

## Chapter 52 - ZONING

### ARTICLE I. - IN GENERAL

#### Sec. 52-1. - Definitions.

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

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

*Apartment* means a room or suite of rooms used as a dwelling for one family which does its cooking therein.

*Apartment house* means a residential structure containing three or more apartments.

*Automobile service station* means a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities, on or in such vehicles, and including space for facilities for the temporary storage of vehicles not over 48 hours, minor repair, or servicing, but not including bumping, painting, refinishing, steam cleaning, rustproofing, or high-speed washing thereof.

*Basement* means a portion of a building partly below grade and having less than five feet above the finished grade level of the building.

*Billboard* means any construction or portion thereof upon which a sign or advertisement is placed, painted, or otherwise designated for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

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

*Boardinghouse* means a dwelling where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement for definite periods. The term "boardinghouse" does not mean hotel, motel, or a nursing home.

*Buildable area* means the buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

*Building* means any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

*Building line* means a line established, in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this chapter.

*Building, principal*, means a building in which is conducted the principal use of the lot on which it is located.

*Building, separate,* means any portion of any structure completely separated from every other portion by masonry or a firewall without any window, which wall extends from the ground to the roof.

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

*Convalescent home* means a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state laws.

*Density* means the number of families residing on, or dwelling units developed on an acre of land. As used in this chapter, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

*District* means a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

*Drