establishments which sell and service electronic equipment for motor vehicles, provided that when those products are installed on the same premises, such establishments shall provide an area in which the installation or testing of electronic devices will take place. Such area shall be sufficiently sound-proofed so that the pressure levels of sound emanating from such installation and/or testing of any electronic system or devices designed and expressly intended to generate, or possessing the capability of generating, intense pressure levels of sound, shall not carry beyond the property line.

(Ord. 508. Passed 2-12-92.)

(o) Coin-operated car washes, subject to the following minimum requirements:

(1) All vehicle stacking shall be provided in the rear yard only.

(2) All vacuuming equipment shall be provided in the rear yard only.

(3) Each vacuuming stall shall be supplied with a trash receptacle.

(4) No lot line shall be closer than 100 feet to any Residential District.

(5) One off-street parking space shall be provided for an employee or attendant and two vehicle stacking spaces shall be provided for each wash stall. Each vehicle stacking space shall be eight feet wide by eighteen feet long, and all vehicle stacking spaces shall be located so as not to encumber traffic circulation within the site.

(6) No exit driveway shall be located closer than sixty feet from an intersection.

(7) Provision, which must be approved by the City consultant, the City Engineer and the City Building Department, shall be made by the applicant for the collection and disposal of wash water run-off from motor vehicles between the front of the car wash building and the exit driveway so as to prevent icing on the approach and the apron.

(Ord. 650. Passed 11-12-97.)

(p) Theaters, assembly halls, concert halls, or similar places of assembly, subject to the following:

(1) The minimum setback for all buildings shall be at least 100 feet from any residentially zoned or used property.

(2) All activities shall be conducted completely within an enclosed building.

(q) Automotive driving schools with the following conditions:

(1) When immediately adjacent to property that is either zoned or used for a residential purpose, all outdoor activities must cease by 6:00 p.m.

(2) Vehicles must be removed from the premises at the end of the business day or stored within a completely enclosed building.

(3) The establishment must meet the parking requirements for a business office as outlined in Section 1292.02.

(Ord. 838. Passed 2-7-07; Ord. 845. Passed 4-4-07; Ord. 08-866. Passed 5-14-08.)

#### **1278.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) See Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(b) All business, servicing or processing, except as otherwise permitted in the C-2 District, and except for off-street parking or loading/unloading, shall be conducted within a completely enclosed building.

(c) See Chapters 1292 and 1298 for provisions regarding:

(1) Accessory uses

(2) Off-street parking and loading

(3) Site plan review

(4) Improvement guarantees

(5) Landscape planting standards

- (6) Exterior lighting
- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Frontage on a public street
- (10) Access to major thoroughfares
- (11) Exterior building wall facades
- (12) Signs

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1280**

### **C-3 Thoroughfare Service Districts**

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1280.01 Intent.

1280.02 Principal uses permitted.

1280.03 Uses permitted subject to special conditions.

1280.04 Required conditions.

#### ***CROSS REFERENCES***

Power to regulate businesses - see CHTR. Sec. 4(14), (15)

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Licensing of businesses - see B.R. & T. Ch. 802

Schedule of area regulations - see P. & Z. 1298.01

#### **1280.01 INTENT.**

C-3 Thoroughfare Service Districts are intended to serve the needs of motor vehicle traffic at or near the intersections of major thoroughfares or freeway interchanges. Avoiding undue congestion at intersections by promoting safe and efficient traffic flow, thereby diminishing the adverse influences of traffic on adjacent land uses, are principal considerations in the application of the C-3 District.



(Ord. 458. Passed 1-4-89.)

### **1280.02 PRINCIPAL USES PERMITTED.**

In a C-3 Thoroughfare Service District, no building or land shall be used and no building shall be erected except for any retail business or service establishment permitted in the C-2 District as a principal permitted use, unless otherwise provided in this Zoning Code.

(Ord. 458. Passed 1-4-89.)

### **1280.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In a C-3 Thoroughfare Service District, the following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07:

(a) Any retail business or service use permitted in the C-2 District as a use permitted subject to special conditions and subject to conditions set forth therein.

(Ord. 458. Passed 1-4-89.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 579, passed August 8, 1995.)

### **1280.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) See Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(b) All business, servicing or processing, except as otherwise permitted in the C-3 District, and except for off-street parking or loading/unloading, shall be conducted within a completely enclosed building.

(c) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses
- (2) Off-street parking and loading
- (3) Site plan review
- (4) Improvement guarantees
- (5) Landscape planting standards
- (6) Exterior lighting
- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Frontage on a public street
- (10) Access to major thoroughfares

(11) Exterior building wall facades

(12) Signs

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1282**

### **M-1 Light Industrial-Research Districts**

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EDITOR'S NOTE: Chapter 1282, previously a codification of Ordinance 458, passed January 14, 1989, and entitled "M-1 Light Industrial Districts," was repealed in its entirety and re-enacted by Ordinance 604, passed March 5, 1997.

1282.01 Intent.

1282.02 Principal uses permitted.

1282.03 Uses permitted subject to special conditions.

1282.04 Required conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

#### **1282.01 INTENT.**

(a) The M-1 Light Industrial-Research District is intended to accommodate certain light industrial, technical research and product development facilities. All such uses permitted in the District are intended to be compatible with one another. Since limited industrial zoned land is available for industrial use in the City of Southgate, it is the City's intent to carefully conserve the land for light industrial and research oriented uses only.

(b) In the M-1 Light Industrial-Research District, all uses permitted herein shall be so designed and operated as to produce no discernable glare, heat, odor, vibration or toxic fumes of any kind beyond the walls of the building. Any noise generated by any use permitted in the District shall be no greater than the recorded ambient pressure level of sound generated by land use on surrounding industrial properties in the City of Southgate. The Interstate 75 highway shall be excluded from any such measurements of ambient pressure levels.

(c) It is further the intent of the M-1 District that any form of light manufacturing, compounding, processing, packaging or light assembly or treatment shall involve only finished or semi-finished products from previously prepared materials. The light manufacturing, compounding, light assembly or treatment of any product that requires the processing of raw materials for shipment in bulk form for use in an industrial operation at another location is specifically prohibited.

(d) Based on the purposes of this District, all uses permitted herein shall:

(1) Provide sufficient space in appropriate locations to satisfy expectations pertaining to the City's future economy and employment base for a limited type of light manufacturing and technical research oriented industrial base.

(2) Protect abutting residential and non-industrial uses by separating them from industrial uses with sufficient screening buffers and setbacks.

(3) Prohibit non-industrial oriented uses from further encroachment into the remaining areas of the City proposed for light industrial and technical research oriented land use.

(4) Promote light industrial and technical research oriented land use of the type that will be able to adhere to strict Federal, State and local environmental performance and safety standards.

(5) Promote the most desirable use of land in accordance with the land use recommendations of the City's Master Plan Map, thereby protecting and enhancing the character of the established pattern of nearby development, the value of land and the use on it, as well as the industrial tax base of the City.

(Ord. 604. Passed 3-5-97.)

## **1282.02 PRINCIPAL USES PERMITTED.**

In the M-1 Light Industrial-Research District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

(a) Any use charged with the principal function of basic research, product design and pilot or experimental product development only, and conducted within a completely enclosed building.

(b) Office buildings as free standing uses and which may be unrelated to any industrial use permitted in the District.

(c) Research and product testing laboratories.

(d) Warehousing.

(e) The light assembly and packaging of previously prepared materials or products, except automotive, truck, boat or aircraft assembly plants.

(f) The light manufacturing, compounding, processing, treatment and packaging of bakery goods, candies, cosmetics, pharmaceuticals, toiletries and small hardware and cutlery products.

(g) The light manufacturing, assembly and packaging of toys and novelties.

(h) The manufacture, treatment, processing, assembly and packaging of pottery, figurines or other similar ceramic products using only previously prepared clay and using only kilns fired by electricity or gas.

(i) Regional service centers for the warehousing of parts and the repair of only the type of products that are permitted to be manufactured or assembled in the District.

- (j) Technical skills training centers or vocational training centers, except those related to any County, State or Federal penal facility or organization.
- (k) Commercial radio and television studios and community cable television studios, including their necessary head end equipment, along with one transmitting tower.
- (l) Essential service facilities, as defined in this Zoning Code, that do not require outdoor storage, and public service facilities that do not require outdoor storage.
- (m) Commercial non-industrial uses existing at the time of adoption of this chapter.
- (n) General motor vehicle repair, as defined in this Zoning Code.

(Ord. 604. Passed 3-5-97.)

### **1282.03 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.**

In the M-1 Light Industrial-Research District, the following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth in Section 1262.07 of this Zoning Code:

- (a) Automobile undercoating services, and the sheet metal mechanical repair only of truck trailers when such services are offered in conjunction with, and are clearly accessory to, a general motor vehicle repair facility.
- (b) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumers or customers on the premises.
- (c) Indoor tennis or racquetball clubs, provided they are located within a completely enclosed building, except a limited number of outdoor tennis courts and racquetball courts may be provided when they are located in a rear yard or non-required interior side yard, are properly fenced and screened and are not located on land next to a Residential District.
- (d) Health and physical fitness gymnasiums, provided they are located within a completely enclosed building, except that an in-ground, outdoor swimming pool intended solely for the use of members or patrons of the use may be located in a rear yard or in a non-required interior side yard, provided that the pool is properly fenced and screened and is not located on land next to a Residential District.
- (e) Select uses that may serve the limited needs of the District. Such uses shall be limited to banks, savings and loan associations, credit unions and union halls.
- (f) Commercial kennels, provided they are located within the interior of the District, so that no property line shall form the exterior boundary of the M-1 District, except that no property line of the kennel shall be located closer than 500 feet from any Residential District.
- (g) Adult entertainment, as defined in this Zoning Code, and subject to the requirements of all applicable City codes and ordinances.

(Ord. 604. Passed 3-5-97.)

- (h) Adult businesses, as defined in Sections 1260.07(b)(2) and 1298.06(f), and subject to all of the rules and regulations set forth in applicable ordinances of the City.

(Ord. 667. Passed 7-22-98; Ord. 08-875. Passed 10-15-08.)

- (i) Medical marijuana facility. No medical marijuana facility, as defined in Section 1260.07(b), shall be permitted within 500 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(Ord. 914. Passed 8-4-10.)

#### **1282.04 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(a) Except where otherwise regulated in this chapter, see Section 1298.01 for limitations on the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum dwelling unit density permitted, building setbacks and development options.

(b) Uses directly involved in the manufacture or assembly of a product permitted in the District may have, in conjunction with the principal use of the land, ancillary outdoor storage of only those prefinished materials directly used in product manufacture or assembly, or finished products manufactured or assembled on the premises, provided all such outdoor storage shall be restricted to the rear yard only, except in the case of any outdoor storage that abuts a nonresidential district, within the nonrequired rear yard only. All such outdoor storage shall be effectively screened from view in accordance with the applicable screening requirements of Sections 1298.09 and 1298.13 of this Zoning Code, and no such outdoor storage shall extend upwards or outwards beyond the ability of the screening device to obscure the stored materials.

(c) See Chapters 1292 and 1298 of this Zoning Code for provisions relating to:

- (1) Accessory uses
- (2) Off-street parking and loading
- (3) Site plan review
- (4) Improvement guarantees
- (5) Landscape planting standards
- (6) Exterior lighting
- (7) Corner clearance
- (8) Screen walls and earth berms
- (9) Access to major thoroughfares
- (10) Exterior building wall materials guidelines
- (11) Signs.

(Ord. 604. Passed 3-5-97.)

## **CHAPTER 1284**

### **M-2 Medium Industrial Districts**

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EDITOR'S NOTE: Chapter 1284 was repealed by Ordinance 605, passed March 5, 1997.

## **CHAPTER 1286**

### **MH Mobile Home Districts**

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1286.01 Intent.

1286.02 Principal uses permitted.

1286.03 Required conditions.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Mobile homes in subdivisions - see P. & Z. 1248.03

Schedule of area regulations - see P. & Z. 1298.01

Off-street parking or storage of recreational vehicles in Residential Districts - see P. & Z. 1298.05

Mobile homes in flood hazard areas - see B. & H. 1464.16(c)

Mobile homes generally - see B. & H. Ch. 1466

#### **1286.01 INTENT.**

MH Mobile Home Districts are intended to give recognition to the fact that mobile homes can provide satisfactory living conditions, provided certain minimum standards are maintained. It is further the intent of the MH District to serve as a district of transition between nonresidential districts and other Residential Districts.

(Ord. 458. Passed 1-4-89.)

#### **1286.02 PRINCIPAL USES PERMITTED.**

In an MH Mobile Home District, no building, structure or premises shall be erected, altered or used except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) All uses permitted and as regulated in the R-2 Two-Family Residential District;
- (b) Mobile homes;
- (c) One office building exclusively for conducting the business operation of a mobile home park;

- (d) Utility buildings for laundry facilities and auxiliary storage space for mobile home residents;
- (e) Community buildings for use by the residents of the mobile home park, as well as recreation areas and playgrounds; and

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- (f) Mobile home sales, provided:
  - (1) Such sales are carried out by a tenant, licensed dealer or real estate broker.
  - (2) Such sales shall be for the exclusive sale of an individual mobile home on a pad located on an individual site within a mobile home park. In those instances where mobile homes are to be used as model homes within a new mobile home park, not more than four sites already designated within the park shall be used for such purposes at one time.
  - (3) One "for sale" sign of not more than two square feet in display area (each side) may be permitted on the same lot with the mobile home.
  - (4) The use of banners, streamers or pennants shall be prohibited.

(Ord. 458. Passed 1-4-89.)

### **1286.03 REQUIRED CONDITIONS.**

The following conditions, where applicable, shall apply to all uses permitted under this chapter:

- (a) All mobile home park developments shall comply with the applicable requirements of Act 419 of the Public Acts of 1976, as amended, with the rules of the State Mobile Home Commission as set forth and provided for under Act 419, and with this chapter.
- (b) For the purpose of computing dwelling unit density, the total number of mobile home sites permitted shall be determined by dividing the area of the site, exclusive of any dedicated public right of way, by the factor of 5,500, except that a mobile home site may be reduced in area to the minimum area required to meet State specified distances between mobile homes, provided there shall be no attendant increase in dwelling unit density. All land area gained under this exception shall be placed in park land or open space land for use by the residents of the mobile home park.
- (c) Mobile home parks shall not be permitted on parcels of less than twenty acres, except that sites as small as ten acres may be permitted where such sites represent a physical expansion of an adjacent existing mobile home park.
- (d) Access to a mobile home park shall only be from a major thoroughfare as designated in the City's Comprehensive Development Plan. There shall be no access permitted from a residential street or through a Residential District.

All drives within the park and any drive leading to the park from a major thoroughfare shall be hard-surfaced streets, including curbs, gutters and sidewalks, and shall be constructed in accordance with City regulations.

- (e) An area of sufficient width to permit the development of a landscaped earth berm, not less than six feet in height, shall be provided along the park frontage on a major thoroughfare.

In those instances where a mobile home park lies adjacent to an existing nonresidential district, a twenty-foot wide greenbelt planting screen shall be provided. The earth berm and planting, where required, shall be provided in accordance with Sections 1298.09 and 1298.13.

- (f) Off-street parking shall be provided within the mobile home park in accordance with Chapter 1292.



- (g) A mobile home park shall provide an area for the storage of park residents' recreational vehicles, boats and other equipment in accordance with Section 1298.05.
- (h) No mobile home shall have less than 600 square feet of floor space.
- (i) Each mobile home park shall provide recreational park or open space areas in accordance with Rule 946 of Act 419 of the Public Acts of 1976, as amended.
- (j) All mobile home pads shall be constructed of reinforced concrete. The length and width of the pad shall be not less than the length and width of the mobile home placed upon it. Mobile home pads shall further comply with the requirements of Rule 943 of Act 419 of the Public Acts of 1976, as amended.
- (k) All mobile homes shall be anchored to their pads in accordance with the requirements of Rules 605 through 609, inclusive, of Act 419 of the Public Acts of 1976, as amended.
- (l) Each mobile home shall be provided with exterior skirting in accordance with the requirements of Rule 604 of Act 419 of the Public Acts of 1976, as amended.
- (m) Storage sheds shall be permitted in the rear fifty percent of an individual lot, or in a side yard when they are an integral part of a covered parking structure, provided all storage sheds are located at least three feet from any lot line, three feet from the mobile home, twenty feet from any public street and not less than ten feet from any adjacent mobile home. No storage shed shall be permitted in any front or exterior side yard.
- (n) All preliminary site plans shall be prepared in accordance with the applicable requirements of Act 419 of the Public Acts of 1976, as amended, and in accordance with this chapter and Section 1298.07.
- (o) No permit shall be issued for the construction of a mobile home park until the approval of a preliminary site plan has been given by the State Mobile Home Commission and by the City Planning Commission.
- (p) Wherever in this chapter an earth berm or greenbelt planting screen is required, it shall be shown in detail on the site plan indicating the scaled location, type and height of the plantings.
- (q) Construction plans shall be submitted to the State Mobile Home Commission and to the City Building Department for review and approval. All such plans shall be prepared and submitted in accordance with the applicable requirements of Act 419 of the Public Acts of 1976, as amended.
- (r) Whenever a construction plan differs from an approved site plan with respect to those requirements set forth in Section 1298.07, a revised site plan shall be submitted to the State Mobile Home Commission and to the City Planning Commission for their review and approval.

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1288**

### **PD Planned Development Districts**

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- 1288.01 Intent.
- 1288.02 Minimum requirements for rezoning to planned development districts.
- 1288.03 Applications for development; submission; contents.
- 1288.04 Review of applications.
- 1288.05 Phasing and commencement of construction.



1288.06 Guarantees and development agreements.

1288.07 Approval with conditions.

1288.08 Principal uses permitted.

1288.09 Height, bulk, density and area standards.

1288.10 Required conditions.

### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

### **1288.01 INTENT.**

given area, other than by conventional zoning district controls. This alternative approach to land development is designed to give greater development flexibility, thereby encouraging higher dedication to quality of land use and site design. It is further the intent of this development approach that the alternative land use development patterns permitted in the PD District will be designed and laid out with particular attention to creating a desirable human experience by establishing harmonious relationships between land use types relative to uses of land, the location of uses on the land and the architectural and functional compatibility between them.

(b) A planned development project is viewed as an integrated development concept. To that end, the provisions of this chapter are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas; encourage flexibility and mixture of uses; and to improve the design, character, and quality of new development. The use of a planned development to permit variations from other requirements of this chapter shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this chapter.

(Ord. 516. Passed 8-26-92; Ord. 945. Passed 4-18-12.)

### **1288.02 MINIMUM REQUIREMENTS FOR REZONING TO PLANNED DEVELOPMENT DISTRICTS.**

A recommendation from the Planning Commission to Council to reclassify land, and the reclassification of the land to a PD District by Council, shall be predicated on both bodies finding that:

(a) The site contains at least ten net acres of contiguous land;

(b) The predominant use that is intended to occupy the land occupies at least one-half of the entire net land area of the site; and

(c) The specific types of land use proposed are acceptable.

(Ord. 945. Passed 4-18-12.)

### **1288.03 APPLICATIONS FOR DEVELOPMENT; SUBMISSION; CONTENTS.**

(a) An application for development under the standards of this District shall be made as permitted under Section 503 of Act 110 of the Public Acts of 2006, as amended, and in accordance with the procedures and requirements of this chapter and as follows:

(1) Submittal of an application for development under the PD District shall first be made to the Planning Commission for its review and recommendation to Council. The application must be complete before review may commence.

(2) It is further the intent of the PD District that once a parcel of land has been granted site plan approval and thereby rezoned to a PD District by Council, no development shall take place thereon and no use shall be made of any part thereof, except in strict accordance with the approved application and plans, or in accordance with an approved amendment thereto.

(b) The contents of an application submittal shall include:

(1) A mapped property area survey of the exact area being requested for rezoning;

(2) A proof of ownership of the land or an option to purchase land being requested for rezoning, with notarized documentation from the landowner approving of the rezoning request;

(3) A written report containing an assessment of the impact that the rezoning and accompanying development will have on the site. The report shall consist of at least the following:

A. The general character and substance;

B. Objectives and purposes to be served;

C. Compliance with all applicable City ordinances, regulations, and standards;

D. Scale and scope of development proposed;

E. Development schedules;

F. Compliance with the adopted Master Plan and any other applicable plan of the City;

G. A statement that the applicant is aware of the general soil conditions of the site and of the surrounding area;

H. A statement as to the general vegetation characteristics of the site, in terms of type, coverage and quality. A detailed survey of these conditions is not required, but an outline of the tree coverage shall be provided on the site plan. The statement may be prepared, and the tree outline drawn, from information taken from recent aerial photographs and field observations;

I. A statement explaining in detail the full intent of the applicant, indicating the specifics of the type of development proposed for the site and if the proposed development will have a residential or a nonresidential orientation;

J. A statement as to how the intended use of the property would affect the nature of the land on which it is to be located, and the effect that the district requested and its intended land use development will have on adjacent properties, particularly with respect to drainage patterns; and

K. A statement as to the potential social and economic impact the rezoning and proposed land use will have on the area in terms of the number of people who could be expected to live or work on the site; the number of school age children, if applicable, that can be expected; the need for public facilities, such as parks, schools, utilities, roads and public safety; the anticipated potential floor space to be used for shopping or working areas; the market potential for the proposed uses; and the potential vehicular traffic generation of the use and its impact on the existing road network with respect to traffic flow, current road conditions and road capacities.

(4) A preliminary site plan of the entire area in question, carried out in such detail as to comply with the site plan review requirements set forth in Section 1298.07. In addition to these requirements, the site plan shall contain a detailed statement with respect to each of the following:

A. A statement with respect to the general topography of the site as well as the adjoining lands surrounding the site, including any significant natural or man-made features;

B. A statement concerning the relationship of one building to another, both on-site and in the surrounding area, relative to entrances, service areas and mechanical appurtenances;

C. A statement concerning general rooftop appearances, particularly those rooftops which will lie below finished street grades or as may be viewed from the windows of higher adjacent existing or proposed buildings;

D. A statement relative to the extent and general makeup of landscaping, off-street parking areas and adjoining service drives on surrounding lands;

E. A statement as to the general layout of the site conforming to any street, road or other public conveyance, and public utility layouts, including drainage courses, that are any part of a previously approved plat or plan;

F. A statement as to the general architecture of the proposed building, including overall design and types of facade materials to be used and how the proposed architectural design and facade materials will be complimentary to existing or proposed uses within the site and on surrounding lands;

G. A clear designation on each building depicted on the site plan as to its specific use, i.e. residential, retail, commercial, service commercial, office, etc. In those instances where the actual occupant of the use is known, the name of the proposed occupant shall be included; and

H. A definitive project phasing plan showing the boundaries of each phase and estimated timing schedule by phase to completion in accordance with Section 1288.04(b).

(5) A written analysis which demonstrates that the applicant has the financial capacity to complete the project.

(Ord. 516. Passed 8-26-92; Ord. 916. Passed 8-18-10; Ord. 945. Passed 4-18-12.)

### **1288.04 REVIEW OF APPLICATIONS.**

(a) The Planning Commission, upon receipt of an application to rezone and develop under the PD Planned Development District, as set forth in Section 1288.03, shall first set a public hearing date for review of the application. The Commission, in making its review, shall adhere to the conditions set forth in this section.

(b) In considering a request to rezone land to a PD District, the Commission shall recommend approval of the request to Council only after it finds that:

(1) The request to rezone is being made with the full intent of developing the land in strict accordance with the requirements of the PD District.

(2) The uses proposed for development in accordance with the submitted site plan are compatible with existing uses on adjacent lands.

(3) The area being requested for rezoning is either fully served by public utilities and services such as but not limited to streets, police, and fire protection, drainage, water, water and sanitary sewer, refuse disposal, and sidewalks; or will be fully served through the extension of such public utilities and services to the site at the time of development.

(4) The preliminary site plan is in compliance with the review criteria set forth in this chapter and this Zoning Code.

(5) The preliminary site plan is consistent with the City's Master Plan.

(6) Each phase of the proposed planned development contains adequate infrastructure, open-space, recreational facilities, landscaping, and any other necessary conditions so that a failure to proceed with subsequent phases of the development will have no adverse impact on the completed phases(s) or surrounding property.

(7) The preliminary site plan meets all the requirements of Section 1298.07 for preliminary site plans.

(8) The plan satisfies the intent of this section with respect to the use of land and principal and accessory use relationships within the site, as well as with uses on adjacent sites.

(9) All existing or proposed streets, roads, utilities and marginal access service drives, as may be required, are correctly located on the site plan.

(10) The plan meets all applicable standards of this Zoning Code and this chapter, relative to building height, bulk, area requirements, dwelling unit density, building setbacks, off-street parking, and preliminary site engineering requirements.

(11) There exists a reasonably harmonious relationship between the placement of buildings on the site and buildings on lands in the surrounding area, and there is functional compatibility between all structures on the site and structures within the surrounding area to ensure proper relationships between:

A. The topography of the adjoining lands as well as that of the site itself, including any significant natural or man-made features;

B. One building and another, whether on-site or on adjacent land, i.e. entrances, service areas and mechanical appurtenances; and

C. Street, road and public utility layouts approved for the area.

(c) Council Review or Preliminary Site Plan.

(1) Upon review of the preliminary site plan by the Planning Commission, the Commission shall forward its findings and recommendations, along with all plans and supporting documents, to Council for its review.

(2) Council shall review the preliminary site plan with regard to the Commission's recommendations and the review requirements and conditions set forth in subsection (b) hereof. Council shall approve the preliminary site plan, provided that all the conditions as set forth in subsection (b) hereof are met.

(3) Once the preliminary site plan has been approved by Council, no development shall take place therein and no use shall be made of any part thereof, until final site approval has been given by Council, and then only in accordance with the approved plan or in accordance with an approved amendment to that plan.

(4) Approval of the preliminary site plan by Council shall give appropriate direction to the applicant to proceed with development of the final site plan.

(d) Final Site Plan. A final site plan shall be prepared and submitted to the Planning Commission for its review and recommendation to Council.

(1) The final site plan shall:

A. Contain all the requirements set forth in Section 1298.07;

B. Include plans and drawings illustrating, in detail, all physical layouts as indicated on the approved preliminary site plan, as well as building elevations of all building walls, including a legend detailing facade materials, landscaping plans and other physical plan details, such as lighting, signs, etc., being proposed. Supporting documentation in the form of building plans and schedules of construction may also be requested.

1. The Commission, in making its review of the building wall elevations and building facade materials, shall, to the best of its ability, be satisfied that there exists a reasonably harmonious relationship between the location of buildings on the site and the surrounding area, and that there is reasonable architectural compatibility between all structures on the site and structures within the surrounding area to ensure proper relationships between:

i. The rooftops of buildings that may be below street levels or that may be seen from windows of higher adjacent buildings;

ii. Landscape plantings, off-street parking areas and service drives on adjacent lands; and

iii. The architecture of the proposed buildings, including overall design and facade material used. Architectural design and facade material should be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended herein that proper design contrasts in architectural design and in use of facade materials is to be discouraged, only that care shall be taken to ensure that any such contrasts will not be so out of character with existing building design and facade materials as to conflict instead of contrast with other buildings or to create an adverse effect on the stability and value of the surrounding buildings.

(2) Final site plan review. The final site plan, along with all supporting documentation, shall accompany the Planning Commission's recommendation for final review by Council. Council, in reviewing the final site plan, shall find that:

A. The final site plan is in conformity with the preliminary site plan and meets the conditions as set forth in subsection (e) hereof.

B. The dedication of public rights of way or planned public open spaces, where proposed on the site plan or as may be otherwise required, shall have been made.

C. In residential use areas, any prorated open space has been irrevocably dedicated and retained as open space for park, recreation and related uses, and all such lands meet the requirements of the City.

D. Where applicable, marginal access road easements or rights of way have been provided.

(3) Granting approval of final site plan.

A. When Council finds that such conditions are met, it may grant final site plan approval.

B. The granting of final site plan approval shall constitute rezoning of the land contained within the approved final site plan to the PD District. Rezoning under the PD District shall rely upon the plan submitted and all supporting documentation. The plan, therefore, is basic to the rezoning. Adoption by Council of the zoning ordinance amendment, the final approved site plan and all supporting documents shall be made an integral part of the zoning amendment to the PD District, and, for the purposes of recordation, shall be referred to as "Planned Development No. \_\_\_\_\_," which number shall correspond to the number of the amending ordinance, and which shall thereafter be recorded with the County Register of Deeds.

(4) Revisions to approved preliminary or final site plan.

A. Revisions to an approved preliminary or final site plan shall require the re-submittal of plan revisions to the City for an administrative review. The City, in making its review, may require such revisions to be resubmitted to the Planning Commission and Council for review and approval when, in its opinion, such revisions constitute a major or significant change in the previously approved plans, or when it feels such changes may compromise the intent and review standards of the PD District as herein set forth. Significant changes include, by way of example only and not as a limitation, increased dwelling unit size or density, increased nonresidential use areas, loss of substantial amounts of parking or relocation of buildings.

B. The Commission and Council, in making a review of a revised site plan, shall find that any such revisions forwarded to them for review and approval meet all minimum requirements of this chapter, including its general intent.

(5) Approved period.

A. Approval of a preliminary site plan shall be effective for a period of one year from the date of preliminary approval by Council.

B. Approval of a final site plan shall be effective for a period of two years from the date of final approval by Council.

C. If substantial development is not evidenced on the site within two years from the date of final approval by Council, all site plan approvals may be terminated. Thereafter, the Commission may initiate the rezoning of the property from a PD District to a zoning district recommended for the site on the City's Master Plan Map.

D. Revocation may occur for the entire development or a particular phase of development. Thereafter, the Commission may initiate the rezoning of the property from a PD District to a zoning district recommended for the site on the City's Master Plan Map.

E. For purposes of this section, "substantial" means that at least twenty- five percent of the development shall be in place, or well under construction on the site, within two years from the date of final approval by Council.

(Ord. 516. Passed 8-26-92; Ord. 916. Passed 8-18-10; Ord. 945. Passed 4-18-12.)

### **1288.05 PHASING AND COMMENCEMENT OF CONSTRUCTION.**

(a) If development is to be undertaken in phases, the first development phase shall include not less than twenty-five percent of the total development proposed for the site, and shall include all infrastructure, including, but not limited to, streets, relating to that phase, as well as all indoor and outdoor recreation facilities and community buildings that relate to the entire development.

(b) Each development phase shall be clearly identified on the site plan with a phase development line and identified as to which phase it is, i.e., Phase 1, etc. All such data pertaining to each phase shall be clearly enumerated on the site plan by phase, including the land area, in square feet or acres, involved in each phase.

(Ord. 916. Passed 8-18-10; Ord. 945. Passed 4-18-12.)

### **1288.06 GUARANTEES AND DEVELOPMENT AGREEMENTS.**

(a) The City Council shall require irrevocable letter of credit, acceptable to the Council covering the estimated cost of developments be deposited with the City Clerk to insure faithful completion of the

developments. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The City shall not require the deposit of the performance guarantee until it is prepared to issue the permit.

(1) The performance guarantee shall include a schedule of costs assigned to several developments. Monies may be released, but are not required to be released to the applicant in proportion to the work completed and accepted on the various developments. The City reserves the right to retain all the funds until the project is fully completed and accepted by the City.

(2) Any partial release of funds shall leave a balance of not less than twenty percent of the guarantee, which shall be retained by the City until all work has been completed and subsequently inspected and approved by the City.

(3) If a project is judged to have been abandoned, and after at least ninety days since written notice to the landowner of such finding has passed, the City shall either complete such developments or restore the site to a pre-development condition, with its cost and reasonable administrative and legal charges to be drawn from the performance guarantee.

(b) The Planning Commission may as a condition of final site plan approval, require the proprietor to enter into a development agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City.

(Ord. 916. Passed 8-18-10; Ord. 945. Passed 4-18-12.)

#### **1288.07 APPROVAL WITH CONDITIONS.**

(a) The Commission may recommend that City Council impose reasonable conditions with the approval of an application to rezone and develop under the PD Planned Development District, to the extent authorized by law, for the following purpose:

(1) To ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.

(2) To protect the natural environment and conserve natural resources and energy.

(3) To ensure compatibility with adjacent uses of land.

(4) To promote the use of land in a socially and economically desirable manner.

(5) To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent and the community as a whole.

(b) In the event that an application to rezone and develop under the PD Planned Development District is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

(Ord. 916. Passed 8-18-10; Ord. 945. Passed 4-18-12.)

#### **1288.08 PRINCIPAL USES PERMITTED.**

In a PD Planned Development District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

(a) Single-family dwellings subject to the conditions set forth in Section 1288.09(b)(3).

(b) Multiple-family dwellings subject to the standards set forth in Section 1288.09(b)(4).



- (c) Planned commercial centers as defined in Section 1260.07(102).
- (d) Offices and office-related uses permitted in the RO District.
- (e) Office-research facilities, including experimental and testing laboratories, provided that no product shall be manufactured, warehoused or otherwise stored on site for sale or distribution.
- (f) Convention or conference centers, including motels, motor hotels, auditoriums, theaters, assembly halls, concert halls or similar places of assembly, and related accessory uses when made an integral part of the center.
- (g) Banquet halls and sit-down and fast food restaurants, except drive-in or drive-through establishments.
- (h) Mixed uses, including any of the permitted uses set forth in subsections (a) to (g) hereof, as well as select commercial uses when deemed acceptable by the Planning Commission and Council and when they are made an integral part of a larger planned multi-use complex.

(Ord. 516. Passed 8-26-92; Ord. 819. Passed 12-14-05; Ord. 945. Passed 4-18-12.)

### **1288.09 HEIGHT, BULK, DENSITY AND AREA STANDARDS.**

(a) It is the implied intent of the PD Planned Development District to encourage quality development by providing for a diversified mix of land use. It is further the intent of this mixed use district to encourage qualitative design innovation by minimizing specific height, bulk, density and area standards, thereby giving the applicant freedom to configure buildings, parking and related site amenities in ways that would otherwise be discouraged or curtailed under the standards of conventional zoning districts. Freedom from extensive layout controls is intended to encourage utilization of a site in ways that will more fully satisfy the site review criteria set forth in the PD District, so long as it is clearly understood that the absence of such regulatory standards in no way implies, or is to be interpreted to mean, that such critical site layout standards are excused or may be ignored with respect to development in a PD District. To the contrary, proper building setbacks and the thoughtful location and tasteful application of site amenities shall be considered as crucial design elements of any development proposed under the guidelines of the PD District and will be subject to careful review and evaluation by the City. Site plans which minimize or show little regard for such amenities will be subject to rejection by the City.

(b) Standards that apply to all development permitted in the PD District are outlined in this section. Since it is the implied intent of the PD District to encourage quality development through flexibility in and through land use design innovation, only the following specified development control standards, in addition to those set forth in subsection (a) hereof, shall specifically apply:

(1) The minimum distance between nonresidential buildings, between nonresidential buildings and multiple-family buildings and between multiple-family buildings shall be subject to the formula provided in Section 1298.01(e) establishing distances between buildings, except that these distances may be modified by the Planning Commission or Council at the time of site plan review if it is found that the height and/or bulk of a building or buildings is such that a greater or lesser setback would be warranted in the interests of promoting the health, safety and common good of the community, or in the interests of improving the visual aesthetics of the site.

(2) All buildings shall be located at least fifty feet from any public street right-of-way line and at least thirty-five feet from any peripheral site-boundary line, except that this distance may be modified by the Planning Commission or Council at the time of site plan review if it is found that the height and/or bulk of a building or buildings is such that a greater or lesser setback would be warranted in the interests of promoting the health, safety and common good of the community, or in the interests of improving the visual aesthetics of the site.



(3) Single-family dwellings may be permitted subject to the conditions set forth in Section 1288.06(a)(3), provided that the maximum number of dwelling units shall not exceed the dwelling unit density permitted in the abutting single-family residential district.

(4) Multiple-family dwellings may be permitted, subject to the following applicable conditions:

A. Except for housing intended solely for the elderly (senior citizen housing) and except for multiple-family dwellings occupying the upper floors of multi-story buildings, no multiple-family dwelling building shall exceed a height of thirty-five feet or three stories.

B. Multiple-family residential buildings of two stories or less shall be subject to the dwelling unit density limitations and floor area requirements of Section 1298.01(d).

C. Multiple-family residential buildings consisting of three stories shall not exceed a maximum of thirty seven total rooms per acre. No two and one-half story buildings shall be permitted.

D. Multiple-family residential dwellings, when established as a part of a mixed-use building, shall be located only in the upper floors of buildings, provided that:

1. All retail commercial uses are located on subfloors below grade, on the ground floor or on the ground floor mezzanine only.

2. No dwelling unit shall occupy any portion of the floor area at grade level, and no nonresidential use shall occupy any area on the same floor as a residential use or any area on a floor above a floor used for residential purposes.

E. Multiple-family dwellings, when occupied solely as housing for the elderly (senior citizen housing), shall be subject to the standards of Section 1272.03(b)(1),(2) and (6) and the applicable standards of Section 1298.01(d) and (e).

F. Except for multiple dwelling units in the upper floors of multi-story buildings, for which there is no maximum dwelling unit density, for the purposes of determining overall dwelling unit density, the dwelling unit density limitations applicable to each multiple-family development alternative shall apply to an area within the residential development area of the site that is to be devoted to that particular type of multiple-family development. These areas shall be clearly delineated on the site plan, and the area in square feet of each of these multiple dwelling areas, along with the proposed dwelling unit density of each, i.e. the number of bedrooms per dwelling unit and the total number of rooms proposed, shall be noted in a legend on the site plan.

(Ord. 516. Passed 8-26-92; Ord. 945. Passed 4-18-12.)

### **1288.10 REQUIRED CONDITIONS.**

(a) The following conditions, where applicable, shall apply to all uses permitted under this chapter:

(1) See Section 1298.01 for regulations pertaining to the distance between multiple-dwelling buildings, which shall apply to all buildings, and the minimum floor area requirements for multiple dwellings.

(2) No off-street parking shall be located closer than twenty feet to any public street right-of-way line or closer than ten feet to any other peripheral site boundary.

(3) Single-family dwellings may be permitted only when they are located adjacent to a single-family residential district that is not separated therefrom by a public street, freeway or railroad right of way, or which does not contain a permitted nonresidential use. All single-family dwellings so permitted shall be developed in accordance with the one family cluster housing standards of Section 1298.03 and shall be

located so as to serve as a buffer between the directly abutting single-family residential district and other residential and nonresidential development within the PD District.

(4) When a planned development shall be developed in phases, each phase shall comply with the phase development requirements set forth in Section 1288.04(b)(10).

(5) The applicant shall submit a detailed cost estimate for the installation of all public utilities, streets and storm water retention systems proposed for the entire development for review by the City. Council may require submittal of a surety bond or bonds in an amount or amounts equal to the costs estimated for each phase of the above improvements, plus ten percent, as a requirement necessary to receive final site plan approval from Council.

(b) See Chapters 1292 and 1298 for provisions regarding:

- (1) Accessory uses;
- (2) Off-street parking and off-street parking layout standards;
- (3) Loading and unloading facilities;
- (4) Site plan review;
- (5) Improvement guarantees;
- (6) Landscape planting standards;
- (7) Exterior lighting;
- (8) Corner clearance;
- (9) Screen walls and earth berms;
- (10) Frontage on a public street;
- (11) Access to major thoroughfares;
- (12) Exterior building wall facades; and
- (13) Signs.

(Ord. 516. Passed 8-26-92; Ord. 945. Passed 4-18-12.)

## **CHAPTER 1289**

### **Hotel Overlay District (HOD)**

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1289.01 Intent.

1289.02 Applicability.

1289.03 Definitions.

1289.04 Principal uses permitted.

1289.05 Required conditions.

1289.06 Specific requirements to extended stay hotels.

1289.07 Hourly rates prohibited.

**CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land uses - see M.C.L.A. Sec. 125.592

Licensing of businesses - see B.R. & T. Ch. 802

Schedule of area regulations - see P. & Z. 1298.01

**1289.01 INTENT.**

The purpose and intent of the Hotel Overlay District is to provide opportunities within the City of Southgate for the development of medium-density hotels where such uses are desirable based on visibility from Interstate 75. It is further intended that accessory uses typically located with hotels shall also be permitted to develop.

(Ord. 08-871. Passed 8-20-08.)

**1289.02 APPLICABILITY.**

(a) The Hotel Overlay District shall encompass all parcels located within the Hotel Overlay District boundaries as defined on the City of Southgate Zoning Map.

(b) The provisions of this Overlay District shall supplement the underlying zoning district in which a property is located. The standards prescribed herein shall control the overall development in this Overlay District. Where there may exist any conflict between the provisions of this chapter and those of the underlying zoning district, the provisions of this chapter shall prevail. This chapter shall not change the status of any existing use, lot, or structure established prior to the effective date of this chapter.

(Ord. 08-871. Passed 8-20-08.)

**1289.03 DEFINITIONS.**

(a) "Extended stay hotel" means any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, and contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a maximum stay of six months within the dwelling units of the structure.

(b) "Hotel" means a building or part of a building that is a franchise from a nationally recognized chain, with a common entrance, in which the dwelling units or rooming units are used primarily for transient

occupancy, and in which one or more of the following services are offered: maid service, furnishing of linens, telephone, secretarial or desk service and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

(c) "Motel" means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

(Ord. 08-871. Passed 8-20-08.)

#### **1289.04 PRINCIPAL USES PERMITTED.**

(a) Hotels and motels.

(b) Extended stay hotels.

(c) Accessory uses typically developed with hotels such as retail stores, sit-down restaurants, meeting rooms, conference rooms, banquet halls, exhibit halls, and personal service establishments which serve the business, personal, and convenience needs of the hotel guests and are completely enclosed within the principal use.

(Ord. 08-871. Passed 8-20-08.)

#### **1289.05 REQUIRED CONDITIONS.**

(a) The minimum setback requirements for the principal use shall be as required by the C-2, General Business District.

(b) The maximum height shall be 40 feet, with no maximum story requirement.

(c) Off-street parking shall be provided and shall be laid out as provided in this section and in Chapter 1292.

(d) Off-street parking may be located in a front yard and in an exterior side yard to a point 20 feet from the street right-of-way line. Off-street parking may be located in a rear yard and in an interior side yard, except when these yards abut a Residential District. No off-street parking shall be permitted within the minimum required setback.

(e) Whenever off-street parking is required to be set back from a property line, the set back shall be landscaped and all landscaping shall be maintained in a living, growing condition, neat and orderly in appearance.

(f) The intensity of all exterior lighting shall be of a type that shall not present a potential safety hazard to traffic on adjoining streets, nor shall any such lighting adversely impact abutting properties. All lighting shall be shielded and directed downward. Properties adjacent to residential uses shall install dimmers to reduce parking lot lighting from dusk to dawn.

(g) All development within the Hotel Overlay District shall be required to submit a site plan to be reviewed and approved by the Building Department, planning consultants, and the Planning Commission.

(h) All uses permitted in Section 1289.02 shall be subject to all other applicable requirements of this Zoning Code relating to site plan review, improvement guarantees, landscape planting standards, corner clearance, screens, walls, earth berms, exterior building wall materials, signs, and the like.

(Ord. 08-871. Passed 8-20-08.)

### **1289.06 SPECIFIC REQUIREMENTS FOR EXTENDED STAY HOTELS.**

- (a) Each unit shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space.
- (b) No occupant shall be permitted to stay in any unit of an extended stay hotel or extended stay motel in excess of six months each calendar year.
- (c) Occupancy limits shall be established for each unit based on available sleeping space and fire safety to be approved by the Fire Marshall for extended stay temporary residence purposes.
- (d) Daily or weekly services for each dwelling unit of linen change, towel change, soap change, and general clean-up shall be provided.
- (e) A registration lobby staffed on a 24 hour daily basis shall be provided.
- (f) A minimum of six secured parking spaces shall be developed immediately adjacent to the loading/unloading zone for resident use.

(Ord. 08-871. Passed 8-20-08.)

### **1289.07 HOURLY RATES PROHIBITED.**

- (a) No person owning, controlling, managing, or having charge of any hotel, extended stay hotel, or motel within the City shall allow or permit an hourly charge for any room within said establishment.
- (b) No person owning, controlling, managing, or having charge of any hotel, extended stay hotel, or motel within the City shall allow or permit any room or rooms within said establishment to be rented more than twice in any 24-hour period commencing at 12:01 a.m.

(Ord. 08-871. Passed 8-20-08.)

## **CHAPTER 1290**

### **P-1 Vehicular Parking Districts**

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- 1290.01 Intent.
- 1290.02 Principal uses permitted.
- 1290.03 Required conditions.
- 1290.04 Yards; walls.
- 1290.05 Development and maintenance.

#### ***CROSS REFERENCES***

Power to regulate parking - see CHTR. Sec. 4(20)

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Parking of commercial vehicles - see TRAF. 410.04(UTC Sec. 8.25); P. & Z. 1298.05

Parking generally - see TRAF. Ch. 468

Off-street parking and loading - see P. & Z. Ch. 1292

Schedule of area regulations - see P. & Z. 1298.01

Parking of mobile homes - see P. & Z. 1298.05; B. & H. 1466.01

### **1290.01 INTENT.**

P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles, a use incidental to a principal use. The P-1 District will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

(Ord. 458. Passed 1-4-89.)

### **1290.02 PRINCIPAL USES PERMITTED.**

Premises in P-1 Vehicular Parking Districts shall be used only for off-street vehicular parking areas and shall be developed and maintained subject to such regulations as are hereinafter provided.

(Ord. 458. Passed 1-4-89.)

### **1290.03 REQUIRED CONDITIONS.**

(a) A parking area shall be accessory to and for use in connection with one or more businesses or industrial establishments located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.

(b) Such parking areas shall be contiguous to an RM District or a nonresidential district. Parking areas may be approved when adjacent to such a district or when on the end of a block which fronts on a street which is perpendicular to the street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and such RM or nonresidential district.

(c) Parking areas shall be used solely for the parking of private passenger vehicles for periods of less than one day and shall not be used as an off-street loading area.

(d) No commercial repair work or service of any kind, or sales or displays of such vehicles, shall be conducted in such parking area.

(e) No sign of any kind, other than a sign designating an entrance, exit and condition of use, shall be maintained on such parking area.

(f) No building, other than a building for the shelter of attendants, shall be erected upon the premises, and such building shall not exceed fifteen feet in height.

(Ord. 458. Passed 1-4-89.)

#### **1290.04 YARDS; WALLS.**

(a) Side and Rear Yards. Where a P-1 Vehicular Parking District is contiguous to the side or rear lot line of premises within a residentially zoned district, the required wall shall be located along such lot line.

(b) Front Yards. Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures or wherein no residential structures have been yet erected, or is across the street from a Residential District, there shall be a setback equal to the required residential setback for such Residential District or a minimum of twenty-five feet, whichever is greater. The required wall shall be located on this minimum set-back line unless, under unusual circumstances, the Planning Commission finds that no good purpose would be served. The land between such set-back and street right-of-way line shall be kept free from refuse and debris, shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

(Ord. 458. Passed 1-4-89.)

#### **1290.05 DEVELOPMENT AND MAINTENANCE.**

P-1 Vehicular Parking Districts shall be developed and maintained in accordance with Chapters 1292 through 1298.

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1291 RC Recreational District**

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1291.01 Intent.

1291.02 Principal uses permitted.

1291.03 Required conditions.

## ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Department of Parks and Recreation - see ADM. Ch. 244

Parks and public grounds - see S. U. & P. S. Ch. 1062

Schedule of area regulations - see P. & Z. 1298.01

### **1291.01 INTENT.**

The RC Recreational District is designed and intended to permit the limited use of land in the City for privately-owned indoor and outdoor recreational uses that will be open to the general public and which, by virtue of their size, are not generally conducive to commercial districts and which, because of the potential intensity of the use, are not compatible with uses permitted in Residential Districts. It is further the intent of this District to discourage the types of athletic facilities that would occupy large tracts of land and generate large volumes of traffic.

(Ord. 532. Passed 6-30-93.)

### **1291.02 PRINCIPAL USES PERMITTED.**

In the RC Recreational District, no building 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 for in this Zoning Code:

(a) Indoor athletic facilities, such as tennis courts, racquet ball courts, exercise facilities, golf driving ranges, batting facilities, skating rinks and bowling alleys.

(b) Outdoor athletic facilities, including golf driving ranges, small par three-type golf courses, tennis courts, racquet ball courts and athletic fields for track and field events, including equestrian events, but excluding horse racing, dog racing and animal racing of any kind, any form of competitive motor vehicle contests, theme parks, mechanical or electronic devices and amusement parks.

(c) Uses which are customarily related or accessory to the above permitted indoor and outdoor recreational uses when such uses will have no greater impact on surrounding properties than the principal use of the site.

(Ord. 532. Passed 6-30-93.)

### **1291.03 REQUIRED CONDITIONS.**



All permitted uses shall be subject to the following conditions:

(a) The minimum setback requirements for a principal use shall be as follows:

(1) Front yard: forty feet, except that for each foot that the use exceeds twenty-five feet in height, an additional one foot of setback shall be provided.

(2) Interior side yard: twenty feet, except that for each foot that the use exceeds twenty-five feet in height, an additional one foot of setback shall be provided. When the side yard abuts a Residential District, a minimum setback of fifty feet shall be provided.

(3) Exterior side yard: the same as that required for the front yard.

(4) Rear yard: the same as that required for an interior side yard.

(b) The maximum height of a building shall be forty feet.

(c) Off-street parking shall be provided and shall be laid out as provided in this section and Chapter 1292.

(d) Off-street parking may be located in a front yard and in an exterior side yard to a point twenty feet from the street right-of-way line. Off-street parking may be located in a rear yard and in an interior side yard, except that when these yards abut a Residential District, no off-street parking shall be permitted within the minimum required setback.

(e) Whenever off-street parking is required to be set back from a property line, the set back shall be landscaped and all landscaping shall be maintained in a living, growing condition, neat and orderly in appearance.

(f) All uses shall have at least one property line along a major thoroughfare as identified on the City's Master Plan Map, and all access shall be directly from a major thoroughfare.

(g) The intensity of all exterior lighting shall be of a type that shall not present a potential safety hazard to traffic on adjoining streets, nor shall any such lighting adversely impact abutting properties.

(h) All accessory buildings shall comply with the applicable setback requirements of Section 1298.04 including paragraphs (a)(6) and (7) of Section 1298.04 and any amendments thereto.

(i) The outdoor storage on the site of goods, materials or vehicles is prohibited.

(j) All site plans shall be submitted for review and approval to the Building Department, planning consultants and the Planning Commission.

(k) All principal uses permitted in Section 1291.02 shall be subject to the applicable requirements of this Zoning Code relating to site plan review, improvement guarantees, landscape planting standards, corner clearance, screens, walls, earth berms, exterior building wall materials and signs.

(Ord. 532. Passed 6-30-93.)

## **CHAPTER 1292**

### **Off-Street Parking and Loading**

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1292.01 Off-street parking requirements.

1292.02 Schedule of parking spaces.

1292.03 Layout, construction and maintenance of parking areas.

## 1292.04 Off-street loading and unloading requirements.

**CROSS REFERENCES**

Power to regulate parking - see CHTR. Sec. 4(20)

Handicapped parking restrictions - see M.C.L.A. Sec. 257.942a

Parking of commercial vehicles - see TRAF. 410.04 (UTC Sec. 8.25)

Parking generally - see TRAF. Ch. 468

P-1 Vehicular Parking District - see P. & Z. Ch. 1290

Parking of mobile homes - see P. & Z. 1298.05; B. & H. 1466.01

**1292.01 OFF-STREET PARKING REQUIREMENTS.**

There shall be provided in all districts, at the time of erection, enlargement, or re-occupancy where a new use would change the parking requirements of any main building or structure, automobile off-street parking spaces with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

(a) Except as specifically permitted in the P-1 Vehicular Parking District, off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use in any zoning district.

(b) Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Zoning Code. Off-street parking shall not be permitted within a front yard or within a minimum side yard setback unless otherwise provided in this Zoning Code.

(c) Off-street parking for other than a residential use shall be either on the same lot as or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership of all lots or parcels intended for use as parking by the applicant shall be shown.

A copy of the agreement between the joint users will be recorded prior to occupancy with the Register of Deeds of Wayne County. The agreement shall include a guarantee that each party to the agreement, its successors and assigns, will enjoy continued use of the jointly shared parking facility. In the event any party withdraws from the agreement, the withdrawing party and each of the remaining parties, must conform to the requirements of this chapter through execution of a new conforming agreement or meeting individual standards.

(d) Required off-street parking for single and two-family dwellings may be provided in a front to back configuration in a driveway or garage, or combination thereof.

Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space, driveway or garage, or combination thereof. Residential parking shall be located on the premises it is intended to serve. Parking garages or structures, when accessory to a principal use, shall be subject to the applicable provisions of Section 1298.04.

(e) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided .

(f) Off-street parking, existing on the effective date of this Zoning Code (Ordinance 458, passed January 4, 1989), 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.

(g) In the instance of dual function of off-street parking spaces, where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.

(h) The sale, renting, leasing or storage of any trailers, merchandise or motor vehicles, or the repair of vehicles, is prohibited on off-street parking lots.

(i) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Consultant, Building Department, and/or Planning Commission, in accordance with Section 1298.07(i)(5), Site Plan Review, considers is similar in type.

(j) 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.

(k) Whenever off-street parking requirements are determined on a square footage of floor area basis, planned commercial centers and free-standing retail commercial uses, shall be computed on the basis of eighty percent of the gross floor area being usable.

(l) Wherever Council establishes off-street parking facilities by means of a special assessment district or by any other means, Council may determine, upon completion and acceptance of such off-street parking facilities by Council, that all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district be exempt from the requirements of this chapter for privately supplied off-street parking facilities.

(m) Nothing in this section shall prohibit the expansion of parking or loading areas to serve existing land uses or buildings, provided that all the regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.

(Ord. 458. Passed 1-4-89; Ord. 720. Passed 7-18-01.)

## **1292.02 SCHEDULE OF PARKING SPACES.**

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

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
(a) <u>Residential and Lodging Uses</u>	
(1) Dwelling unit - One-family and two-family	Two spaces for each dwelling unit.
(2) Dwelling unit - Multi-family A. Efficiency B. One bedroom C. Two or more bedrooms	1.25 spaces for each dwelling unit 1.50 spaces for each dwelling unit 2.00 spaces for each dwelling unit
(3) Fraternity, sorority, dormitory or other student residence	One space for each five permitted active members or one for each two beds, whichever is greater.
(4) Mobile home park	Two spaces for each mobile home site plus additional space for any accessory use.
(5) Motel, hotel or other commercial lodging establishments	One space for each one occupancy unit, plus one additional space for each ten occupancy

units, plus parking for accessory uses.

(6) Nursing homes or convalescent homes	One space for each three beds.
(7) Senior citizen or retirement housing (not including nursing or convalescent homes)	One space for each two units, plus one additional parking space for every five units for guest parking.
<b>(b) <u>Institutional and Related Uses</u></b>	
(1) Churches, temples, and other religious facilities	One space for each three seats or one for each six linear feet of pews in the main units of worship.
(2) Funeral homes, mortuaries, and cemeteries	One space for each 50 square feet of usable floor area in the parlors or chapels. Funeral homes with less than 1,500 square feet of usable floor area in the parlors or chapels shall require one space for each 35 square feet of usable floor area.
(3) Golf course open to the general public, except miniature or Par-3 courses	Six spaces for each one golf hole, plus spaces required for each accessory use.
(4) Hospitals	One space for each two beds.
(5) Library, museum, and cultural center or similar facility	One space for each 150 feet of usable floor area.
(6) Nursery schools, day nurseries, or child care centers	One space for each 350 feet of usable floor area.
(7) Private clubs or lodge halls	One space for each 100 square feet of usable floor area.
(8) Private golf clubs	Four space for each one golf hole, plus spaces required for each accessory use.
(9) Private swimming pool clubs and other uses	One space for each two member families or individuals, plus spaces required for each accessory use.
(10) Private tennis club or other similar use	Eight spaces for each one tennis court, plus spaces required for each accessory use.
(11) Schools - Elementary and Junior High	One space for each one teacher, employee or administrator, or the requirements of the auditorium, whichever is greater.
(12) Schools - Senior High	One space for each one teacher, employee or administrator, and one space for each five students, or the requirements of the auditorium, whichever is greater.
(13) Stadium, sports area or similar place of single event assembly	One space for each three seats or eight linear feet of benches.
<b>(c) <u>Business Commercial and Related Uses</u></b>	
(1) Automobile service - minor repairs	Two spaces for each service bay.
(2) Automobile service - major repairs and body work	Two spaces for each service bay, plus one space for each 100 square feet of usable waiting room area.

(3) Auto wash (automatic)	Ten front to back spaces for each automatic wash lane, plus one space for each vacuum station, plus space for each employee during the largest shift.
(4) Auto wash (self-service or coin-operated)	Three front to back spaces for each washing stall in addition to the stall itself, plus one space for each vacuum station.
(5) Bowling alleys	Five spaces for each one bowling lane, plus parking for accessory uses.
(6) Drive-through restaurant with seating	One space for each 75 square feet of usable floor area, plus ten front to back spaces for the drive-through window.
(7) Drive-through or carry-out establishments (no seating)	One space for each 75 square feet of food preparation area, plus ten front to back spaces for the drive-through window.
(8A) Eating establishment for sale and consumption on the premises of beverages, food or refreshments, except those serving alcoholic beverages	One space for each 75 square feet of usable floor area.
(8B) Eating establishment for sale and consumption on the premises of beverages, food, or refreshments, including those serving alcoholic beverages	One space for each 60 square feet of usable floor area.
(9) Furniture and neighborhood appliance, household equipment, repair shops, show room of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One space for each 800 square feet of usable floor area. (For that area used in processing, one additional space shall be provided for each two persons employed therein.)
(10) Gasoline stations	One and one-half spaces for each fuel nozzle, plus one space for each 150 square feet of usable floor area in the cashier and office areas.
(11) Gasoline stations with convenience store	One and one-half spaces for each fuel nozzle, plus one space for each 250 square feet of usable floor area.
(12) Gasoline stations with service bays	One and one-half spaces at each fuel nozzle plus two spaces for each service bay.
(13) Laundromats and coin-operated dry cleaners	One space for each two washing and dry cleaning machines.
(14) Miniature or Par-3 golf courses	Three spaces for each one hole.
(15) Motor vehicle sales and service establishments	One space for each 200 square feet of usable floor area of a sales room and one space for each one auto service stall in the service room.
(16) Multiplex Theaters	One space for each four seats.
(17) Personal service establishment (i.e., beauty/barber shops, tanning salons, nails)	Three spaces for each treatment station/chair.

<p>(18) Retail stores and planned commercial or shopping centers</p> <p>A. Up to 5,000 square feet</p> <p>B. 5,000 to 10,000 square feet</p> <p>C. 10,000 to 25,000 square feet</p> <p>D. 25,000 square feet to 50,000 square feet</p> <p>E. 50,000 square feet to 400,000 square feet</p> <p>F. Centers greater than 400,000 square feet</p>	<p>One space for each 100 square feet of usable floor area.</p> <p>One space for each 150 square feet of usable floor area.</p> <p>One space for each 200 square feet of usable floor area.</p> <p>One for each 200 square feet of usable floor area up to 25,000 square feet, plus one for every 250 square feet of usable floor area up to 50,000 square feet.</p> <p>Above requirements, plus one for each 300 square feet of usable floor area up to 400,000 square feet of usable floor area.</p> <p>Above requirements, plus one for each 500 square feet of usable floor area.</p>
<p>(19) Public recreation facilities (i.e., roller rinks, skating rinks, swimming pools, etc.)</p>	<p>One space for each 150 square feet of usable floor area.</p>
<p>(20) Exhibition halls and assembly halls without fixed seats</p>	<p>One space for each 25 square feet of usable floor area.</p>
<p>(d) <u>Offices</u></p>	
<p>(1) Banks</p>	<p>One space for each 100 square feet of usable floor area, plus five front to back spaces for each drive-through window.</p>
<p>(2) Business offices or professional offices, except as indicated herein</p>	<p>One space for each 200 square feet of usable floor area.</p>
<p>(3) Professional office of doctors, dentists and similar professions</p>	<p>One space for each 50 square feet of usable floor area in waiting rooms and one for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area.</p>
<p>(4) Veterinary clinic and commercial kennel</p>	<p>One space for each 50 square feet of usable floor area in the waiting rooms, examining rooms, offices and similar areas.</p>
<p>(e) <u>Industrial</u></p>	
<p>(1) Industrial or research establishments and related accessory uses</p>	<p>Five spaces plus one for each one and one-half employees in the largest working shift, plus one space for each company vehicle, or five spaces plus one for each 500 square feet of usable floor area, plus one for each company vehicle, whichever is greater. Space</p>

	on site shall also be provided for all construction workers during periods of plant construction.
(2) Warehouses and wholesale establishments and related accessory offices	Five spaces plus one for every one employee in the largest working shift, plus one space for each company vehicle, or five spaces plus one for every 2,000 square feet of usable floor space, plus one for each company vehicle, whichever is greater.

(f) Accessible handicap spaces shall comply with the State of Michigan Department of Labor Building code including Barrier-Free Design, Michigan Public Act. No. 1 of 1966, as amended.

(Ord. 458. Passed 1-4-89; Ord. 720. Passed 7-18-01; Ord. 848. Passed 4-4-07; Ord. 892. Passed 8-19-09.)

**1292.03 LAYOUT, CONSTRUCTION AND MAINTENANCE OF PARKING AREAS.**

Whenever the off-street parking requirements in this chapter require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(a) No parking lot shall be constructed unless and until a permit therefor is issued by the Director of Inspections. An application for such a permit shall be submitted to the Building Department, in such form as may be determined by the Director, and shall be accompanied by two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

(b) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<i>Parking Pattern(degrees)</i>	<i>Maneuvering Lane Width (ft.)</i>	<i>Parking Space Width</i>	<i>Parking Space Length(ft.)</i>	<i>Total Width of One Tier Spaces Plus Maneuvering Lane</i>	<i>Total Width of Two Tier Spaces Plus Maneuvering Lane(ft.)</i>
0 (parallel)	12	8 ft.	23	20 ft.	28
30 to 53	12	8 ft.-6 in.	19	31 ft.	50
54 to 74	15	8 ft.-6 in.	19	35 ft.-6 in.	56
75 to 95	22	10 ft.	19	41 ft.	60

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

(d) Adequate ingress and egress to a parking lot shall be by means of clearly limited and defined drives.

Ingress and egress to a parking lot lying in an area zoned for a multifamily residential use shall not be across land zoned for single-family residential use. Further, ingress and egress to a parking lot lying in an

area zoned for a nonresidential use shall not be across land zoned for a residential use, nor shall access to a local residential street be permitted except as may otherwise be permitted in Section 1298.16.

(e) All maneuvering lane widths shall permit one-way traffic movement, except that the ninety-degree pattern may permit two-way traffic movement.

(f) Each entrance to and exit from any off-street parking lot located in an area zoned for other than a single-family residential use shall be at least twenty-five feet distant from adjacent property located in any One-Family Residential District.

(g) The off-street parking area of any nonresidential use permitted in a Residential District shall be provided with a continuous and obscuring wall or landscaped earth berm not less than four feet, six inches in height measured from the surface of the parking area. This wall or berm shall be provided on all sides where the next zoning district is designated as a Residential District and shall contain materials as set forth in Section 1298.13.

When a landscape setback is required between a parking area and any property line or street right-of-way line, the area shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen materials or ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

(h) The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Engineer. The parking area shall be hard-surfaced before a certificate of occupancy will be issued.

(i) 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.

(j) 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.

(k) (1) To construct or replace a driveway or an approach, serving a single family resident, a site plan shall be submitted, approved and a zoning permit issued by the Building Department to the homeowner or a contractor, to ensure proper placement as regulated by this Zoning Code.

(2) Driveways serving single-family residences shall be by means of clearly limited and defined drives which shall consist of either concrete, brick pavers, or a combination of both.

(3) Driveways and approaches must be the same width at the City sidewalk, and driveways must be located on the same side of the lot as adjoining properties, unless approved in advance in writing by the Building Department or, if denied, the applicant must seek approval of the Board of Zoning Appeals after review and approval by the Planning Commission.

(4) Single-family residences without a garage may install a driveway not more than twelve feet wide. When the width of the side yard between the house and the side lot line is less than twelve feet wide, in front of the house the driveway may be expanded to the maximum permitted width but may not extend across the front of the house more than two feet, and may extend to the street at that width.

(5) Single-family residences with a garage may install a driveway as wide as the garage wall subject to the requirements of Sections 1298.04(a)(1) and 1298.04(a)(3) containing the vehicle entrance door. When the width of the side yard between the house and the side lot line is less than twelve feet wide, in front of the house the driveway may be expanded to the maximum permitted width but may not extend across the front of the house more than two feet, and may extend to the street at that width.

(6) Single-family residences with an attached garage on a cul-de-sac or concaved curve lot at the street property line may install a driveway as wide as the front garage wall, subject to Section 1298.04(a)(1),



containing the vehicle entrance door; however, the drive must gradually taper to the City sidewalk not to exceed forty percent of the front lot width.

(7) Front yard circle driveways may be installed on any lot that has a minimum front yard width of seventy-five feet. The driveway width for the circle cannot exceed twelve feet and shall have a minimum side yard setback of five feet for each side.

(Ord. 458. Passed 1-4-89; Ord. 555. Passed 4-20-94; Ord. 673. Passed 3-31-99; Ord. 674. Passed 3-31-99; Ord. 722. Passed 8-15-01.)

#### **1292.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.**

On the same premises with every building or structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading of vehicles in order to avoid undue interference with the public use of dedicated rights of way. All spaces shall be provided, where required in Section 1298.01, as follows:

(a) Within the RO District, loading space shall be provided in the rear yard or, in the case of a double frontage lot, in the interior side yard, at a ratio of five square feet per front foot of building up to a total area of 360 square feet per building. However, if the use located within the RO District does not sell or distribute merchandise or materials, no loading/ unloading space will be required.

(b) Within the Commercial Districts, loading and unloading space shall be provided in the rear yard at a ratio of ten square feet for each front foot of building. In the case of a double frontage lot, loading, unloading and trash receptacles may be located in an interior side yard beyond the minimum side yard setback requirement of the District. The location of such facilities in a permitted side yard shall be subject to review and approval by the City. The City, in making its review, shall find that any such use shall:

(1) Not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site;

(2) Be aesthetically and effectively screened from view from adjoining properties and from a street, in a manner acceptable to the City.

The City, to aid its review, may require the submission of building elevations and cross-section plans showing grade elevations with respect to the location of loading, unloading and trash receptacles, the corresponding elevations of adjoining property and streets and the means by which these facilities will be effectively screened from view.

(c) Within Industrial Districts, all loading and unloading operations shall be conducted in the rear yard. In those instances where an interior side yard is located adjacent to an Industrial District, loading and unloading may be conducted in that interior side yard when located near the rear of the building. When loading and unloading are to be conducted within an interior side yard, the City may require aesthetic screening of the facility in accordance with Section 1298.13.

All loading and unloading spaces in Industrial Districts shall be laid out in the dimension of at least ten feet by fifty feet, or 500 square feet in area, with a clearance of at least fourteen feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland concrete binder so as to provide a permanent, durable and dustless surface. All loading and unloading spaces in Industrial Districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (square feet)    Space Required

0 - 1,400    None

1,401 - 20,000    One space

20,001 - 100,000 One space, plus one space for each 20,000 square feet in excess of 20,001 square feet

100,001 and over Five spaces

(d) The area required for loading, unloading and trash receptacles shall be computed separately from the off-street parking requirements and shall be laid out in such a way that when in use it shall not cut off or diminish access to off-street parking spaces or service drives.

(Ord. 458. Passed 1-4-89; Ord. 850. Passed 5-16-07.)

[Click here to view Parking Layouts image.]

## **CHAPTER 1294**

### **General Exceptions**

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1294.01 Interpretation of chapter.

1294.02 Essential services.

1294.03 Voting places.

1294.04 Exceptions to height limitations.

1294.05 Lot area.

1294.06 Yards.

1294.07 Projections into yards.

1294.08 Access through yards.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

Schedule of area regulations - see P. & Z. 1298.01

#### **1294.01 INTERPRETATION OF CHAPTER.**

The regulations in this chapter shall be subject to the interpretations and exceptions set forth in this chapter.

(Ord. 458. Passed 1-4-89.)

### **1294.02 ESSENTIAL SERVICES.**

Essential services serving the City shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive a review by the Planning Commission and a recommendation of the Commission to Council, and the review and approval, after a public hearing, of Council. Such a review by Council shall consider abutting property and uses as they relate to easements, rights of way, overhead lines, poles and towers, and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.

(Ord. 458. Passed 1-4-89.)

### **1294.03 VOTING PLACES.**

The provisions of this Zoning Code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other public election.

(Ord. 458. Passed 1-4-89.)

### **1294.04 EXCEPTIONS TO HEIGHT LIMITATIONS.**

The height limitations of this Zoning Code shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers, provided that the height of any such structure shall not be greater than its distance to the nearest property line.

(Ord. 458. Passed 1-4-89.)

### **1294.05 LOT AREA.**

Any lot existing and of record on the effective date of this Zoning Code (Ordinance 458, passed January 4, 1989) may be used for any principal use permitted in the district in which such lot is located, other than for a conditional use for which special lot area requirements are specified in this Zoning Code, whether or not such lot complies with the lot area and width requirements of this Zoning Code. Such use may be made, provided that all requirements, other than lot area and width, prescribed in this Zoning Code are complied with, and provided, further, that not more than one dwelling unit shall occupy any lot, except in conformity with the provisions of this Zoning Code for required lot area for each dwelling unit, and except as provided in Section 1260.03.

(Ord. 458. Passed 1-4-89.)

### **1294.06 YARDS.**

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

(Ord. 458. Passed 1-4-89.)

### **1294.07 PROJECTIONS INTO YARDS.**

(a) Porches. An open, unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet.

(b) Architectural Features. Architectural features, except as provided in subsection (a) hereof and 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.

(Ord. 458. Passed 1-4-89.)

### **1294.08 ACCESS THROUGH YARDS.**

For the purpose of this Zoning Code, access drives may be placed in the required front or side yard so as to provide access to accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, no walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which it is placed, shall, for the purpose of this Zoning Code, be considered to be a structure, and the same shall be permitted in any required yard.

(Ord. 458. Passed 1-4-89.)

## **CHAPTER 1296 Nonconforming Uses**

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1296.01 Intent.

1296.02 Nonconforming lots.

1296.03 Nonconforming uses of land.

1296.04 Nonconforming structures.

1296.05 Nonconforming uses of structures and land.

1296.06 Repairs and maintenance.

1296.07 Uses permitted by special exception.

1296.08 Change of tenancy or ownership.

### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

## Schedule of area regulations - see P. &amp; Z. 1298.01

**1296.01 INTENT.**

It is the intent of this Zoning Code to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

It is recognized that there exists within the districts established by this Zoning Code, and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Zoning Code was passed or amended, which lots, structures and uses would be prohibited, regulated or restricted under this Zoning Code or future amendments.

Such uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded, 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 the passage of this Zoning Code (Ordinance 458, passed January 4, 1989) by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Zoning Code 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 the adoption or amendment of this Zoning Code and upon which actual building construction has been diligently carried on. "Actual construction," as used in this section, includes the placing of construction materials in a permanent position and fastened in a permanent manner. However, 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. 458. Passed 1-4-89.)

**1296.02 NONCONFORMING LOTS.**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of adoption or amendment of this Zoning Code. This section 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 of the lot not involving area or width, or both, shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Code, the land involved shall be considered to be an undivided parcel for the purpose of this Zoning Code. No portion of such parcel, which portion does not meet lot width and area requirements established by this Zoning Code, shall be used or occupied, nor shall any division of the parcel be made, which division leaves remaining any lot width or area below the requirements established by this Zoning Code.

(Ord. 458. Passed 1-4-89.)

### **1296.03 NONCONFORMING USES OF LAND.**

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

- (a) No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied on such effective date.
- (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 on such effective date.
- (c) If such nonconforming use of land ceases for any reason for a period of more than twelve months, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

(Ord. 458. Passed 1-4-89.)

### **1296.04 NONCONFORMING STRUCTURES.**

Where a lawful structure exists on the effective date of adoption or amendment of this Zoning Code, which structure could not be built under the terms of this Zoning Code 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, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase their nonconformity.
- (b) If such structure is destroyed by any means to an extent of more than fifty percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with this Zoning Code, except that reconstruction on the existing foundation or footings shall be permitted, provided that such reconstruction is commenced within twelve months from the date of such damage.
- (c) If such structure is 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. 458. Passed 1-4-89.)

### **1296.05 NONCONFORMING USES OF STRUCTURES AND LAND.**

If a lawful use of a structure, or of a structure and land in combination, exists on the effective date of adoption or amendment of this Zoning Code, which use would not be permitted in the district under the terms of this Zoning Code, 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 Zoning Code 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 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 Zoning Code, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or a structure and land in combination, may be changed to another nonconforming use of the same or of a more restricted

classification, provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require conditions and safeguards in accordance with the purpose and intent of this Zoning Code. Where a nonconforming use of a structure, land, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for twelve consecutive months or for twenty-four months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

(f) Where nonconforming use status applies to a structure and land in combination, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 458. Passed 1-4-89.)

#### **1296.06 REPAIRS AND MAINTENANCE.**

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

Nothing in this Zoning Code 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. 458. Passed 1-4-89.)

#### **1296.07 USES PERMITTED BY SPECIAL EXCEPTION.**

Any use for which a special exception is permitted as provided in this Zoning Code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in the district in which it is located.

(Ord. 458. Passed 1-4-89.)

#### **1296.08 CHANGE OF TENANCY OR OWNERSHIP.**

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

(Ord. 458. Passed 1-4-89.)



## **CHAPTER 1298**

### **Provisions Relating To All Districts**

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- 1298.01 Schedule of area regulations.
- 1298.02 Subdivision open space plan.
- 1298.03 One-family clustering option.
- 1298.035 One-family site condominium option.
- 1298.036 Open space development option.
- 1298.037 Conditional rezoning.
- 1298.04 Accessory uses.
- 1298.05 Off-street parking or storage of motor vehicles, commercial vehicles and recreational vehicles.
- 1298.06 Uses not included within specific zoning districts.
- 1298.07 Site plan reviews.
- 1298.08 Improvement guarantees.
- 1298.09 Landscaping.
- 1298.10 Exterior lighting.
- 1298.11 Entranceway structures in Residential Districts.
- 1298.12 Obstructions at street intersections.
- 1298.13 Walls and earth berms.
- 1298.14 Fences.
- 1298.15 Frontage on streets.
- 1298.16 Access to major thoroughfares.
- 1298.17 Exterior building wall materials.
- 1298.18 Signs.
- 1298.19 Performance standards.
- 1298.20 Nonconforming signs.
- 1298.21 Security bars.
- 1298.22 Requirements for underground utilities.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582



Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

**1298.01 Schedule of Area Regulations.**

Zoning District	Minimum Lot Size Per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (Per lot in feet)				Minimum Floor Area Per Unit(Sq. ft.)	Maximum Percent of Lot Area Covered (By All Buildings)
	Area (ft.)	Width(ft.)	Stories	Feet	Front	Least One	Sides Total Two	Rear		
R-1 One-Family Residential	10,000(a)	80 (a)	2	25	30 (b)	10 (b, c)	20 (b, c)	35 (b)	1,400	25
R-1A One-Family Residential	7,700 (a)	70 (a)	2	25	25 (b)	8 (b, c)	20 (b, c)	35 (b)	1,200	35
R-1B One-Family Residential	7,200 (a)	60 (a)	2	25	25 (b)	5 (b, c)	15 (b, c)	35 (b)	900	35
R-E One-Family Residential	19,800 (a)		2	35	50 (b)	15 (b, c)	30 (b, c)	50 (b)	2,500	25
R-2 Two-Family Residential	12,000 (a)	90 (a)	2	25	25 (b)	8 (b, c)	20 (b, c)	35 (b)	720	55
RM Multiple Family Residential	(d)	(d)	2	35	50 (b, c)	30 (b, c)	60 (b, c, e)	30 (c, e)	(d)	35
MH Mobile Home Park	(See Chapter 1286 for development standards.)									
RO Restricted Office	(f)	(f)	-	25	20 (c, g)	20 (c, h)	40(c, h)	20 (h, j)	--	(f)
C-1 Community Business	(f)	(f)	1	20	25 (c, g)	(i, c, h)	(i, c, h)	20 (h, j)	--	(f)
C-2 General Business	(f)	(f)	2	40	25 (c, g)	(i, c, h)	(i, c, h)	20 (h, j)	--	(f)
C-3 Thoroughfare Service	(f)	(f)	-	40	25 (c, g)	(i, c, h)	(i, c, h)	20 (h, j)	--	(f)

M-1 Light Industrial	(f)	(f)	2	40(j)	40(g)	20 (c, h)	40(c, h)	20 (h, j)	--	(f)
PD Planned Development	(See Chapter 1288 for development standards.)									-
P-1 Vehicular Parking	(See Chapter 1290 for development standards.)									-

NOTES TO SCHEDULE OF REGULATIONS:

(a) See the following sections regarding flexibility allowances in development within specified zoning districts:

- Section 1298.02.Subdivision open space plan
- Section 1298.03.One-family clustering option
- Section 1298.035.One-family site condominium option

(b) For all nonresidential uses permitted in a Residential District, all setbacks shall be at least equal to the height of the main building, or when such measurement is less than the minimum setback requirements of the district, a setback equal to two additional feet for each ten feet or part thereof by which the length of the building wall exceeds the minimum setback requirement for the yard shall be provided, whichever is greater, except that no setback shall be less than the minimum setback required in the district.

(c) (1) All exterior side yards (street side, side yards) shall be provided with a setback equal to the front yard setback requirement of the district in which located, and all regulations applicable to a front yard shall apply. However, in a Residential District when two rear yards abut each other at a block end, the exterior side yard setback may be equal to the minimum interior side yard setback of the District. When a nonresidential district abuts a Residential District, the exterior side yard setback in the nonresidential district shall be equal to one-half the corresponding yard set-back requirement of the abutting Residential District.

(2) In addition to the specified side yards, no residential structure shall be located closer than fifteen feet to another residential structure, except that said distance may be reduced to thirteen feet for residential structures with an attached garage, provided that said garage is attached to that side of the structure wherein the 13-foot standard is utilized.

(d) (1) In the RM Multiple-Family District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,550 for conventional multiple dwelling units and 450 for senior citizen dwelling units, and all public utilities must be available. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type.

(2) For the purpose of computing the permitted number of dwelling units per acre in the RM District, the following room assignments and minimum floor area requirements, by dwelling unit type, shall apply:

Dwelling Unit Type    Room Assignment    Minimum Floor Area

- Efficiency    1 room    500 sq. ft.\*
- One-bedroom    2 rooms    675 sq. ft.
- Two-bedrooms    3 rooms    800 sq. ft.
- Three-bedrooms    4 rooms    1,000 sq. ft.

\*Minimum floor area required for senior (elderly) housing unit.

(3) For each additional bedroom over three an additional eighty square feet of floor area shall be provided.

(4) Plans depicting one, two or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area less any dedicated interior or exterior public road right of way.

(e) In the RM District, each structure in the dwelling group shall front either on a dedicated public street or approved private drive. An approved private drive is defined as a nondedicated hard-surfaced drive or road.

In the RM District, the maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, or other architectural feature which attaches buildings together, shall not exceed 180 feet, measured through the centerline of the building.

Within any required front, side or rear yard setback from any property line in an RM District, not more than thirty percent of any such peripheral yard area shall be used for off-street parking, maneuvering lanes, service drives, loading areas or combinations thereof.

It is further required that off-street parking or related drives shall not be located closer than twenty-five feet to any wall of a dwelling structure which contains openings involving living areas, nor closer than eight feet to any such wall that does not contain openings. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than twenty feet from any public street right-of-way line and eight feet from any other property line.

In the RM District, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty feet. However, if there is a corner-to-corner relationship between such buildings, the minimum distance between the two buildings shall be fifteen feet regardless of any architectural feature that may connect the buildings. The formula regulating the required minimum distance between two buildings in the RM District is as follows:

$$L + L + 2(H + H)$$

$$S = \frac{L_A L_B + H_A H_B}{6}, \text{ where}$$

6

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

$L_A$  = Total length of building A.

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

$L_B$  = Total length of building B.

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

$H_A$  = Height of building A.

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

$H_B$  = Height of building B.

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

(f) Except where otherwise provided in this Zoning Code, the minimum lot area and width and the maximum percent of lot coverage shall be determined on the basis of off-street parking and loading, greenbelt screening, yard setback or usable open space requirements as set forth in this Zoning Code.

(g) Off-street parking shall be permitted in the front yard of the RO, C-1, C-2 and C-3 Districts to a point not less than ten feet from the front property line.

No off-street parking shall be permitted in the front yard of an M-1 District, except that up to five parking spaces exclusively marked for visitor parking and required handicapped parking spaces may be located in the front yard, provided that no such parking shall extend into the required front yard setback of the District.

(h) Off-street parking shall be permitted in any side or rear yard, except that exterior side yards shall be subject to the front yard set-back requirements of the district and all regulations applicable to a front yard shall apply.

(I) No interior side yard setback shall be required when a building wall has no openings. If openings are provided in an interior building side wall, a minimum setback of ten feet shall be provided.

(j) Where the rear of a parcel abuts an improved public alley, the right-of-way width of the alley may serve as the rear yard setback, and except as otherwise set forth herein, no rear yard shall be less than that required in the district. In the Industrial Districts, any wall of an industrial building facing a corresponding Residential District shall be set back from the corresponding Residential District a distance equal to three feet of horizontal distance for each foot of wall height.

(Ord. 458. Passed 1-4-89; Ord. 465. Passed 5-24-89; Ord. 478. Passed 7-5-90; Ord. 507. Passed 11-6-91; Ord. 606. Passed 3-5-97; Ord. 664. Passed 7-8-98.)

## **1298.02 SUBDIVISION OPEN SPACE PLAN.**

(a) The intent of the subdivision open space plan is to promote the following objectives:

(1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;

(2). To encourage developers to use a more creative approach in the development of residential areas;

(3) To encourage a more efficient, aesthetic and desirable use of open areas while recognizing a reduction in development costs and allowing the developer to bypass or preserve natural amenities or obstacles on the site; and

(4) To encourage the provision of open space within a reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities.

(b) Modifications to the standards outlined in Section 1298.01 for R-1 One-Family Residential Districts may be made by the Planning Commission, after a public hearing held as set forth in Section 1262.07, when the following conditions are met:

(1) The area and width of lots in the R-1 District may be reduced as follows:

	Minimum Lot	Minimum Lot
<u>Zoning District</u>	<u>Area (sq. ft.)</u>	<u>Width (ft.)</u>
R-1	8,400	70

Such lot area and lot width reductions are permitted, provided the dwelling unit density is not greater than 4.3 dwellings per acre.

The area used for computing density shall be the net site area, excluding any dedicated interior public right of way and excluding rights of way of boundary roads.

(2) Rear yards may be reduced by ten feet when such lots border on land dedicated for private parks, recreation or usable open space area, provided the width of the reserved land is not less than seventy-five feet, measured from the rear lot line of any given lot to the nearest lot line of any opposing lot.

(3) Under paragraph (b)(1) hereof, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements outlined in Section 1298.01 for the R-1 District, at least equal amounts of land shall be reserved for the common use of the lot owners of the subdivision and maintained by them in a manner approved by the City.

(4) The area to be reserved for subdivision open space and recreation purposes shall, in no instance, be less than fifteen percent of the net area of the site, provided a parcel divided by a road or stream may be considered as one parcel. Further, each such area of land dedicated for common use shall:

A. Not include any area used for street purposes;

B. Be designed and laid out in such a manner that it shall directly border a majority of the lots within the subdivision;

C. Be provided with a significant means of access by streets or pedestrian accessways to all areas reserved for the common use of the land for those lots in the subdivision that do not directly border the common areas;

D. Be designed and laid out in such a manner that at least one portion of the total common area shall be capable of being used for active recreational purposes;

E. Contain no active recreational areas at or along the outer perimeters of the subdivision, except that such areas may extend to the outer perimeter of the subdivision when the area can be connected to like active recreation areas in adjacent subdivisions. Open space areas, other than those intended for active recreational use, may extend to or along the outer perimeter of the subdivision.

F. Not include bodies of water and subaqueous areas unsuitable for recreational purposes as part of the land area necessary to meet the minimum requirements of this subsection when such land comprises more than twenty-five percent of the total common area, except that lakes or ponds, when landscaped and maintained as an integral part of a larger common area within the development, may be included in usable open space computations; and

G. Be designed and laid out in such a manner that all land reserved for common use shall maintain its natural drainage. The entire common area may, however, be located in a floodplain.

(c) The reasonableness of the subdivision open space plan option on any given parcel of land shall be subject to review and approval of the Planning Commission and Council as to lot layout, street configuration and the location, size and overall layout of the open space areas. Review of a conceptual

development plan shall first be made by the Commission for recommendation to Council. Approval of the conceptual development plan by Council shall authorize the applicant to proceed with the preparation of the preliminary plan based on the general layout of the approved conceptual development plan.

(d) The Planning Commission and Council, in carrying out its review of the common areas of the plan, shall find:

(1) The location, size and overall shape of the proposed common areas are suitable for the purposes for which they are intended.

(2) Those portions of the total common land area intended for active recreational purposes are of adequate size and shape to permit active recreational use and are generally unencumbered by extensive tree cover, shrub masses, changes in topography, poor soil conditions or other conditions that would make use of the area undesirable for the activity intended.

(3) Whenever possible, the overall area of the common land flows throughout the subdivision in such a manner that it will directly serve the maximum number of lots possible.

(4) The overall area of common land, wherever possible, varies in width so as to take advantage of the natural amenities of the site, such as ground cover, streams, gullies, ground swales, etc., and so as to effectuate a more pleasing appearance.

(5) Wherever a variance of the widths of the common area is proposed, there shall be achieved, as closely as possible, a general balance between the narrower common land and the broader common land.

(6) The location, size and shape of proposed access points, open spaces, recreational areas and proposed accessory structures are clearly shown on the plan and identified, and these areas and structures, along with general use patterns and pedestrian circulation, relate well with the lots within the subdivision.

(e) Under the subdivision open space plan, the developer shall reserve the total park area in accordance with paragraph (b)(3) hereof at the time of filing of the final plat as required in the Subdivision Regulations.

(f) Upon acceptance and tentative preliminary plat approval of the plat, Council shall instruct the applicant to have prepared, for review and approval by the City's legal counsel, a contract setting forth the manner of the dedication and title of the open land or common area, the manner of ownership, the restrictive covenants required for membership rights and privileges, the manner of maintenance and the obligation to pay assessments for the same and provision for the City to effect use and maintenance as proposed and assess the cost thereof to the lot owners if necessary.

(g) Provisions for bonded or funded securities for the assurance of the installation of required improvements, utilities and facilities shall be in compliance with City requirements.

(Ord. 458. Passed 1-4-89.)

### **1298.03 ONE-FAMILY CLUSTERING OPTION.**

The intent of this section is to permit, through design innovation, flexibility in the development of one-family residential housing patterns on sites where the conventional subdivision approach to residential development would either destroy the unique environmental significance of the site or is impractical for conventional subdivision approach, or where a transitional type of residential development is desirable. To accomplish this, the following modifications to the one-family residential standards of this Zoning Code may be permitted, subject to the conditions herein imposed:

(a) In the One-Family Residential Districts, the clustering of one-family dwellings may be permitted. In approving areas for one-family residential cluster development under this section, the Planning Commission shall find that at least one of the following characteristics exists on the land:

(1) An area generally parallel to, and generally not in excess of 360 feet in depth, on those unsubdivided parcels of land abutting a major thoroughfare or freeway of at least 120 feet of right-of-way width or greater so as to provide a transition between such major thoroughfare and conventional one-family detached housing areas; or

(2) An unsubdivided area which the Planning Commission finds:

A. To be of unusual shape;

B. To be composed of generally unbuildable soils over a majority of the total site area;

C. To be characterized by major stands of trees, streams or other natural or man-made watercourses which extend over the greater part of the site and which, as significant natural assets, should be preserved; or

(b) The area to be set aside as open space shall represent at least twenty percent of the total area of the site. Open space may contain accessory structure and improvements appropriate for recreational purposes, such as recreational trails, picnic areas, children's play areas, greenways, or lineal parks.

(1) Open space should be designed and located to:

A. Be contiguous to all or most of the dwelling units on site;

B. Be between the cluster housing development and any adjacent conventional single-family development;

C. Provide links to other permanent public open space when applicable; and,

D. Preserve all sensitive environmental features and natural areas of significant value.

(2) Open space shall not include:

A. The area of any street right-of-way;

B. Easements for utilities;

C. The required setbacks between residential structures;

D. Any parking areas; or,

E. Detention and/or retention basins.

(c) (Repealed)

(d) Under this section, the attaching of one-family homes in clusters, or the detaching of one-family homes in clusters, shall be permitted subject to the following conditions:

(1) The attaching of one-family homes within a cluster shall be permitted when such homes are attached either through a common party wall or garage wall, which wall does not have over fifty percent of an individual wall or more than twenty-five percent of the total exterior walls of the living area of a one-family home in common with the wall or walls of the living area of an adjoining home, or by means of an architectural detail which does not form interior room space, or through a common party wall in only the garage portion of adjacent structures.

(2) The detaching of one-family homes within clusters shall be permitted, provided such homes are spaced not less than six feet apart when opposing dwelling unit walls contain no openings, and not less than ten feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall such walls be less than six feet apart.

(3). The maximum number of homes in a cluster may be subject to review by the Planning Commission, but in no case shall a cluster contain less than two homes or more than four homes.

(4) No structure within a cluster shall be located closer than thirty-five feet to any interior private street or drive, public right of way or, in the case of site planned development, peripheral property line.

Clusters of one-family homes shall be arranged on the site so that none shall face directly into a major thoroughfare, nonresidential district or nonresidential use. All cluster housing units shall include at least one attached enclosed garage with door for each dwelling unit. The Planning Commission may modify this garage attachment requirement, provided that detached enclosed garages are provided in groups that will not exceed the number of dwellings in the cluster the garages are intended to serve, and provided, further, that such garages are located within thirty-five feet of the housing cluster they are intended to serve.

(e) Each cluster of attached or detached one-family homes shall be separated from any other cluster of one-family homes by a minimum distance of twenty-five feet. However, the Planning Commission may modify the strict application of the distance in those instances where it is found that a natural amenity would be destroyed, or that topographical or soil conditions or the physical constraints of the site limit a practical dimensional separation of clusters.

(f) An applicant seeking use of the one-family cluster option shall submit a site plan to the Planning Commission for consideration. Such site plan shall include an explicit statement from the applicant detailing how the proposed site meets the criteria set forth in subsection (a)(2) hereof. The Commission, in making its review, shall find that the site possesses at least one of the requirements for qualification outlined in subsection (a)(1) hereof before approving the application. The Commission shall conduct its review in accordance with the public hearing requirements set forth in Section 1262.07.

(g) Site plans shall provide the following:

(1) The structural outline (building envelope) of all structures proposed on the site;

(2) Architectural renderings of building facade elevations within a typical cluster;

(3) The areas to be dedicated as open space and recreational use, showing access, location and improvements. Assurance of the permanence of the open space and provision for its continued maintenance shall be submitted for review and approval by the City Attorney. The City Attorney shall review and render an opinion with respect to:

A. The proposed manner of holding title to the open space;

B. The proposed manner of payment of taxes;

C. The proposed method of regulating the use of open land;

D. The proposed method of maintenance of property and the financing thereof; and

E. Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.

(4) The location of access drives, streets, off-street parking areas, sidewalks, trash receptacles, etc.; and

(5) The location, extent and type of landscaping in accordance with Section 1298.09.

(h) The applicant shall submit, as a part of his or her site plan, proposed building elevations and typical floor plans. Elevation drawings shall be drawn to scale and need only be a sample of development throughout the site. However, where more than one type of structural design is intended, sample elevation and corresponding floor plans for each type shall be submitted.

(i) In reviewing the site plan for application of the one-family cluster option to a particular site, the Planning Commission shall require that a landscaped undulating earth berm, at least six feet in height at its



lowest elevation, be provided along the entire property line of any boundary line abutting a major thoroughfare or nonresidential district. The berm shall not be included as any part of a side or rear yard, but may be a part of an adjoining open space area. Earth berms, where employed on the site, shall be designed so as not to obscure clear vision at street intersections. The Commission may permit an optional landscape treatment that is consistent with Section 1298.09 and that will serve as an effective screening barrier when a landscape berm is not practical due to site conditions or constraints.

(j) Approval of a site plan under this section shall be effective for one year from the date of approval, with one-year extensions permissible. Development not started in this period shall be considered as abandoned and authorization therefor shall expire. In such case, any proposed development thereafter shall be resubmitted for review and approval by the Planning Commission. Any proposed change in a site plan after approval has been granted shall require review and approval by the Commission prior to effectuating such change.

(k) Approval criteria. In addition to site plan approval, the Planning Commission shall review and approve the one-family clustering option upon a positive finding that all of the following criteria have been met:

(1) The design shall promote the goals, objectives, and policies of the City's Comprehensive Plan.

(2) Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units. Such land must be maintained in a perpetually undeveloped state, and there should be in place an agreement or plan satisfactory to the Planning Commission which ensures proper maintenance of the open space areas.

(3) Natural assets, wildlife habitat areas, or sites having cultural value shall be protected.

(4) Individual lots, buildings, and roadways, and open space areas shall be designed to minimize their impact on environmental site features.

(5) Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to: privacy, personal open space, and adequate lighting and ventilation) while allowing for innovative site layout and open space areas.

(Ord. 458. Passed 1-4-89; Ord. 796. Passed 9-8-04.)

### **1298.035 ONE-FAMILY SITE CONDOMINIUM OPTION.**

The intent of this section is to permit the development of single-family detached dwellings by site planning the layout of individual dwellings and all streets, utilities, open spaces, etc. To accomplish development under this option, the following conditions shall apply:

(a) In One-Family Residential Districts, the site planning of individual single-family detached dwellings may be permitted after review by the Planning Commission of a site plan, submitted in accordance with applicable requirements of Section 1298.08 and site plan review procedural requirements. The Commission shall hold a public hearing in accordance with the guidelines set forth in Section 1262.07 for the purpose of reviewing the site plan.

(b) The Commission, in making its review, shall find that the following minimum standards are fully met:

(1) The maximum number of individual single-family dwellings per acre, throughout the entire site, shall not exceed the dwelling unit density level of the One-Family District in which the site is located.

(2) An area equal to the minimum land area requirement of the district shall be provided for each dwelling unit, including the building envelope.

(3) Setbacks shall be provided for each building envelope equal to the minimum set-back requirements of the district as follows:

A. Front setbacks shall be measured from the street right of way, or from an equivalent line of a private street easement, to the front of the building envelope.

B. Side setbacks shall be measured from building envelope to building envelope and shall be at least equal to the total minimum side yard set-back requirement of the district between two single-family detached dwellings.

C. Rear setbacks shall be measured from the rear line of the building envelope to the rear property line or to the nearest common space area.

(4) All streets shall be built to public street standards and may be dedicated to the City as public streets. All public streets shall be located within appropriate rights of way as set forth in the City's Master Plan. Private streets shall be located within an easement equal in width to a public street right of way.

(5) All utilities shall be installed to applicable City or County standards and shall be located within appropriate rights of way or private easements.

(6) The maximum number of stories and building height restrictions of the district shall be met as shall the minimum floor area requirements of the district. Any detached accessory uses shall comply with the applicable standards of this Zoning Code for such uses. Setbacks required for such uses shall be measured from the outer perimeter of the land area boundaries required in this section for each individual single-family detached dwelling.

(7) Single-family detached dwellings developed as site condominiums under this option may be site planned as open space developments, provided that all applicable requirements of Section 1298.02 are fully complied with.

(Ord. 465. Passed 5-24-89.)

### **1298.036 OPEN SPACE DEVELOPMENT OPTION.**

(a) Purpose.

(1) The purpose of this Section is to provide an alternative means of development to the landowner on land which is residentially zoned that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of a construction easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Section 4(f) of State Public Act 207 of 1921, as amended (the City and Village Zoning Act).

(2) These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre, are eligible for application of the provisions of this Section.

(b) Definitions. For purposes of this Section, the following terms shall apply.

(1) Adjusted parcel acreage. Net parcel area after the acreage of all lakes, ponds, streams, 50 percent of regulated wetlands, property within a 100 year flood plain, public rights-of-way, and utility easements are deducted.

(2) Density. Equals the number of dwellings units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept

layout plan prepared by the applicant and accepted by the City showing the subject site as a single family detached development meeting the design requirements established for the zoning district in which it is located. (Please refer to Section 1298.01, Schedule of Area Regulations.) Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements. The resulting development yield, determined through such computation shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to Section 1298.036(b)(3), below.

(3) **Open Space Preservation Area.** Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways or lineal parks. The following are not to be considered open space by this definition:

- A. Golf courses;
- B. The area of any street right-of-way proposed to be dedicated to the public;
- C. Access easements for private roads or underground or overhead utilities;
- D. The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site;
- E. Parking and loading areas.

(c) **Eligibility Criteria.** In selecting the open space overlay option, the applicant must present a proposal for residential development that meets each of the following:

(1) **Open Space.** To be eligible for open space overlay option, the proposed development shall contain at least 50 percent of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.

(2) **Unified Control.** The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

(3) **Protection From Development in Perpetuity.** The applicant shall guarantee to the satisfaction of the City that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.

(4) **Density Impact.** The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.

(5) **Community Master Plan.** The proposed development shall be consistent with and further the implementation of the City Master Plan. as may be amended.

(d) **Flexibility Allowances.**

(1) Subject to the limitations specified below, the Planning Commission may grant specific departure from their requirements of the Zoning Code for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space

preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features.

(2) Regulatory modifications are subject to variance approval by the Zoning Board of Appeals. Appeals from the open space community plan are to the Zoning Board of Appeals. Any deviation of an approved plan shall first require review by the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.

(3) A plan submitted in connection with the Section shall be subject to the following limitations:

A. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the project is to be constructed.

B. The maximum number of units attached shall not exceed four (4) units per building. The maximum number of buildings allowed in any one (1) cluster shall not exceed four (4) buildings.

C. The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details, which do not appear to be continuous or repetitious. An exterior design pattern, which is repetitious throughout the project, shall not be permitted.

D. Yard requirements shall be provided under this option as follows:

1. Spacing between groups of attached or between unattached buildings shall be equal to at least twenty-five (25) feet in the Residential Estates District, measured between the nearest points of adjacent buildings.

2. Any side of a building adjacent to a dedicated public right-of-way or private street or drive shall not be nearer to such public right-of-way or private street or drive than thirty-five (35) feet.

3. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat such side of the groupings as front yards.

4. No building shall be located closer than thirty-five (35) feet to the outer perimeter (property line) of the site.

E. The maximum height of buildings under this option shall be thirty-five (35) feet.

F. The location of open space preservation areas shall meet the following standards to the greatest extent feasible:

1. The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least fifty (50) feet.

2. The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community.

3. The open space is designed and located to be contiguous to all or most of the dwelling units. Open access to required open space under the provisions of this section shall be provided.

4. All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.

G. Where the proposed development abuts an existing conventional single family use, an orderly transition shall occur, if sufficient area exists within the parcel to allow it, using one or more of the following techniques:

1. Detached single family dwellings subject to the schedule of regulations;
2. Open or recreation space;
3. Changes in topography which provide an effective buffer;
4. A major or secondary thoroughfare.

H. Open space areas shall represent at least 50 percent of the subject site's adjusted parcel acreage.

(e) Plan Review Procedures.

(1) Review by the Planning Commission shall follow the standards, procedures and submittal requirements adopted by the City for approval of site plans, condominiums, platted subdivisions or land divisions, as may be applicable, and the criteria of Section 1298.036(f) below.

(2) In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn at two (2) foot intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details which will assist in reviewing the proposed plan.

(3) All land not intended to be conveyed to individual dwelling unit owners under this option shall be protected by conservation easements, plat dedications, restrictive covenants, or other legal means which runs with the land and which prohibits their development in perpetuity. Such legal means must be approved by the City Attorney to assure such unused land remains perpetually in an undeveloped site. The City may require the inclusion of open space restrictions that prohibit the following:

- A. Dumping or storing of any materials or refuse;
- B. Activity that may cause a risk of soil erosion or threaten any living plant material;
- C. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
- D. The use of motorized off-road vehicles;
- E. Cutting, filling or removal of vegetation from wetland areas;
- F. Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.

(f) Approval Criteria. Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:

- (1) The design shall promote the goals, objectives, and policies of the City Master Plan;
- (2) Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
- (3) Natural assets, wildlife habitat areas, or sites having historic archaeological or cultural value shall be protected;
- (4) Individual lots, buildings, and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
- (5) The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height and neighboring building orientation;

(6) Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.

(Ord. 767. Passed 11-20-02.)

### **1298.037 CONDITIONAL REZONING.**

(a) Intent. Public Act 110 of 2006 authorizes the City of Southgate to enter into conditional rezoning under MCLA 125.3405. The City of Southgate recognizes that there are certain instances where it would be in the best interests of both the City and the property owner seeking a change in zoning boundaries, if certain conditions could be proposed by the property owner as part of a request for a rezoning. It is the intent of this section to provide a process by which the owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(b) Application and Offer of Conditions.

(1) The owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer must be made at the time the application for rezoning is filed. The owner shall also furnish documentation of ownership that is acceptable to the City with the conditional rezoning application.

(2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

(3) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

(4) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this section may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this section.

(5) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. The owner may withdraw all or change part of its offer of conditions any time prior to final rezoning action of City Council provided that, if such withdrawal or change occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(c) Planning Commission Review.

(1) The Planning Commission, after holding a public hearing and considering the conditions voluntarily offered by the applicant, may recommend approval, offer recommended changes, or denial of the rezoning; provided, however, that any recommended changes offered by the Planning Commission must then be voluntarily offered by the property owner in writing back to the Planning Commission for further review.

(2) In reviewing an application for a conditional rezoning of land, the Planning Commission shall consider the following:

A. Whether the rezoning is consistent with the policies and uses proposed in the City of Southgate Master Plan;

B. Whether all of the uses offered as part of the conditions to the rezoning, or if no specific uses are indicated, all of the uses allowed under the proposed zoning district would be compatible with other zones

and uses in the surrounding area;

C. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and

D. Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(d) City Council Review.

(1) After receipt of the Planning Commission's recommendation and the conditions voluntarily offered by the property owner in writing, City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request.

(2) Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 401 of the Zoning Enabling Act (M.C.L. 125.3401), refer such amendments back to the Planning Commission for a new public hearing.

(3) In reviewing an application for a conditional rezoning of land, the City Council shall consider the following:

A. Whether the rezoning is consistent with the policies and uses proposed in the City of Southgate Master Plan;

B. Whether all of the uses allowed under the proposed rezoning, or uses offered under the conditions to the rezoning would be compatible with other zones and uses in the surrounding area;

C. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and

D. Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(e) Approval.

(1) If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions for Conditional Rezoning ("Statement of Conditions") acceptable to the owner. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.

(2) The Statement of Conditions shall:

A. Be in a form that is acceptable to the City and recordable with the Wayne County Register of Deeds.

B. Contain a legal description of the land to which it pertains.

C. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

D. Incorporate by attachment or reference any diagram, plans or other documents that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined. The documents must be reviewed and approved by the Planning Commission and accepted by City Council. Copies of them shall be placed in the Council records.

E. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement

of Conditions.

F. Upon the rezoning taking effect through Council resolution, the City of Southgate Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

G. The approved Statement of Conditions shall be filed by the City with the Wayne County Register of Deeds and a copy of the recorded Statement of Conditions provided to the property owner. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land. All City expenses incurred in reviewing ownership documents and in reviewing and recording the Statement of Conditions shall be prepaid to the City by the property owner.

H. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

(f) Compliance with Conditions.

(1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(2) No permit or approval shall be granted under this section for any use or development that is contrary to an applicable Statement of Conditions.

(g) Time Period for Establishing Development or Use. Any time periods established for the development and/or use of the land shall be designated by the Planning Commission. This time limitation may, upon written request, be extended by City Council if:

(1) It is demonstrated to the Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion within the specified extension, and/or

(2) The Council finds that there have been circumstances beyond the property owner's control that have impacted the development or use of the property.

(h) Reversion of Zoning. If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (g) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Planning Commission. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(i) Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the former zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection (h) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The City shall record with the Wayne County Register of Deeds the Council resolution stating that the Statement of Conditions is no longer in effect.

(j) Amendment of Conditions.



(1) After the City Council has approved the rezoning and the Statement of Conditions, neither the City nor the property owner shall add to or alter the conditions in the Statement of Conditions.

(2) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

(k) City Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this section and the Zoning Enabling Act, Public Act 110 of 2006.

(l) Failure to Offer Conditions. The City shall not oblige an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this section.

(Ord. 08-863. Passed 4-16-08.)

#### **1298.04 ACCESSORY USES.**

Accessory uses, except as otherwise permitted in this Zoning Code, shall be subject to the following regulations:

(a) Accessory Buildings.

(1) Where an accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Zoning Code applicable to the main building. If the garage is attached to the front wall of the house there must be twenty-five percent of the front house wall exposed. In the case of an attached accessory building it would be allowed to have an additional detached accessory building on lots over 9,000 square feet to a maximum size allowed in paragraph (a)(3) hereof. No accessory building shall exceed the ground floor area of the main residence.

(2) In a Residential District, no detached accessory building shall occupy more than twelve percent of the total lot area. No accessory building shall exceed the ground floor area of the main residence. However, only one accessory building on lots under 9,000 square feet in Residential Districts shall be allowed for each single-family residence, and such building shall not exceed 600 square feet in gross floor area. On lots over 9,000 square feet an additional size increase will be permitted as allowed in paragraph (a) (3) hereof.

(3) Lots up to 20,000 square feet shall be allowed an additional 400 square feet. Lots up to 40,000 square feet shall be allowed an additional 600 square feet. Lots over 40,000 square feet shall be allowed an additional 800 square feet. If this above option is used a shed is not permitted.

(4) Accessory buildings shall not be erected in any required front yard or in any required exterior side yard.

(5) No detached accessory building shall be located within an easement, nor closer than ten feet to any main building, nor closer than eighteen inches to any interior side lot line, or three feet from a rear lot line.

(6) A detached accessory building shall not be used for living space, storage of commercial equipment or materials, or for commercial storage for rentals of any kind.

(7) In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be not closer than three feet to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be not closer to this line than the required front yard setback in the district in which the property is located.

(8) No detached accessory building in R-1, R-1A, R-1B, R-2, RE, MH, and RO Districts shall exceed one story or fourteen feet in height.

(9) To construct or replace a shed, a site plan shall be submitted, approved and a zoning permit issued by the Building Department to the homeowner or a contractor to ensure proper placement as regulated by this chapter. One shed shall be allowed in the rear yard at a maximum size of twelve feet by twelve feet. This shed must be on three and one-half inch thick slab with a four inch wide by twenty-four inch deep ratwall.

(Ord. 924. Passed 12-15-10; Ord. 942. Passed 2-15-12.)

(b) Accessory Structures.

(1) Accessory structures, except where otherwise permitted and regulated in this Zoning Code, shall be located in the rear yard and shall meet the set-back requirements of an accessory building.

(2) Flagpoles may be located within any required front or exterior side yard. Such poles shall be located not closer to a public right of way than one-half the distance between the right of way and the principal building.

(3) Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point five feet from the street right-of-way line. No sign shall be placed on any canopy, other than a sign showing the height of the canopy or a sign as permitted and regulated in Section 1298.18.

(4) Ground-mounted private communication antennas shall be located in the rear yard. However, such antennas may be located in a nonrequired interior side yard when they will not be highly visible from a street when so placed.

No private communication antenna, including an extendable antenna, shall exceed the height limitations of the district in which it is located when fully extended. Such antennas shall be placed so that a horizontal distance at least equal to the vertical height of the antenna shall be provided between the base of the antenna and the nearest property line. However, in those instances where an antenna extending upward from the ground is also securely attached elsewhere to a building, the required distance to the nearest property line may be measured from the building attachment to the top of the antenna. Such an antenna may be attached to a pole, to a tower or to a rooftop of a principal or accessory building, provided all applicable structural and electrical code requirements are met.

Dish antennas located on the ground shall observe all setbacks pertaining to an accessory building.

Wiring between a ground-mounted antenna and a receiver shall be placed at least four inches beneath the ground within rigid conduit.

In Residential Districts, no roof-, pole- or tower-mounted antenna shall exceed a dimension of eight feet by eight feet or a diameter of eight feet, or project more than eight feet above the roof on which it is located or above the maximum height limitations of the district, whichever is less.

A ground-mounted antenna shall not exceed a dimension of twelve feet by twelve feet or a diameter of twelve feet.

In nonresidential districts, no roof-, pole- or tower-mounted antenna shall exceed a dimension of twelve feet by twelve feet or a diameter of twelve feet. A ground-mounted antenna shall not exceed a dimension of sixteen feet by sixteen feet or a diameter of sixteen feet.

(5) Wind-powered generators shall be permitted, provided:

- A. They are located in the rear yard only.
- B. They do not exceed the height limitation of the district.

C. They are so located on the premises that a distance at least equal to the height of the generator blades at their apogee is provided to the nearest property line.

D. They meet all applicable structural and electrical codes

(6) Solar energy panels, when located on the ground, shall observe all applicable requirements pertaining to an accessory building. When roof-mounted they shall be mounted either flat against the roof surface or shall not project more than four feet outward from the roof, measured from the surface of the roof where so affixed to the furthest outward projection of the panel.

(Ord. 458. Passed 1-4-89.)

### **1298.05 OFF-STREET PARKING OR STORAGE OF MOTOR VEHICLES, COMMERCIAL VEHICLES AND RECREATIONAL VEHICLES.**

(a) The off-street parking or storage of any mobile home, recreational vehicle or recreational equipment in any Residential District shall be subject to the following conditions:

(1) Except where otherwise permitted in this Zoning Code, the off-street parking of a mobile home for periods exceeding twenty-four hours on land not approved for mobile homes or mobile home parks shall be expressly prohibited.

All mobile homes owned by residents of the City and stored on their individual lots shall be stored only within the confines of the rear yard and shall, further, respect the requirements of Section 1298.04(a) insofar as distances from principal structures, lot lines and easements are concerned.

No such mobile home so parked or stored shall be connected to sanitary facilities or occupied.

(2) Recreational vehicles and recreational equipment may be parked anywhere on residential premises for not longer than forty-eight hours while being loaded or unloaded in connection with its recreational use.

(3) Except for temporary loading and unloading as allowed by paragraph (a)(2) above, all recreational vehicles and recreational equipment shall be stored on a paved surface in the rear yard only and shall be subject to the applicable conditions of this section regarding accessory buildings with respect to height, yard coverage and setbacks. In the case of a corner lot where the rear lot line is also a side lot line for the lot to its rear, the storage of recreational vehicles and recreational equipment shall occur no closer to the exterior side street lot line than the minimum required front yard setback distance for the lot to its rear.

(4) Recreational vehicles and recreational equipment parked or stored on residential premises shall be kept in good repair and shall carry a current license plate and/or registration as required by law.

(5) At no time shall recreational vehicles or recreational equipment be used for living or housekeeping purposes, nor may it be connected to water or sanitary sewer facilities.

(6) The outdoor storage of recreational vehicles or recreational equipment on any residential lot or parcel shall be limited to only that equipment owned by or licensed or registered to the occupant of the residential lot or parcel on which the equipment is stored.

(7) In the case of a multifamily dwelling, a complex of multifamily dwellings or mobile home parks, the City shall require that a screened area, in addition to off-street parking spaces, be provided on the site for the parking and storage of recreational vehicles.

(b) The off-street parking of commercial vehicles in any Residential District shall be subject to the following conditions:

(1) No person shall park, and no registered owner of a vehicle shall permit to be parked, any commercial vehicle weighing in excess of 5,000 pounds on any residentially zoned property in the City for

any purpose or length of time, other than for expeditious loading, delivery, pick-up or unloading of materials, goods or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, as otherwise provided in this Zoning Code.

(2) The above paragraph (b)(1) shall not preclude the parking on premises of commercial vehicles that are the principal means of transportation for a resident in the conduct of such resident's employment or profession, provided:

A. They do not include semi-trailer trucks and tractors, utility trailers, dump trucks, stake trucks, flat-bed trucks, and wreckers.

B. They are parked on a paved surface in a side yard or rear yard only.

(3) The owner of residentially owned property shall not permit a commercial vehicle to remain on such property in violation of this Zoning Code.

(4) In any proceeding for a violation of this section, where a motor vehicle displays commercial license registration plates, such registration shall constitute prima-facie presumption that it is a commercial vehicle at the time of any alleged violation.

(5) In any proceeding for a violation of the weight limitations of this section, the weight indicated on the vehicle's registration shall constitute a prima-facie presumption of the weight of the vehicle at the time of any alleged violation.

(Ord. 10-897. Passed 2-3-10.)

(c) The off-street parking or storage of motor vehicles, where permitted, in any nonresidential district, shall be subject to the following requirements:

(1) The on-premises parking of motor vehicles for the purpose of loading or unloading of materials or products shall be permitted as regulated in Section 1292.04.

(2) The outdoor parking of motor vehicles for periods of more than eighteen hours shall be prohibited, except that the parking on premises of vans, pickup trucks and similar single rear axle, step-type delivery vehicles, excluding semitrailer trucks and tractors, when used as an integral and necessary part of a business operation, may be parked on the premises for up to sixty-four continuous hours, provided that:

A. Not more than three such vehicles shall be so parked at one time during any sixty-four hour period.

B. They are parked in a uniform manner, neat and orderly in appearance.

C. They are parked in the rear or side yards, away from any street frontage, unless there is no other area on the premises where they can be parked.

D. They shall not be parked in any required landscaped area nor in any required off-street parking space, vehicle maneuvering lane or designated loading or unloading areas, during business hours.

(3) No motor vehicle shall be stored outdoors in any nonresidential district, except that motor vehicles for sale may be stored or displayed outdoors when they are on the premises of a new car dealership.

(Ord. 492. Passed 6-5-91.)

#### **1298.06 USES NOT INCLUDED WITHIN SPECIFIC ZONING DISTRICTS.**

Because the uses referred to in this section possess unique characteristics making it impractical to include them in a specific use district, they may be permitted by Council, upon recommendation by the Planning

Commission. The Commission shall review any such use and make its recommendation after holding a public hearing in accordance with Section 1262.07.

In every case, the uses herein set forth shall be expressly prohibited from any Residential District, unless otherwise specifically permitted in this section.

The uses permitted herein require special consideration since they service an area beyond the City, require sizable land areas and/or create potential control problems with respect to adjacent land use and use districts, traffic, noise, appearance and general safety.

Those uses falling specifically within the intent of this section are as follows:

(a) Outdoor Theaters. Because outdoor theaters possess the unique characteristics of being used only after dark, and since they generate a concentration of vehicular traffic in terms of ingress and egress from their parking areas, they shall be permitted in the M-1 District only and shall not be adjacent to existing or planned residential areas. Outdoor theaters shall further be subject to the following conditions:

(1) The proposed internal design shall receive approval from the Director of Inspections and the City Engineer as to adequacy of drainage, lighting and other technical aspects.

(2) Outdoor theaters shall abut a major thoroughfare, and points of ingress and egress shall be available only from such major thoroughfare.

(3) 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 public street right of way.

(4) The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the outdoor theater site.

(b) Communication Towers and Collocations.

(1) Any new communication towers and their attendant facilities shall be permitted in the M-1 District, provided that such towers are setback the total height of the tower measured from the base of the tower to the property line.

(2) In order to maximize the efficiency of telecommunication services, while also minimizing the impact of such facilities on the City, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.

(3) Collocation of any communication antenna shall be a permitted accessory use when attached to any structure which constitutes the primary use, within any zoning district, provided the following:

A. That the antenna does not extend more than ten feet beyond the tallest portion of the structure.

B. That the antenna blends into the aesthetic character of the primary structure where reasonably practical.

C. Any accessory equipment shall be located on the subject parcel and shall be screened from view with either opaque landscape materials or decorative fence.

D. Collocation of communication equipment will be reviewed and approved administratively by the Building Inspections Director.

(c) Indoor Athletic Facilities. Indoor athletic facilities, including tennis courts, racquet ball courts, exercise facilities, golf driving ranges, batting facilities, skating rinks and bowling alleys, shall be permitted as follows:

(1) All such uses shall be located in the M-1 District only.

(2) All such uses shall have direct access to a major thoroughfare.

(3) All exterior lighting shall be directed away from adjacent uses.

(4) A minimum setback of 100 feet for the principal and accessory uses, including off-street parking, shall be provided when adjacent to a Residential District. Within this setback there shall be provided and maintained earth berms with extensive landscape plantings of sufficient height and intensity to effectuate a substantial landscape screen between such uses and the adjacent Residential District.

(d) Outdoor Athletic Facilities. Outdoor athletic facilities, including stadiums; amphitheaters; coliseums; arenas; golf driving ranges; golf courses; tennis courts; racquetball courts; football, baseball, softball, soccer, polo and similar athletic track and field events, including equestrian contests, but excluding any form or type of competitive motor vehicle contests; theme parks; or amusement parks, shall be permitted as follows:

(1) All such uses shall be located in the M-1 District only.

- (2) All such uses shall have direct access to a major thoroughfare.
- (3) All exterior lighting shall be directed inward towards the use and away from adjacent uses.

(4) Except for the green areas of golf courses and golf driving ranges (i.e. fairways) and open driving range areas, a minimum setback of 300 feet shall be provided for the principal use and all accessory uses, except off-street parking, which may be located not less than 100 feet from any Residential District. Within these two setbacks, there shall be provided and maintained earth berms and extensive landscape plantings of sufficient height and intensity so as to effectuate a substantial landscape planting screen between uses and the adjacent Residential District.

(e) Accommodations for Helicopters.

(1) Facilities for the accommodation of helicopters are considered separately under this section. For purposes of accommodating helicopters, as used in this subsection:

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

B. "Helistop" means an area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, and includes fuel service and tie-down space.

C. "Helipad" means an area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo, but does not include fuel service, maintenance, overhaul or tie-down space.

(2) These facilities shall be subject to the review procedures and applicable criteria for airports and the following:

A. Heliports shall be permitted in Industrial Districts only. Helistops shall be permitted in all districts except Residential Districts. Helipads may be established in any zoning district.

B. When reviewing an application for a heliport, helistop or helipad, the City shall require contemporary standards recommended by the Federal Aviation Agency and the Michigan Aviation Commission for the proper operation of such facility.

C. Particular attention shall be given to the following:

1. That adequate provision is made to control access to the facility;
2. That the surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations;
3. That all applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop heliports; and
4. That appropriate provision is made for off-street parking.

(f) Adult Businesses.

(1) Location. In the preparation and enactment of this subsection, it is recognized that adult businesses, because of their very nature, have serious operational characteristics, which characteristics have a deleterious effect upon Residential Districts, schools, libraries, parks, playgrounds, day-care centers, places of worship, business offices and commercial districts. The regulation of the location of adult businesses is necessary to insure that the adverse effects of such uses will not cause or contribute to increased crime in or near such uses and to the blighting or downgrading of such areas. It is the intent of this section to provide reasonable regulations for the establishment of these uses in viable, accessible locations where the adverse impact of their operations may be minimized.

A. No adult business shall be permitted under any circumstances, within a 1000-foot radius of an existing adult business. Measurement of the 1000-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated to the nearest lot line of the existing adult business.

B. No adult business, as defined in Section 1260.07(b), shall be permitted within a 1000-foot radius of a Residential District, residence, school, library, park, playground, licensed day-care center, as defined in Act 116 of the Public Acts of 1973, as amended (M.C.L.A. 722.111 et seq.), and/or a church, convent, monastery, synagogue or similar place of worship. Measurement of the 1000-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated to the nearest lot line of the Residential District, residence, school, library, park, playground, day-care center and/or place of worship.

C. The provisions of this subsection shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State, or to certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation, or to persons who meet the requirements of M.C.L.A. 339.1701 through 339.1707, as amended from time to time.

(2) Residency. No person shall reside in or permit any person to reside in the premises of an adult business as a caretaker or live-in custodian.

(3) Additional requirements.

A. Adult businesses may be established in a Light Industrial- Research District (M-1). The conditional use of such a business may be permitted subject to applicable site design standards in Section 1284.02 and 1284.03 and subject, further, to the approval of Council after an affirmative recommendation from the Planning Commission, in accordance with the processing procedures set forth in Section 1262.08 and subject to the regulations set forth in this section and in Section 1298.07.

B. Adult businesses, such as adult bookstores, adult movie theaters, adult cabarets (Group A and Group D), adult personal service businesses, massage parlors and nude modeling studios, subject to the requirements of this section, shall also meet the following requirements:

1. The proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties, and the spirit and intent of this subsection will be observed.
2. The proposed use will not enlarge or encourage the development of a "skid row" area.
3. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
4. All applicable regulations of this subsection will be observed.



(Ord. 458. Passed 1-4-89; Ord. 579. Passed 8-9-95; Ord. 606. Passed 3-5-97; Ord. 667. Passed 7-22-98; Ord. 839. Passed 2-7-07.)

### **1298.07 SITE PLAN REVIEW.**

Whenever submittal of a site plan shall be required in this Zoning Code, either as stipulated in the individual zoning districts, or elsewhere in this Zoning Code, including this section, certain requirements and procedures as herein set forth shall be followed.

(a) Intent. For the purpose of promoting and protecting the public health, safety, convenience and general welfare of the inhabitants of the City of Southgate, and for the preservation of its land resources, and to encourage quality development and redevelopment in the City, provision is made herein for the submission and review of site plans.

(b) Necessity. The requirements for site plans and the procedure for reviewing site plans, is essential for the review of proposed new development and redevelopment in the City. The procedure is also necessary to promote design compatibility between land uses in terms of internal and external considerations and for compliance with the requirements of this Zoning Code. To achieve these ends, certain basic drawings, plans and pertinent site development data shall be required as herein set forth.

In those instances where the City of Southgate, its administrative staff, or the Southgate Planning Commission, is authorized to review and act upon requests to develop and/or redevelop land in the City, the City, its administrative staff or the Planning Commission may require the applicant or the applicant's representative(s) to furnish statements, surveys, reports or plans, or other information involving on-premises or off-premises conditions that, in their judgment, may be impacted by the type of development and/or redevelopment proposed for the site.

(c) Site Plan Required. A site plan shall be required for review by the City before issuance of a building permit. Preparation and submission of a site plan shall be required for any of the following uses:

- (1) Two-family and multiple-family residential dwellings.
- (2) Any nonresidential use permitted in a residential district.
- (3) New office, commercial or industrial buildings.
- (4) Additions to an existing nonresidential building for which:
  - A. Additional off-street parking is required; or
  - B. Required off-street parking would be lost as a result of the addition.

(5) Any use or uses permitted as a conditional use or a use permitted subject to special conditions in this Zoning Code.

- (6) Any public building or public utility building.
- (7) Any revisions to previously approved site plans.
- (8) Any buildings and/or use for which a site plan is required as set forth in this Zoning Code.

(d) Supporting Documents. The Building Department or the Planning Commission, in the course of reviewing a site plan, may, at its discretion, require the applicant to submit such surveys, plans, reports, documentation or other information it deems necessary in the review of a site plan. Such reports and other documentation may include, but are not necessarily limited to, traffic impact statements as outlined in paragraph (j)(1)E. hereof, environmental impact statements, or documentation establishing that the use proposed for the site will not adversely impact surrounding properties or the City of Southgate, in general, with regard to certain performance standards. Performance standards include maintaining the quality of air

and controlling vibration, noise and odors in accordance with minimum performance standards set forth and regulated by the State of Michigan.

(e) Applicant Responsibility. Before preparing a site plan as required in paragraph (c)(1) hereof, the applicant or the applicant's representative shall:

(1) Obtain a copy of the City Zoning Ordinance, Zoning Map and Site Plan Information Checklist. Copies of the Zoning Ordinance, Zoning Map and the Site Plan Information Checklist may be obtained from the office of the City Clerk for a fee established by the City Council. Fees for these documents shall be payable to the office of the City Treasurer. These fees must be paid before the documents may be released by the office of the City Clerk to the applicant or the applicant's representative.

(2) Determine if the use proposed for the site is permitted based on the zoning in the district where the site is located. The applicant may seek assistance from the City in determining if the proposed use is permitted in the district.

(3) Familiarize himself or herself with the general requirements of the Southgate Zoning Ordinance. Particular attention shall be given to the requirements of the Zoning Ordinance pertaining to:

- A. Building height and building bulk limitations;
- B. Building setback requirements;
- C. Dwelling density limitations by residential zoning district;
- D. Numerical off-street parking requirements and parking space layout standards;
- E. Loading and unloading requirements;
- F. Landscaping requirements;
- G. Sign control standards; and
- H. Exterior building wall materials guidelines.

(4) Become aware of which review process the applicant's site plan will proceed through. The alternative processes for reviewing site plans may be found in paragraphs (i)(3) and (i)(5) hereof. The applicant may seek the assistance of the Building Department in making this determination but representation by any City official or employee shall not change the valid zoning use.

(5) Become aware of the scheduling deadlines involved in submitting site plans in time to be reviewed by the Building Department, or by the Planning Commission at its next regularly scheduled meeting. Scheduling times are set forth in paragraph (i)(1) hereof.

(6) Become aware of the information required to be provided on site plans as set forth in subsection (g) hereof. Additional copies of the checklist may be obtained from the Building Department or the office of the City Clerk.

(7) Supply the proper number of site plans and supporting documents as set forth in subsection (h) hereof.

(8) Establish a site plan review escrow account with the office of the City Treasurer. The amount of the escrow account shall be in accordance with the fee schedule set by City Council.

(f) Site Plan Preparation: Drawings. The applicant shall prepare, or have prepared, a site plan in accordance with the following requirements. All site plans shall be drawn to the correct engineer scale, except floor plans and exterior building wall elevation drawings, which shall be drawn to the correct architect scale. All drawings shall contain all applicable information as set forth in subsection (g) hereof. Site plan submittals shall include:

- (1) An existing conditions drawing;
- (2) A plan view drawing;
- (3) Site engineering drawings, as required by the City's consulting engineers;
- (4) A landscape design plan;
- (5) Floor plans;
- (6) Exterior building wall elevation drawings; and
- (7) Detail cross section drawings, as required.

(g) Site Plan Information. All site plans submitted for review by the City shall contain the following applicable information on uniform paper sheets not exceeding twenty-four inches by thirty-six inches in size.

- (1) All sheets. All site plan drawings shall contain the following information:

- A. Name of the proposed development;
- B. Name, address, telephone and facsimile number of:
  1. The developer;
  2. The legal owner; and
  3. Site plan design firm(s); and
- C. Scale of drawing.

(2) Existing conditions drawing. An existing conditions drawing shall be prepared at an engineer scale of not less than one inch equals fifty feet, and shall include the following information:

- A. The north point;
- B. The designer's registration number and seal;
- C. A complete legal description of the premises, including:
  1. Gross number of acres; and
  2. Net usable acres.
- D. A vicinity sketch showing the location of the site and its surrounding area. This drawing need not be drawn to scale.
- E. All buildings, structures or ruins existing on the site;
- F. All underground and above-ground public utility easements and what they are;
- G. Private easements;
- H. Topography at two-foot intervals;
- I. Trees over six inches in diameter measured six inches above the ground at the base of the tree. In the case of a grove or timber of trees, an outline of the tree cover will suffice.
- J. The outline of any wetland areas; and
- K All peripheral site dimensions.

(3) Plan View Drawing. A plan view drawing shall be drawn to an engineer scale of not less than one inch equals fifty feet, and shall include the following information:

- A. The north point;
- B. The designer's registration number and seal;
- C. A vicinity sketch, if not provided on the existing conditions drawing;
- D. The location and width of all proposed in-ground and above-ground public and private utility easements;
- E. The existing zoning classification of the site;
- F. The existing zoning classification of abutting properties;
- G. The existing land use of abutting properties;
- H. All existing buildings and structures within 100 feet of the development site;
- I. The location of proposed buildings and structures to be erected on the development site;
- J. The heights of all proposed buildings and structures. This information may be provided on the exterior building wall elevation drawings.
- K. The location of all off-street parking spaces, including required handicapped parking spaces, vehicle maneuvering lanes and service drives;
- L. The location of loading and unloading facilities;
- M. The location of all driveways, drives, turning lanes, acceleration and deceleration lanes, as well as marginal access service drives if needed. Any site located adjacent to a county or state road right-of-way and accessing same, shall be required to submit a geometric review approval from the appropriated agency;
- N. The locations of all drives, driveways and intersections across abutting streets and alleys from the development site;
- O. The names of all abutting streets and freeways, along with their pavement widths, center lines and projected right-of-way lines;
- P. The location of all sidewalks; and
- Q. Critical site dimensions:
  1. Along property lines;
  2. Between buildings and between buildings and structures and between structures;
  3. Between buildings or structures and property lines;
  4. Between off-street parking and buildings and structures;
  5. Between off-street parking and property lines;
  6. Off-street parking bay length and width;
  7. Vehicle maneuvering lane/service drive widths;
  8. Curb radius at entrances;
  9. Between buildings, structures or parking spaces and storm water detention or retention ponds or basins;

10. The location of any outdoor storage area(s);
11. The location of any trash receptacle(s);
12. The location of all peripheral screen walls or earth berm screens, including trash receptacle screen walls;
13. The location of any free-standing ground or pylon signs; and
14. The location of all exterior lighting fixtures, including information regarding the height of the fixture, the type of luminary to be used and its wattage.

(4) Site engineering drawings.

A. Site plans that do not require review by the Planning Commission shall be prepared in accordance with the City's Plan Review and Site Plan Design Standards for New Construction and Site Alteration Manual.

B. Site plans requiring review by the Planning Commission shall include preliminary site engineering drawings in accordance with the following requirements and, upon site plan approval by the Planning Commission, final site engineering drawings prepared in conformance with the City's Plan Review and Site Plan Design Standards for New Construction and Site Alteration Manual shall be submitted to the Building Department:

1. Plans shall be submitted on twenty-four inch by thirty-six inch white prints, having blue or black lines. Only engineering scales may be used on site engineering plans, and shall be prepared at a scale of not less than one inch equals fifty feet.

2. Should the size of the site prohibit the entire site from being shown on a single sheet, a one inch equals 100 feet or one inch equals 200 feet general plan is to be provided. The general plan should show the streets and their names, pavements, all building units, all utilities and site dimensions.

3. All existing and proposed water mains, sanitary sewers and storm sewers shall be shown. The size of the existing utilities shall also be noted on the plan.

4. The location of all proposed fire hydrants, catch basins, inlets and manholes shall be shown on the plan.

5. All proposed pavements and buildings and existing pavements and buildings which are to remain in place, are to be shown.

6. Drainage arrows indicating the drainage patterns and grading shall be shown.

7. The plan is to contain a minimal amount of proposed elevations to indicate the general grading of the site and the compatibility with existing and adjoining grading.

8. If on-site detention is required, it shall be noted on the plan. If detention is to be provided by a basin, the location and approximate size of the basin shall be shown. If fencing of the basin is required in accordance with the City's ordinance, it shall be shown on the plan. If detention is to be provided by any other means than a basin, then the means and method of providing the same shall be noted on the plan.

(5) Landscape design plan. A landscape design plan shall be prepared at an engineer scale of not less than one inch equals fifty feet, and shall include the following information:

A. All existing landscape features (trees, shrubs, lawn area, ponds, etc.) existing on the site at the time of development that are to be retained;

B. All new landscape planting materials proposed for the site;

C. The name of all new plant materials (common and botanical), their size (height and diameter or caliper for trees, and height and spread for shrubs), and, in the instance of a landscape screen wall as may be permitted in this Zoning Code, the on-center distance between planting screen materials; and

D. A statement as to how all plant materials are to be watered and maintained, i.e., by an in-ground irrigation system or other means. The placement of landscaping materials shall observe the clear corner vision restrictions set forth in Section 1298.12.

(6) Floor plans. Floor plans shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot, and shall include the following information:

A. Floor plans for all levels of the building, including basements.

B. The gross floor area and the net usable floor area of each building (total and by individual floor levels). For the purpose of determining usable floor area, the term as defined in Section 1260.07 of this Zoning Ordinance shall apply.

(7) Exterior building wall elevation drawings. Exterior building wall elevation drawings shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot, and shall include the following information. Exterior building wall elevation drawings shall be prepared for all exterior walls of the building or buildings proposed for the site, and for all accessory buildings.

A. Dimensions showing the height of buildings. Building height dimensions shall depict building heights as defined in Section 1260.07 of this Zoning Code.

B. The type and color of all exterior building wall materials to be used on each wall.

C. The location of all wall signs. The display area of each wall sign shall be provided on the drawing in square feet.

D. The location, type and wattage of all wall-mounted exterior lighting fixtures.

(8) Detail cross-section drawings. Detail cross-section drawings shall be prepared at an appropriate engineer or architectural scale and shall include detail cross-sections of:

A. All earth berm treatments involved in the landscape design layout, including information identifying angle (steepness) of side slopes, width of base, beam height and width of berm crest.

B. All screen walls, including footings, type of materials to be used in the screen walls and dimensioned height.

C. All free-standing signs, including the height of the sign and the total amount of display area in square feet for each sign.

D. Wall signs, including the total amount of display area in square feet for each sign.

E. Exterior free-standing light fixtures, including its total dimensioned height.

If insufficient room is available on other site plan drawings for detail drawings, they shall be provided on a separate sheet of detail drawings.

(h) Number of Site Plans. An adequate number of site plans and supporting documents as may be required shall be submitted for review as outlined herein.

(1) For review and action by the Building Department. Eight copies of the site plans and supporting documents shall be submitted to the Building Department.

(2) For review and action by the Planning Commission. Sixteen copies of the site plan, along with an equal number of supporting documents as may be required, shall be submitted to the Building Department

for review and action by the Planning Commission. The Building Department shall distribute the site plan packages in the following manner:

- A. One copy to the City's consulting engineer.
- B. One copy to the City's planning consultant.
- C. One copy to the Police Department.
- D. One copy to the Fire Department.
- E. One copy to the Department of Public Services.
- F. One copy to the Building Department.
- G. One copy to the Planning Commission's Recording Secretary.
- H. Nine copies, one to each member of the Planning Commission.

(i) Review Procedure. Site plans submitted for review shall be processed in the following manner:

(1) Scheduling. Site plans submitted to the City for review shall be forwarded to the applicable review agencies if practicable within three business days. Agencies reviewing site plans that are to be approved by the Building Department shall complete their review and forward their comments in writing to the Building Department within fifteen working days after receipt of the site plans from the Building Department.

Agencies reviewing site plans that are to be acted upon by the Planning Commission shall receive the site plans from the City twenty-seven days before the next regularly scheduled Planning Commission meeting. The reviewing agencies shall review the plans and forward their comments, in writing, to the City no later than the Wednesday preceding the next regular Planning Commission meeting. Revised site plans shall be scheduled in the same manner.

(2) All site plans. All site plans shall be submitted to the Building Department for processing. Upon receipt of a site plan, the Building Department shall:

- A. Determine if the site plan may be reviewed and acted upon by the Building Department, or if review and action by the Planning Commission is required. In making this determination, the Building Department shall follow the assigning criteria presented in paragraphs (i)(3) and (5) hereof.
- B. Check the site plans for completeness. The Building Department shall not schedule a site plan for review until or unless the site plan submitted is complete in its content.
- C. Determine that a sufficient number of site plans have been submitted for review.
- D. Be satisfied that all applicable fees, as established by City Council, have been paid to the office of the City Treasurer.

(3) Review by the Building Department. The Building Department shall review and act on all site plans that do not require review by the Planning Commission, as set forth in paragraph (i)(5) hereof. The Building Department shall review the following site plans:

A. All principal permitted uses set forth in the various zoning districts or this Zoning Code. When conducting its review of any principal permitted use, the Building Department, at its discretion, may forward the site plan to the Planning Commission for its review and action when, in the opinion of the Building Department, the following conditions may be involved, or may occur, as a result of development of the use on the proposed site:

1. The possible land use impact the development could have on adjacent land.
2. The traffic impact the use could have on the City's streets or on the streets of an abutting municipality when those streets share a common border with the City of Southgate.

3. The environmental impact the use could have on surrounding property and the City of Southgate, in general. Environmental impact shall include air, water and land.

B. All uses permitted subject to special conditions as a review agent for the site plan review process by the Planning Commission.

C. Site plans forwarded to the Building Department by the Planning Commission for review and approval of the two or three minor conditions specifically attached to a site plan approved by the Planning Commission.

(4) Review agency responsibilities. All review agencies receiving site plans from the Building Department for review shall:

A. Review the site plans in accordance with the review guidelines set forth in subsection (j) hereof, and in accordance with the guidelines of their own professional expertise.

B. Complete their review and forward their comments in writing to the Building Department according to the applicable time schedules set forth in paragraph (i)(1) hereof.

(5) Review by the Planning Commission. Site plans submitted to the Building Department for review by the Planning Commission shall include:

A. All uses set forth in the various zoning districts of the Southgate Zoning Ordinance for uses permitted, subject to special conditions.

B. Gasoline service stations.

C. New motor vehicle sales and service outlets, body repair shops and mechanical repair shops.

D. Restaurants, including fast food sit-down, fast food carry-out, and sit- down restaurants.

E. Multiple-family residential developments.

F. Planned commercial shopping centers, as defined in this Zoning Code, or a single business containing 15,000 square feet, or more, of gross floor area.

G. Developments proposed under the Planned Development District guidelines.

(6) Planning Commission review responsibilities. The City shall undertake the following responsibilities for site plans requiring review by the Planning Commission:

A. Assign the site plan a site plan number.

B. Schedule a review date before the Planning Commission.

C. Forward copies of the site plans and accompanying documents, if any, to the site plan review agencies outlined in paragraph (h)(2) hereof.

D. Forward copies of all written review agency comments to the applicant.

(j) Review Guidelines. Site plans shall be reviewed in accordance with the following guidelines. In the process of reviewing site plans, the Building Department, the Planning Commission and the applicable site plan review agencies shall find that:

(1) The use proposed for the site is a use permitted in the district in which the land is zoned.

(2) All applicable requirements of this Zoning Code are met with respect to the site plan.

(3) The location and design of driveways providing vehicular ingress to and egress from the site, relative to streets giving access to the site and relative to pedestrian traffic, are acceptable.



(4) Traffic circulation within the site relative to the location and functional layout of off-street parking areas and loading and unloading areas is acceptable. Traffic should flow freely within the designated parking areas. There should be no doubling of vehicle maneuvering lanes for loading and unloading areas, trash pickup areas, etc. When a row or rows of parking spaces exceed five spaces in a row, adequate area shall be provided for vehicles to turn around, including trucks.

(5) Traffic volumes expected to be generated by the site can be safely and efficiently accommodated on the street(s) which the development will access, as well as on the surrounding street system. If traffic impact is a concern, the Building Department or the Planning Commission may require submittal of a traffic impact report, to be paid for by the applicant.

(6) Satisfactory and harmonious relationships between development proposed on a site and the existing development on contiguous lands will be achieved through:

A. The location of loading and unloading areas and trash receptacles so as to minimize their impact.

B. The use of screening devices of sufficient extent to carry out the intent and purpose of the screening requirements of this Zoning Code.

C. Design compatibility between the proposed development and existing developments so that it will be compatible with adjacent developments in terms of its architecture and the types and color of the exterior building wall facade materials to be used.

(7) Adequately sized and located recreation facilities and/or open space areas are provided, where applicable.

(8) Areas of natural significance are preserved, where applicable.

(9) The use will not impact abutting properties with excessive noise, vibration or odors. The Building Department or the Planning Commission may require submittal of information documenting that the use proposed for the site will conform to the limitations of applicable County or State standards regarding maintaining clean air, and restricting noise, vibration and odors.

(10) The proposed use will conform to the environmental limitations of applicable State laws. The Building Department or the Planning Commission may require submittal of an environmental impact statement, to be paid for by the applicant, verifying adherence to applicable State environmental protection laws.

(11) Landscaping within the site is located so as to provide an attractive appearance throughout the site.

(12) Ground pole and exterior building wall lighting is such that it will present a soft visual image and not a bright radiant or sharp light, particularly with respect to adjacent land use.

(13) All natural and man-made site drainage has been satisfactorily accommodated so as not to create excessive run-off or ponding on adjacent properties.

(k) Site Plan Action. Site plans submitted to the Building Department or the Planning Commission for review shall thereafter be acted upon in accordance with the following procedures:

(1) Building Department. Upon completion of its review of a site plan that the Building Department is authorized to review as set forth in this Zoning Code, the Building Department shall:

A. Approve the site plan and notify the applicant in writing of the approval.

B. Disapprove the site plan and notify the applicant in writing of the reason(s) for disapproval.

C. Continue review of the site plan pending submittal of a revised site plan by the applicant for further review by the Building Department.

(2) Planning Commission. Site plans submitted to the Building Department for review by the Planning Commission shall be forwarded to the Planning Commission for its review and action. Upon completing its review of a site plan, the Planning Commission shall take one of the following actions:

A. Approve the site plan.

B. Table the site plan to allow for submittal of a revised site plan by the applicant.

C. Approve the site plan subject to minor revisions. A minor revision shall mean a simple change or modification to a single element of the site plan which will have no effect on any other element of the site plan. Approval given by the Planning Commission subject to minor revisions shall never involve more than three such revisions.

D. Disapprove the site plan.

1. Any of the above actions taken by the Planning Commission shall be followed by written notification to the applicant of the action taken by the Planning Commission.

2. Site plans approved subject to minor revisions shall be left to administrative review and approval of a revised site plan by the Building Department, the Engineering Department and/or the City Planner. The Building Department shall thereafter inform the Planning Commission in writing of its action.

3. An applicant whose site plan was disapproved by the Planning Commission may appeal that decision to the Board of Zoning Appeals in a manner prescribed by ordinance.

(l) Applicant Options; Alternative Approaches. Certain actions by the Building Department or the Planning Commission may afford the applicant alternative approaches to obtaining site plan approval. Upon notification of tabling or disapproval of a site plan by the Building Department or the Planning Commission, the applicant may:

(1) Revise the site plan accordingly and resubmit the plans to the Building Department for further review by the Building Department or the Planning Commission.

(2) Seek relief before the Board of Zoning Appeals (BZA) from the reasons noted by the Building Department or the Planning Commission in its action to disapprove the site plan. Application for relief by the BZA shall be submitted by the applicant within twenty-eight days from the date of notification. If not submitted within that time period, no appeal shall be heard by the BZA.

(m) Effective Period of Approvals. Site plan approvals granted by the Building Department, the Planning Commission, or the City Council shall be effective only within the following time periods:

(1) Approvals of conventional site plans. Except as set forth in paragraph (m)(2) hereof, site plans approved by the Building Department or the Planning Commission shall be in effect for one year from the date of approval. A one-year extension to an approved site plan may be granted by the original grantor of approval.

(2) Approvals of planned development site plans. Site plans approved under the guidelines of the Planned Development District (PD) shall be in effect for two years from the date of approval. A one-year extension to the originally approved site plan may be given by the Southgate City Council following recommendation by the Planning Commission.

(3) Termination of site plan approvals. Sites for which conventional site plan approval has been granted but which are clearly not under development within one year from date of site plan approval, and for which no extension has been granted, shall thereafter be considered null and void and shall require re-submittal for review and approval. In the case of planned development site plans, approval shall become null and void two years after the date of site plan approval.

(n) Amendments to a Site Plan Approved by the Planning Commission.

(1) Minor changes to an approved site plan may be approved solely by the Building Inspections Director provided that such changes meet the spirit of the Zoning Ordinance and the applicant agrees. Minor changes to an approved site plan may include the following:

A. Moving building footprints within the confines of the smallest rectangle that would have enclosed each originally approved building(s). Relocation of building entrances or exits, or shortening of building canopies.

B. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below ordinance requirements.

C. Substituting landscape plant species provided a nurseryman, landscape architect, engineer, or architect certifies the substituted species is similar in nature and screening effects and the requested species is permitted under Section 1298.09 herein.

D. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.

E. Increase yard setbacks.

F. Changing the location of an exterior building wall or location not more than ten feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.

G. Re-occupation of an existing building(s) provided the proposed use is permitted as a principal or special conditional use and the following:

1. The Building Inspections Director shall make a report of such minor site plan amendments to the Planning Commission.

2. The Building Inspections Director shall request the advice of the City Engineer and Planner when considering proposed minor modifications. The Building Inspections Director may determine that the proposed modifications require a complete site plan review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with existing or potential drainage problems, sites with parking deficiencies and uses where there are general health and safety issues.

(2) If the Buildings Inspections Director finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the applicant, and the Planning Commission in writing that the site plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. If construction has begun, a stop work order shall be issued by the Director for that portion of the project which is not in compliance with the ordinance. Once the site plan approval for the project has been suspended, the applicant has the option of changing the project plans to conform with the originally approved plan, or of submitting the revised plans to the Planning Commission for review and approval. A change to a site plan that would not be considered minor in nature may include:

A. A significant change in the character of the development. For example, a significant change in the building style from what was approved by the Planning Commission.

B. An increase in the overall building footprint larger than that allowed in subsection (n)(1)A. herein.

C. A reduction in required open space.

D. A reduction in required off-street parking and loading.

E. The elimination of any site plan amenity approved by the Planning Commission.

(o) Improvement Guarantee.

(1) Guarantee(s) in the form of a cash deposit, certified check, irrevocable bank letter or credit, surety bond, etc., may be required by the City to be provided in a form acceptable to the City by a project developer.

(2) The amount of such guarantee(s) can be made by the City to cover all improvements not normally covered in the building permit, including, but not limited to: landscaping, including earth berms; walls; lighting; surfacing of drives, parking, vehicle maneuvering lanes, including acceleration and deceleration lanes, and other traffic control and traffic circulation improvements; sidewalks; etc.

(3) The guarantee(s) shall include a schedule of costs assigned to the several improvements. Monies may be released, but are not required to be released, to the applicant in proportion to work completed and accepted on the various improvements. The City reserves the right to retain all the funds until the project is fully completed and accepted by the City.

(4) Any partial release of funds shall leave a balance of not less than twenty percent of the guarantee, which shall be retained by the City until all work has been completed and subsequently inspected and approved by the City.

(Ord. 685. Passed 10-13-99; Ord. 744. Passed 4-24-02; Ord. 745. Passed 4-24-02; Ord. 816. Passed 12-14-05; Ord. 951. Passed 7-5-12.)

#### **1298.08 IMPROVEMENT GUARANTEES.**

A guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, etc., in a form acceptable to the City, may be required by the City to be provided by a project developer. The amount of such guarantee may be made by the City to cover all improvements not normally covered in a building permit, such as, but not limited to, landscaping, including earth berms; walls; lighting; surfacing of drives; parking; vehicle maneuvering lanes, including acceleration and deceleration lanes; other traffic control and traffic circulation improvements; sidewalks; etc. The guarantee shall include a schedule of costs assigned to the several improvements. Moneys may be released to the applicant in proportion to the work completed and accepted on the various improvements. Any partial release of funds shall leave a balance of not less than ten percent of the guarantee, which balance shall be retained by the City until all work has been completed and subsequently inspected and approved by the City.

(Ord. 458. Passed 1-4-89.)

#### **1298.09 LANDSCAPING.**

(a) Generally. Landscape planting screens or landscape plantings required or permitted by this Zoning Code as an alternative to a screen wall or earth berm, and such trees as are required by Chapter 1028 of the Streets, Utilities and Public Services Code to be planted in the lawn extension or public way, shall be planted in accordance with an approved planting plan and planted to completion prior to the issuance of a certificate of occupancy by the City if the use is ready for occupancy between April 15 and October 21. If a use is ready for occupancy between November 1 and April 14, a temporary certificate of occupancy may be issued, but all required plantings shall be placed to completion within sixty days after April 14.

Failure to have such required plantings placed to completion within sixty days after April 14 shall be grounds for termination or revocation of the temporary certificate of occupancy. No additional certificate of occupancy, either temporary or final, shall be issued thereafter until all required landscape plantings are placed to completion.

All plantings shall be properly planted so as to be in a healthy, growing condition at the commencement of the establishment period. During the specified period of establishment, the contractor shall be

responsible for maintaining the plants in a healthy, growing condition, which responsibility shall include watering, cultivation and weed control.

(Ord. 483. Passed 8-29-90.)

(b) Required Planting Screens.

(1) Wherever in this Zoning Code a landscape planting screen or landscape plantings are required, such landscape planting shall be subject to the following conditions:

A. All plant materials shall meet current American Association of Nurserymen standards.

B. All plantings shall consist of permanent, living plant materials and, when planted to completion, shall thereafter be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests.

(2) Whenever a landscape planting screen is required under this Zoning Code, a detailed planting plan of such screen shall be submitted to and approved by the Planning Commission prior to the issuance of a building permit. 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 screening area. Detailed plans shall be submitted in accordance with the following:

A. The minimum scale shall be one inch equals forty feet when submitted with no other drawings. When submitted with a site plan drawn to another scale, the planting plan may be made a part of the site plan or, if submitted separately with a site plan, it shall be drawn at the same scale as the site plan.

B. The planting plan shall indicate the location, size, spacing and root type (bare root or balled and burlap) of all plant materials.

C. The planting plan shall depict typical straight cross-sections, including slope, height and width of berms, and the type of ground cover, any masonry walls and the height and type of construction of all, including footings, where applicable.

D. The planting plan shall depict significant construction details, where applicable, to resolve specific site conditions (e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.).

E. The planting plan shall indicate existing tree cover that is to be used in conjunction with or in place of the screen planting requirements of this Zoning Code, including types of trees and overall tree height.

(3) Cost estimates covering all new plantings contained on the planting plan, together with a surety acceptable to the City, other than a bond, in an amount sufficient to ensure completion within the time specified and in accordance with the planting plan, shall be submitted with the detailed planting plan.

(4) The planting plan shall be reviewed relative to:

A. The proper type, spacing, height, placement and location of plant materials relative to the length and width of the screen so as to ensure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved;

B. The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights of way or to abutting property owners;

C. The choice and selection of plant materials so as to ensure that the type of plantings selected will be of a type that will survive and thrive in the area in which they are to be located;

D. The proper relationship between any existing and proposed deciduous and evergreen plant materials so as to ensure that the desired obscuring effect will be accomplished; and

E. The size of plant material (both starting and ultimate) to ensure adequate maturity and optimum screening effects of the proposed plant materials.

(5) Landscape planting screens, as required in this Zoning Code, when permitted as an alternative to a masonry screening wall or earth berm or in conjunction with either, shall be laid out in conformity with the following:

A. Plant materials shall not be located within four feet of the property line.

B. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.

C. Evergreen trees shall be not less than five feet in height when planted in informal groupings. They shall be spaced not less than fifteen feet apart on centers. When spaced farther apart, additional screen plantings shall be used to achieve the desired screening effect intended by this section. When planted in rows, they shall be planted not more than ten feet on centers.

D. Narrow evergreen trees shall be not less than five feet in height. When planted in informal groupings, they shall be spaced not more than ten feet on centers. When planted in rows, they shall be planted not more than five feet on centers.

E. Large shrubs shall be not less than thirty inches in height. When planted in informal groupings, they shall be spaced not more than six feet on centers. When planted in single rows, they shall not be more than four feet on centers.

F. Small shrubs shall be not less than thirty inches in spread. They shall be planted not more than four feet on centers.

G. Large deciduous trees shall be not less than two and one-half inches in trunk caliper. For the purpose of this section, the caliper of the trunk shall be taken six inches above the ground level for trees up to and including four-inch caliper size and twelve inches above the ground level for larger trees. When placed in informal groupings, they shall be planted not more than thirty feet on centers.

H. Small deciduous trees shall be not less than two inches in trunk caliper. When planted in informal groupings, they shall be spaced not more than fifteen feet on centers.

(c) Landscape Plantings. Landscape plantings used for cosmetic purposes and not as required screen plantings may be planted as desired throughout the site, but shall at least be planted within those minimum required landscape planting areas set forth in this Zoning Code.

Whenever any cosmetic planting areas are required, or whenever planting screens approach a street or driveway intersection, the clear corner requirements of Section 1298.12 shall be observed. However, in all cases, care shall be taken relative to plant material, height and location so as not to create a traffic hazard.

Plantings used for cosmetic purposes shall consist of the suggested plant materials outlined in this section, except that Red Maple trees may be used within interior lawn or planting areas when they are located safely away from any building, driveway, street frontage or off-street parking area.

Development which occurs in a nonresidential district shall provide, in addition to any existing or proposed street right of way, at least ten percent of the net site area (exclusive of buildings, off-street parking areas, etc.) as landscaped open space. Pedestrian walkways, plazas, planters and other decorative elements may be included in such landscaped areas.

(d) Exterior Equipment Screens. All exterior climate control and other mechanical equipment and utility outlets (i.e. electrical, gas regulators, etc.) shall be effectively screened from view. Rooftop equipment shall be screened by materials which shall extend at least as high as the highest part of the object being screened. Trash receptacles shall be screened by placing them in opaque architectural masonry enclosures.

(e) Distance Between Plant Materials (ft.).

<i>Plant Material Types</i>	<i>Evergreen Trees</i>	<i>Narrow Evergreen Trees</i>	<i>Large Deciduous Trees</i>	<i>Small Deciduous Trees</i>	<i>Large Shrubs</i>	<i>Small Shrubs</i>
Evergreen trees	Min. 10 Max. 20	Min. 12	Min. 20	Min. 12	Min. 6	Min. 5
Narrow evergreen trees	Min. 12	Min. 5	Min. 15	Min. 10	Min. 5	Min. 4
Large deciduous trees	Min. 20	Min. 15	Min. 20 Max. 30	Min. 15	Min. 5	Min. 3
Small deciduous trees	Min. 12	Min. 10	Min. 15	Min. 8 Max. 15	Min. 6	Min. 3
Large shrubs	Min. 6	Min. 5	Min. 5	Min. 6	Min. 4 Max. 6	Min. 5
Small shrubs	Min. 5	Min. 4	Min. 3	Min. 3	Min. 5	Min. 3 Max. 4

(f) Plant Materials. The following list contains recommended planting materials. Soft Maple trees (Red-Silver Maples) are not recommended plantings except where specifically permitted under the particular conditions set forth in this section.

Suggested Plant Materials

- (1) Evergreen trees. Fir Pine Douglas Fir  
Spruce Hemlock
- (2) Narrow evergreen trees. Red Cedar Junipers  
Arborvitae
- (3) Large deciduous trees. Oaks Ash  
Hard Maples Ginkgo (male only)  
Beech Honeylocust (seed-  
Lindens less and thorn-  
less varieties)  
Birch
- (4) Small deciduous trees. Flowering Dogwood Mountain Ash  
Hawthorn Hornbeam  
Redbud Russian Olive  
Magnolia Flowering  
Crabapple (disease resistant varieties)
- (5) Large shrubs.  
Deciduous: Honeysuckle Flowering  
Lilac Quince

Border Privet    Barberry  
 Sumac    Forsythia  
 Buckthorn    Cotoneaster  
 Pyracantha    (Pekin,  
                   Spreading)  
                   Sargent  
                   Crabapple  
 Dogwood (Red    Osier, Grey)

Evergreen: Irish Yew    Pfitzer Juniper  
 Hicks Yew    Savin Juniper  
 Mugo Pine

(6) Small shrubs.

Deciduous: Compact Burning Bush    Japanese  
 Regal Privet    Quince  
 Fragrant Sumac    Cotoneaster  
                   (Cranberry,  
                   Rockspray)  
 Potentilla

Evergreen: Spreading Yews    Dwarf Mugo  
 (Dense, Brown's, Ward, etc.) Pine  
 Low Spreading Junipers    Big Leaf  
 (Andora, Hughes, Tamarack,  
 etc.)    Wintercreeper

(7) Trees not suggested.

Box Elder    Poplars  
 Catalpa    Soft Maples  
 Elms    (Red, Silver)  
 Horse Chestnut (nut bearing)    Tree of Heaven  
 Willows

(Ord. 458. Passed 1-4-89.)

### **1298.10 EXTERIOR LIGHTING.**

(a) Outdoor lighting in any district used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts or adjacent residences.

(b) Outdoor lighting poles or standards shall not exceed the maximum height limitation of the district in which they are located, except that no lighting pole or standard shall exceed twenty feet in height when located on land adjacent to a Residential District.

(c) Outdoor lighting in any district shall be directed toward and confined to the ground areas of laws or parking lots.

(d) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature such buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets, roads or property.



(e) The illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets, roads or property.

(f) Artificial light shall be maintained in a manner so as not to constitute a hazard or nuisance.

(Ord. 458. Passed 1-4-89.)

### **1298.11 ENTRANCEWAY STRUCTURES IN RESIDENTIAL DISTRICTS.**

In all Residential Districts, so-called entranceway structures, including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects, are permitted and may be located in a required yard, except as provided in Section 1298.12. Such entranceway structures shall comply with all applicable codes of the Municipality and shall be approved by the Director of Inspections or his or her designee, and a permit for the same shall be issued.

(Ord. 458. Passed 1-4-89.)

### **1298.12 OBSTRUCTIONS AT STREET INTERSECTIONS.**

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grade shall be permitted within the triangular area formed at the intersection of street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

(Ord. 458. Passed 1-4-89.)

### **1298.13 WALLS AND EARTH BERMS.**

(a) There shall be provided and maintained between any nonresidential and Residential District, between any Multiple-Family and One-Family District and between certain uses listed herein, an obscuring wall or landscaped earth berm as follows, except as otherwise excluded in subsection (c) hereof:

<i>Use</i>	<i>Minimum Requirements</i>
(1) P-1 Vehicular Parking District	Five feet high
(2) Off-street parking area (other than P-1 Districts)	Five feet high (nonresidential uses in Residential Districts shall provide the wall or earth berm immediately adjacent to the parking area)
(3) RM and MH Districts	Five feet high (nonresidential uses in Residential Districts shall provide the wall or earth berm immediately adjacent to the parking area)
(4) RO Districts	Five feet high
(5) C-1, C-2 and C-3 Districts	Six feet high
(6) M-1 District	Six feet high
M-1 District (open storage areas, loading or unloading areas, service area)	Six feet high (or to the height necessary to provide the most complete obscuring possible)
(7) Auto wash, drive-in restaurants	Six feet high
(8) Hospital (ambulance and delivery areas)	Six feet high
(9) Utility buildings, stations and/or substations	Six feet high

(b) For those districts and uses listed in subsection (a) hereof, there may be provided, in lieu of an obscuring wall, an obscuring landscaped earth berm (earth mound). When such earth berm is provided in place of a wall, or in combination with a wall, the berm shall be landscaped and maintained in a clean, orderly and growing condition, and shall meet the following minimum design standards:

(1) Continuous earth berms shall be provided with an undulating horizontal and vertical top and sides. The height of the earth berm shall be not less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or architectural masonry walls, or a combination of both, so long as the minimum required height of the earth berm plantings or walls, or a combination thereof, is maintained.

(2) Berms shall be a landscaped earth mound possessing a maximum slope ratio of three feet of horizontal plane for each one foot of vertical height. The berm shall have a nearly flat horizontal area at its crest of at least two feet in width. The side slopes shall be protected from erosion by sodding or seeding. Sodding shall be used only if the sodded areas are provided with irrigation. If seeded, they shall be protected with a straw mulch held in place by jute netting until a permanent lawn is established. However, other nets designed and intended to control erosion may be used as well.

(3) The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Zoning Code and shall determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area and general appearances.

(c) Required walls or earth berms shall be located on the lot line, except where the standards of this section require them to be located on the residential side of an alley or located immediately adjacent to a parking lot in a Residential District, and except:

(1) Where underground utilities interfere;

(2) Where this Zoning Code requires conformity with front yard setback lines in abutting Residential Districts;

(3) Where a nonresidential district is located directly across a street from a Residential District, in which case the wall shall be placed on a line parallel to and twelve feet, six inches back from the street right-of-way line. The wall shall parallel the nonresidential frontage for the full extent that the nonresidential district lies across the street from the Residential District. The area between the wall and the street right-of-way line shall be landscaped with lawn, shrubs and trees.

(d) Required walls shall be located on the opposite side of an alley right of way from a nonresidential district that abuts a Residential District.

(e) Required walls shall be constructed of architectural masonry materials which may include all decorative masonry units, i.e. monolithic and/or precast concrete walls. Precast concrete walls shall be stained (not painted) in colors complementary to the color of exterior materials used in buildings on the site.

(Ord. 458. Passed 1-4-89; Ord. 495. Passed 6-19-91; Ord. 606. Passed 3-5-97.)

## **1298.14 FENCES.**

(a) Permits. To construct or replace a partition fence, a site plan shall be submitted and approved, and a zoning permit issued by the Building Department to the property owner or contractor, to ensure proper placement as regulated by this chapter.

(b) Construction Materials and Specifications for Partition Fences. Any owner of a lot in the City may construct and maintain partition fences between his or her own lot and the next adjoining lots. Such partitions include any barrier constructed or reconstructed to partition all or part of a lot, including cyclone or chain-link fences, split-rail or ranch-type fences, ornamental or privacy fences, hedges and shrubbery utilized as a means of division, and other similar means of partitioning an area.

All other partition fences shall be constructed of self-supporting posts, at a maximum height of six feet, eight inches. The material and design of same shall be approved by the Building Department. Chain-link fences which contain colored slats for screening that are woven between the links shall be of a neutral color (beige, tan, cream, etc.) and shall be kept in good repair.

(c) Barbed Wire Fences. No person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any public street, alley, sidewalk or other public place in the City, nor shall any person build or maintain any line fence composed wholly or partly of barbed wire. This section may be waived upon application to Council, and Council may, in its discretion, grant permission for the installation of strands of barbed wire upon the top of any fence surrounding nonresidential property, and not abutting residential property, where Council deems such installation of barbed wire to be necessary for the protection of the improvements or goods contained within the area so fenced from theft, vandalism, injury or other malicious mischief.

(d) Decorative Front Yard Fences. A decorative fence is one that's primary purpose is to contribute to the overall aesthetic of the residential structure. Decorative fences may be installed in accordance with the following conditions and with the approval of the Building Department.

(1) The decorative fence may be installed in the front yard provided the fence is placed along the side property lines from the front building line to within one foot of the sidewalk.

(2) The maximum height of such fence shall be no taller than thirty inches from the grade.

(3) All fence material shall be painted and kept in good repair.

(4) Decorative fencing shall be constructed of wood, vinyl, wrought iron, or other decorative material. Chain-line is not considered a decorative fence.

(e) Side Lot Line Fences.

(1) Side lot line fences may be erected from the rear lot line to within six feet of the front building line. The Building Official may approve an exception to allow the fence to be developed to the front building line in the case of extenuating circumstances, such as the screening of mechanical equipment a side door closer than six feet to the front of the building, etc.

(2) Residential lots or parcels of land adjacent to a public alley or commercial property may extend a privacy fence to the front line of such property upon determination by the Building Department that the extension is necessary to protect the residents of the property from noise, traffic, debris or other invasion of property. However, at a distance of fifteen feet from the front property line, the privacy fence must be reduced to three feet in height to accommodate clear corner site distances.

(f) Surveys; Mutual Agreements. Adjacent owners of lots, between which a partition fence is to be erected where no fence previously existed or where a fence exists and is to be relocated, shall obtain the services of a registered land surveyor who shall establish the partition line between such lots by installing suitable markers at the corners of said lots. A certificate of the registered surveyor indicating that the markers have been placed as required shall be presented to the Building Department before a permit to erect the fence will be issued.

Where adjacent property owners mutually agree upon the location of a partition fence, a written statement to that effect signed by both adjoining property owners shall be presented to and approved by the Building Department in lieu of the certificate of a registered surveyor. The adjacent property owners will then be responsible for the placement of the partition fence.

(g) Maintenance.

(1) When a solid or opaque fence is constructed immediately adjacent to an existing chain-link fence it shall be the responsibility of the new fence owner to maintain the property that is located between the existing and new fence. This property shall be kept in an orderly appearance, free of weeds or other noxious plant materials.

(2) When the fence is adjacent to a public right-of-way, it shall be treated to minimize or eliminate the possibility of graffiti.

(Ord. 458. Passed 1-4-89; Ord. 481. Passed 7-18-90; Ord. 526. Passed 2-10-93; Ord. 724. Passed 8-15-01; Ord. 852. Passed 7-11-07.)

### **1298.15 FRONTAGE ON STREETS.**

No lot or parcel of land shall be used for any purpose permitted by this Zoning Code unless such lot or parcel fronts directly upon a public street, unless otherwise provided for in this Zoning Code.

(Ord. 458. Passed 1-4-89.)

### **1298.16 ACCESS TO MAJOR THOROUGHFARES.**

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive. However, access driveways may be permitted to other than a major thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street, between the driveway and the major thoroughfare or freeway service drive, is zoned for multifamily use or any nonresidential use, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the City, will be used for other than single-family purposes in the future. This exception shall apply only if the City finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

(Ord. 458. Passed 1-4-89.)

### **1298.17 EXTERIOR BUILDING WALL MATERIALS.**

(a) The purpose of this section is to serve as a guideline for the establishment of a harmonious exterior building wall appearance for all the walls of a building that are designed so as to create, enhance and promote a uniform, qualitative visual environment throughout the City.

(b) To ensure that proper and effective attention will be given to the visual appearance of both residential and nonresidential buildings, whenever in this Zoning Code reference is made to this section or to Section 1268.04(a), all exterior building walls of all new principal buildings shall consist of the same uniform exterior building wall finish materials as the front wall of the principal building(s). All such materials used shall be recognized by the Building Department as finish materials.

(c) Where applicable, whenever the exterior building wall material standards set forth in this section apply, they shall be accompanied by a statement describing how the exterior building wall material or combination of materials, as set forth in this section, is consistent with the materials on a majority of the buildings in the surrounding neighborhood. For the purpose of this subsection, the following additional standards shall apply:

(1) When four or more new single-family or two-family dwellings are erected on contiguous lots or condominium home sites, they shall consist of face brick materials, as defined in this Zoning Code, on all exterior walls or, in the case of a two-story building, a combination of materials, as set forth in paragraph (d)(1)C. hereof. See also Section 1260.07(b)(43A) and (43B).

(2) In the case of three or less one, two or multiple-dwelling buildings, the surrounding neighborhood shall mean all the principal residential buildings within 300 feet, measured in all directions from the subject property lines. If no residential buildings exist within 300 feet of the subject parcel, the exterior walls of the residential building shall consist of face brick materials, as defined in this Zoning Code or, in the case of a two-story building, a combination of materials, as set forth in paragraph (d)(1)C. hereof. See also Section 1260.07(b)(43A) and (43B).

(3) In the case of a nonresidential building permitted in a Residential District, the exterior building walls shall consist of face brick materials, as defined in this Zoning Code. See Section 1260.07(b)(43A) and (43B).

(4) In the case of all other nonresidential buildings the surrounding neighborhood shall mean all nonresidential buildings within 300 feet, measured outward in all directions from the subject property lines. If no nonresidential buildings exist within 300 feet of the subject parcel, the nearest nonresidential buildings in all directions beyond 300 feet from the subject property lines shall apply.

(d) The following exterior building wall material standards shall apply to:

(1) Residential Dwellings.

A. The erection and maintenance of single-family detached dwellings including any additions shall not be grossly dissimilar to the exterior design, appearance and color of existing detached single-family dwellings in the surrounding area.

B. Second-story additions to existing one-story buildings shall consist of the same exterior building wall materials as the first floor, except that other materials may be used, provided that the materials are horizontal in appearance with no more than thirty percent vertical trim accent and are consistent with the majority of the surrounding homes in the area.

C. New residential buildings shall have exterior walls consisting of face brick (painting of face brick is prohibited) or a similar type of acceptable material consistent with the majority of the surrounding homes in the area. The second story of a new residential building may consist of the same exterior building wall materials as the first floor, or may consist of the same range of materials outlined in paragraph (d)(1)B. hereof for a second story.

D. Residential chimneys on exterior walls shall be brick or constructed of the same material as the first floor. Interior metal chimneys shall exit the roof in the rear unless approved in advance by the Building Department and must be painted to match the roofing material.

(2) Nonresidential Buildings.

A. Except where otherwise regulated in this section, the exterior building walls of a nonresidential building and any related accessory building shall consist of the exterior building wall materials and/or combinations of materials expressly permitted in this section.

B. The exterior building walls of a nonresidential building shall consist of the following materials or combinations thereof:

1. Face brick for nonresidential buildings, as defined in this Zoning Code.

2. Glazed kiln-baked clay or shale ceramic masonry units, or cut stone or field stone, when these materials are used on not more than twenty percent (20%) of the building as accent materials.

3. Split-face, which shall be treated (impregnated, not painted) with earth tone or natural colors. The split-face block must have a rough, stone-like texture created by splitting the block during production. The size of the split-face block shall be scaled approximately to the height of the building and the setback from the road right-of-way. Split-face blocks larger than six inches in height and 16 inches in length must be approved by the Building Inspections Director after a recommendation from the Site Plan Committee or by the Planning Commission if required by Section 1298.07(i)(5).

4. Precast concrete in a form and pattern which may consist of its natural color or which may be treated (impregnated, not painted) with earth tone colors.

5. Finished cementitious materials, including finished systems and stucco, which shall be treated (impregnated, not painted) with earth tone colors and shall be utilized on not more than twenty percent (20%) of the building as accent materials.

6. Metal materials, including standing, seamed or ribbed panels and stainless steel shall be utilized in not more than twenty percent (20%) of the building.

C. Materials other than those specifically outlined in paragraph (d)(2)B. hereof shall be prohibited. Materials specifically prohibited include:

1. Concrete masonry units (CMU), such as block, pattern and fluted.
2. Tarred paper, tin, corrugated iron, porcelain clad and steel flat sheets.
3. Pressed or laminated wood products.
4. Painting of brick or face brick.
5. Similar products or materials.

D. If an applicant requests the use of other materials not specifically prohibited in subsection (d)(2)C. or noted as an approved material in subsection (d)(2)B., said materials shall be reviewed and approved by either the Site Plan Review Committee or Planning Commission per the requirements of Section 1298.07(i)(5). The Site Plan Review Committee or Planning Commission may approve alternative materials only when it determines that such materials will:

1. Be in direct harmony with the intent and purpose of this section and will stand to further promote the uniform and qualitative visual environment of the City.
2. Meet all applicable requirements of the City's Building Code.

(Ord. 591. Passed 5-29-96; Ord. 719. Passed 7-18-01; Ord. 08-856. Passed 2-6-08; Ord. 08-870. Passed 8-20-08; Ord. 13-962. Passed 7-3-13; Ord. 15-972. Passed 12-16-15; Ord. 16-974. Passed 2-3-16.)

## **1298.18 SIGNS.**

The provisions of this section are to encourage the effective use of signs as a means of communication for a particular user or use of property in the City. It is intended to protect the public health, safety, and welfare while recognizing the legitimate need of business, industry, and other activities in attaining their identification and information objectives. Finally, the section is designed to promote the economic development and aesthetic character of the City of Southgate by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. All outdoor advertising structures, awnings, billboard signs, and other notices which advertise a business, commercial venture or name of a person shall be regulated as follows:

(a) Definitions. The following words, terms, phrases, shall have the following meaning when used in this section:

- (1) "Abandoned sign." Any sign used in conjunction with a business that has not been in operation for a period of at least six months.
- (2) "Animated sign." Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (3) "Awning." Refer to "canopy or awnings" below.
- (4) "Balloon." A flexible, nonporous container that can be of various shapes which is filled with a gas causing it to inflate. Often the gas is lighter than air to allow the balloon to rise and float in the atmosphere.
- (5) "Banner." Any lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner sign.
- (6) "Beacon." Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zoning lot as the light source; also, any light with one or more beams that rotate or move.
- (7) "Billboard" or "off-premise sign." Any sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.
- (8) "Broken sign." A sign that is composed of individual letters fastened to a building surface or other support structure.
- (9) "Building marker." Any sign indicating the name of a building, date of construction, and any incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (10) "Canopy or awning." A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. A canopy or awning is placed over a door, window, entrance, outdoor service area or entire building.



- (11) "Canopy or awning sign." Any sign that is an integral and permanent part of an awning, canopy or other fabric, plastic or structural protective cover.
- (12) "Commercial message - Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (13) "Compatible." To be harmonious, consistent, or in keeping with the character of the surrounding environs.
- (14) "Construction sign." Any sign which identifies the owners, financiers, contractors, architects, engineers or tenants of a project under construction.



(15) “Directional sign.” A sign, commonly informational which does not contain advertising, that directs movement, provides instructions or is secondary to the use of the lot. Generally signs of this type indicate the entrance/exit, drive-through location, “no parking” areas, etc.

(16) “Directory sign.” A sign, which indicates the tenants and their suite locations within a multi-tenant building.



(17) “Entranceway sign.” A sign that identifies the name of a residential subdivision or development and is located at the major entranceways to the subdivision or development.

(18) “Essential service sign.” Any sign indicating services that are reasonably necessary for the furnishing of public utilities, municipal departments or commissions, or the public health, safety, and welfare of City residents.

(19) “Flag.” Cloth containing distinctive colors, patterns, or symbols used to distinguish a government, political subdivision, or other political entity.

(20) “Flashing sign.” A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three seconds and is not an animated sign or a reader board sign.

(21) “Freestanding sign.” Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs include pole and monument signs.

(22) “Government sign.” Any sign posted by a unit of government for the health, safety, and welfare of the general public.

(23) “Message board sign.” A freestanding temporary sign typically designed as an A-frame, T-frame, menu, or sandwich board that displays daily specials or promotions of the associated business.

(24) “Monument sign.” A freestanding sign which the entire bottom of said sign is in contact with the ground in a permanent location.

(25) “Mural.” A design or representation painted on or drawn on a wall which does not contain any promotional or commercial advertising.

(26) “Pennant.” Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

(27) “Placard.” A sign that provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.

(28) “Permanent signs.” Any sign, which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in this section and in the Current Michigan Building Code.





(29) “Pole sign.” A freestanding sign, which is supported by one or more poles that are attached to the ground in a permanent location and is separated from the ground.

(30) “Portable sign.” Any sign not permanently attached to the ground or other permanent structure, as a sign designed to be transported, including but not limited to signs transported by means of wheels; A- or T-frames; menu and sandwich boards; and, balloons, banners or umbrellas used for advertising.

(31) “Real estate sign.” A sign advertising the sale, rent or lease of the real estate upon which the sign is located.

(32) “Reader board.” A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Also includes electronic reader board signs that can be changed or rearranged without altering the face of the surface of the sign.

(33) “Roof sign.” Any sign erected or constructed wholly on and over the roof of a building, supported by the roof structure.

(34) “Roof sign, integral.” Any sign erected or constructed as an integral part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

(35) “Sign.” Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person, entity, or to communicate information of any kind to the public.

(36) “Sign display area.” That part of the sign upon, against, or through which the message is presented or illustrated.

(37) “Streamer.” A long, narrow strip with attached flags, pennants or banners resembling or suggesting “streaming” or “floating” in the wind.

(38) “Temporary sign.” Any sign that is used only temporarily and is not permanently mounted; this shall include painted window signs.

(39) “Valance.” That portion of a canopy/awning that hangs parallel to the building facade and is not larger than twenty-five percent (25%) of the total area of the structure and is used as a decorative heading.

(40) “Vehicle business sign.” Signs attached to or painted on stationary or abandoned vehicles parked and visible from the public road that are not used in the day-to-day operation of a business.



(41) "Wall sign." Any single faced sign that is attached directly parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or structure, this shall include permanent window signs.

(42) "Window sign." Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window located on a wall or door or upon the window panes or glass and is visible from the exterior of the structure.

(b) General Provisions.

(1) No portable, permanent, or any other type of sign unless specifically exempt from having a permit shall be installed in any district unless a sign permit is secured. Permits must be secured by licensed builders or registered sign companies.

(2) No portable, permanent, or any other type of sign shall be allowed in any part of the public right-of-way.

(3) The fee schedule for signs shall be according to the fee schedule approved by Council.

(4) Any sign allowed by this section for advertising shall only advertise the business within that building or the goods produced or offered for sale within said premises. No sign shall advertise any other business or product not sold or offered within said building.

(5) No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, devise or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

(6) No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision. No sign shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines of a corner lot.

(7) No person, business or entity shall display upon any sign or other advertising structure any obscene or indecent matter.

(8) Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on other properties.

(9) Electronic animated and reader board signs are permitted provided the message content display-area does not change more than one time per three second period. Background display areas may have continuous movement, for example a digital waving flag, provided that the display area is not flashing or blinking. Any reader board sign that changes its content message more frequently than once every three seconds shall be considered a flashing sign.

(10) No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

(11) Awnings, canopies, and marquees must maintain a minimum seven-foot clear space distance from the bottom of the structure to the grade.

(12) No sign shall project into a public right-of-way, except that awnings and canopies may project not more than four feet into a public right-of-way with the approval of the governmental jurisdiction in control of the right-of-way. All requests to erect an awning or canopy shall include a drawing, drawn to scale, detailing the proposed awning or canopy and a cut sheet of the proposed color(s). Material colors must be

“earth tone” in nature. If the awning or canopy will contain a sign, the sign shall appear on the drawing along with a notation of the amount of sign display area in square feet, and the proposed text. The application and accompanying drawing shall be submitted to the Building Department and to any other governmental jurisdiction in control of the public right-of-way, for review and approval.

(13) All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code, where not in conflict with this section.

(14) Signs, which have not been in use for a period of more than six months, including any and all previously approved variances for such signs, shall be considered abandoned signs. Abandoned signs shall have all lettering or reference to the former business removed. Custom signs, which are only relevant to the defunct business that it served, shall be removed completely from the site. Written notice shall be given by the Building Official and action must be taken by the property owner or proprietor within 30 days of said notice.

(15) All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint. The Building Department shall make periodic inspections of all signs, and if any sign is found to be in a deteriorating condition, the owner shall be notified, by letter, to correct the same within 30 days of such notice. If such condition is not corrected within the time allotted, the Building Department is authorized to cause the sign to be removed at the expense of the property owner, agent or person having interest in the building or property. This subsection shall not be construed to alter the effect of Section 1298.20, which regulates nonconforming signs.

(16) All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.

(17) All signs shall not be placed in the public right-of-way unless otherwise provided for by law.

(c) Prohibited Signs.

(1) Any sign in which a proprietor has not received a sign permit, unless specifically exempt.

(2) Strings of light bulbs, pennants, balloons, streamers, banners, beacons or other portable signs are prohibited, except as allowed in subsection (j) hereof.

(3) Signs that employ any flashing, moving, oscillating, blinking or variable intensity of light and are not either an animated or reader board sign.

(4) Roof signs and integral roof signs.

(5) Murals are prohibited unless utilized only for aesthetic and architectural purposes and approved by City Council.

(6) Painted signs on exterior walls.

(7) Billboard or off-premise signs.

(8) Vehicle business signs. (Vehicles with business signs are permitted if used in the day-to-day operation of the business. At the close of the business, the vehicle must either be removed from the property or parked within the loading/unloading zone. If no loading zone exists, the vehicle must be parked at a point on the site not readily visible from the public rights-of-way when not in use. The vehicle must be in operable condition and licensed with the State of Michigan.)

(9) Temporary window signs that exceed twenty-five percent (25%) of the area of the window and door on which such signs are located.

(10) Any notice, placard, bill, card, poster, sticker, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or

causes the same to be done to or upon any street, right-of-way, public sidewalk, crosswalk, curb, hydrant, tree, telephone pole, or upon any fixture of the police or fire alarm system of the City is prohibited.

(d) Exempt Signs. The following signs are exempt from the regulations of this section, including sign permits:

(1) Highway and street signs erected by a state, county or municipal road agency identifying highways, giving direction to streets or places of interest or establishing restrictions or conditions of use for streets and highways. This exemption shall further include all such signs authorized by a road agency in conjunction with infrastructure improvements.

(2) Historic markers placed under the authority of the local, state or federal government.

(3) Essential service signs.

(4) Placards not exceeding two square feet.

(5) Building marker not exceeding two square feet.

(6) Flags.

(7) Decorative, seasonal or temporary signs displayed by the City of Southgate. Such displays shall be only in commemoration of a national holiday or some other civic purpose of general public interest.

(e) Signs Exempt from Permits. The following signs shall not require a sign permit but shall comply in all other respects with the regulations set forth herein:

(1) Government signs.

(2) Real estate signs are allowed in any residential zoning district provided that they shall not have a surface area greater than six square feet for a single surface area or 12 square feet for signs of two or more faces or a height of four feet nor shall there be more than two signs on any one lot. Real estate signs are permitted in any non-residential zoning district provided that they shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces. Real estate signs must be removed within ten days of the sale, rent or lease of the property. Only signs advertising industrial real estate for sale or rental are permitted within 500 feet of a freeway, provided that such real estate advertising signs are used during the construction of a building or the offering for sale or rental of real estate, and provided, further, that they are not larger than ten square feet in area.

(3) Construction signs are allowed within any zoning district provided a building permit has been issued for the project. Construction signs shall not exceed 32 square feet in area for a single surface area or 64 square feet for signs of two or more faces or six feet in height. Construction signs must be removed from the property within five days of receipt of certificate of occupancy.

(4) One temporary sign is allowed for the promotion of a special event or activity of a church, non-profit or educational institution provided the sign is no larger than 32 square feet for a single surface area or 64 square feet for signs of two or more faces and is displayed for no more than two weeks prior to the event or activity and that it be removed within 24 hours of the conclusion of the event or activity.

(5) Temporary garage or yard sale signs, graduation, birthday parties, open houses, etc. are allowed for residential properties provided they are not placed in the public right-of-way and do not exceed six square feet for a single surface area or 12 square feet for signs of two or more faces. Garage and yard-sale signs shall be removed within 24 hours of the conclusion of the event or activity.

(6) Temporary promotional signs typically associated with uses where at least fifty-one percent (51%) of inventory is designed for the outdoor display and sale of merchandise on a year-round basis shall be exempt. This exemption shall only apply to promotional signs and/or devices that relate to the sale of the merchandise which is located on the lot. This exemption shall not be interpreted to include large scale inflatable devices (such as inflatable rooftop balloons or characters), strobes, spotlights, beacons, or signs

that display any flashing or moving lights, or painted signs. Temporary promotional signs for these specific uses shall comply with all applicable general provisions of this section.

(f) Signs in a Residential District. No signs shall be permitted in the R-1, R-1A, R-1B or RM Districts, except for the following:

(1) Subdivision entrance signs;

(2) Freestanding accessory signs and accessory wall signs for schools, churches, cemeteries, golf courses, hospitals, elderly housing, or convalescent care and nursing homes, subject to the following conditions:

A. One freestanding sign with a maximum display area per side of 60 square feet and a maximum height of six feet, measured from the base of the sign on the ground to the highest point of the sign structure, shall be permitted.

B. One wall sign per street frontage shall be permitted. Such signs shall not exceed 25 square feet in total display area per sign and shall be affixed flat against a wall or engraved into a wall or portico of a building.

C. Additional directional or identification type name plate signs, affixed flat against a wall or door, shall be permitted. Such signs shall not exceed a total of 144 square inches of display area per sign, nor exceed six inches in height.

D. Freestanding signs and wall signs may be illuminated.

(g) Free-Standing Signs. Free-standing signs in any Commercial or Industrial District shall be not more than 20 feet in height nor more than 100 square feet in area on each side. The bottom of such sign shall be a minimum of eight feet above the ground level. A monument sign, not more than ten feet in height, may be a maximum of 150 square feet on each side, provided such sign is erected so as not to obscure pedestrian traffic at driveways and approaches. Where more than one establishment is connected together (as in a shopping center) only one free-standing sign will be allowed. The developer shall make arrangements during construction to provide a central location for a free-standing sign, with a minimum of three-fourths inch galvanized conduit from each establishment to the proposed sign footing base.

(h) Directional Signs. Directional signs are allowed provided they are limited to the identification of functions such as traffic control, loading areas, etc., on the lot and do not advertise the use of the lot. Directional signs shall not exceed two feet in height or two square feet in area for a single surface area or four square feet for signs of two or more faces.

(i) Wall-Mounted Signs. Wall mounted signs shall comply with the following standards:

(1) One principal wall sign shall be permitted for each wall containing an entrance designed and intended for public (customer) access. A principal wall sign shall not exceed 100 square feet in total display area, except that the display area of a principal wall sign may be increased one square foot for every three feet or fraction thereof that the wall to which the sign is to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 250 square feet, or up to a maximum display area of ten percent (10%) of the total area of the wall to which the sign is to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

(2) Additional accessory wall signs (excluding directional signs) may be attached to any wall at the discretion of the applicant up to a maximum total square feet of display area for all such signs of not more than 100 square feet, except that the total square feet of display area may be increased by one square foot for every five feet or fraction thereof that the wall or walls to which these signs are to be attached sets back behind the minimum setback requirement of the district, up to a maximum of 150 square feet, or up to a maximum display area of five percent (5%) of the total area of the wall to which a sign or signs are to be attached, including all doors and windows in the wall, whichever shall result in the lesser amount.

(3) No advertising shall be placed on any awning or canopy except the name of the owner, business or industry conducted within the premises; it may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.

(4) No wall sign shall extend above the roof line of the building to which is it attached.

(5) No sign that is mounted along the face of the building on the premises shall project or overhang the wall or any permanent architectural feature.

(j) Temporary Signs. Portable signs, not larger than 48 square feet and the temporary display of banners or pennants relating to special promotional events may be installed in any C-1, C-2 or C-3 District, and shall meet the following criteria:

(1) Eight individual permits may be requested throughout the calendar year. Each permit shall be for a period of seven consecutive days. These permits may be spread out throughout the calendar year or requested in larger increments. For example, if a two-week display is needed; two permits will be required.

(2) A permit must be secured from the Building Department and the appropriate fee paid prior to installation.

(3) All portable signs must comply with this section.

(4) All portable signs must be on private property and cannot interfere with the vision of pedestrians or traffic.

(5) If a portable sign is to be illuminated, the temporary connection shall meet the requirements of the National Electrical Code. Each portable, illuminated sign shall be protected by a ground fault circuit interrupter. Temporary cord connections to buildings or other means must be approved by the Electrical Inspector prior to energizing the sign. All temporary cords must be a minimum of No. 14 gauge wire.

(6) This paragraph shall not apply to City displays.

(k) Temporary Window Signs. Each business establishment shall be permitted temporary window signs, provided that such signs do not exceed twenty-five percent (25%) of the area of any single window or of adjoining windows on the same frontage. This provision is not intended to restrict signs utilized as part of a window display of merchandise when such signs are incorporated within such display.

(l) Freestanding Message Board Signs. One message board sign which display daily specials or promotions of the associated business may be utilized throughout the calendar year provided the following conditions are met:

(1) No other temporary signs (including but not limited to portable; banners; pennants; streamers; signs transported by means of wheels; additional A- or T-frames; additional menu and sandwich boards; balloons; or umbrellas used for advertising; and signs attached to or painted on vehicles) shall be requested or utilized by the establishment.

(2) Total height of the sign shall not exceed four feet and the total sign display area shall not exceed 24 inches by 36 inches.

(3) The message board sign shall only be displayed during regular business hours and must be removed and appropriately stored within the business at the close of the business each day.

(4) The message board sign shall be located on private property and shall not impede pedestrian or vehicular traffic. At no time shall the message board be allowed within required parking spaces or public rights-of-way, which includes public sidewalks.

(5) The message board sign shall be properly anchored to the ground to avoid movement and ensure the public health, safety, and welfare.

(6) The message board shall meet all the general provisions of this section as outlined in subsection (b) hereof.

(7) A plot plan of the site indicating where the temporary message board sign will be placed shall be submitted to the Building Department as part of the permitting process. The location of the message board sign will be approved by the Building Department and shall be adhered to at all times by the applicant.

(m) Any sign not expressly permitted in this section is hereby prohibited.

(Ord. 458. Passed 1-4-89; Ord. 476. Passed 3-29-90; Ord 480. Passed 7-18-90; Ord. 486. Passed 11-7-90; Ord. 489. Passed 1-30-91; Ord 542. Passed 1-12-94; Ord. 606. Passed 3-5-97; Ord. 649. Passed 11-12-97; Ord. 658. Passed 6-24-98; Ord. 666. Passed 7-22-98; Ord. 781. Passed 6-18-03; Ord. 832. Passed 10-4-06; Ord. 835. Passed 11-15-06; Ord. 844. Passed 2-21-07; Ord. 08-858. Passed 2-20-08; Ord. 859. Passed 2-20-08; Ord. 860. Passed 2-20-08; Ord. 09-893. Passed 12-16-09; Ord. 09-895. Passed 1-6-10; Ord. 10-913. Passed 8-4-10; Ord. 957. Passed 12-19-12; Ord. 13-963. Passed 7-3-13.)

### **1298.19 PERFORMANCE STANDARDS.**

No use otherwise allowed shall be permitted within any district set forth in this Zoning Code, which use does not conform to applicable performance standards pertaining to the limitation of smoke, dust, dirt, fly ash, chemical propellants, glare, radioactivity, fire, explosive hazards, noise, vibration, odors and wastes as set forth and regulated by County, State or Federal laws.

(Ord. 458. Passed 1-4-89.)

### **1298.20 NONCONFORMING SIGNS.**

(a) The lawful use of a sign exactly as the sign existed on the date of adoption of this amendment, may be continued, except as otherwise provided in this chapter, although that sign does not conform with this chapter. It is the intent of this chapter, however, to recognize the prompt elimination, as expeditiously as is reasonable, of such lawful nonconforming signs.

(Ord. 531. Passed 6-30-93.)

(b) A nonconforming sign:

(1) Shall not be altered in any fashion so as to prolong the life of the sign or to change the shape, size, type or design of the sign;

(2) Shall not be re-established after the activity, business or usage to which it relates has been discontinued, closed or sold;

(3) Shall not be re-established after having been damaged or destroyed if the estimated expense of reconstruction exceeds fifty percent of the replacement cost as determined by the Building Official; and

(4) Shall not have any changes made in the words or symbols used or the message displayed on the sign unless the sign is a bulletin board sign or substantially similar type of sign designed for periodic change of the sign message.

(Ord. 652. Passed 11-26-97.)

### **1298.21 SECURITY BARS.**

- (a) The purpose of this section is to serve as a guideline for the placement of security bars at entrances and windows of a building.
- (b) At no time shall the placement of security bars at entrances or windows interfere with ingress/egress of the building.
- (c) Security bars will meet all City Building Codes relating to health, safety and welfare.
- (d) The following standards shall apply to:
- (1) Residential dwellings.
    - A. Exterior mounted window security bars shall be prohibited. Interior mounted window bars shall meet all City Building Codes.
    - B. Security bars placed at doorways shall be constructed of iron, steel or aluminum, which will be treated to withstand weather conditions.
    - C. Security bars placed at doorways shall be ornamental in design and shall be painted to match the color of the dwelling unit.
    - D. At no time will rolling, retractable mesh or solid security gates be allowed in a residential district.
  - (2) Commercial buildings.
    - A. Exterior mounted window security bars shall be prohibited.
    - B. Interior mounted door and window security bars or similar devices shall meet all City Building Code requirements, must be screened from view from the exterior of the building and from the public right-of-way, and must be locked in the open position during business hours.

(Ord. 718. Passed 7-18-01.)

### **1298.22 REQUIREMENTS FOR UNDERGROUND UTILITIES.**

- (a) The proprietor of new developments or redevelopments shall make arrangements for all utility service lines distributed by wire or cable to be placed underground within the site. Such conduits or cables shall be placed within either private easements provided to such service companies or within dedicated public ways.
- (b) Where overhead utility lines currently exist, the proprietor of the development shall place all existing utilities underground. If the proprietor is unable to place the existing utilities underground because of specific requirements or conditions of the utility company, the specific reasons with documentation from the utility company, must be made in writing to the Planning Commission at the time of site plan approval for review. The Planning Commission will take this information into consideration prior to taking action with regards to the site plan.
- (c) 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 which traverse privately owned property shall be protected by easements granted by the proprietor.

(Ord. 831. Passed 8-23-06.)

## **APPENDIX A - CELLAR BASEMENT AND STORY**

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## **APPENDIX B - BUILDING HEIGHT**

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## **APPENDIX C - BUILDING LINE**

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## **APPENDIX D - INTERIOR, THROUGH AND CORNER LOTS**

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## **APPENDIX E - BASIC STRUCTURAL TERMS**

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## **APPENDIX F - YARDS**

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## **APPENDIX G - DISTANCE SPACING FOR MULTIPLE DWELLINGS**

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## **APPENDIX H - CLUSTER EXAMPLE**

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## **APPENDIX I - TRANSITION DETAILS (GREENBELT PLANTING SCREEN ILLUSTRATIONS)**

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## **APPENDIX J - CORNER CLEARANCE**

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## **APPENDIX K - TRANSITION DETAILS (WALLS)**

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## **APPENDIX L - TRANSITION DETAILS (BERM ILLUSTRATIONS)**

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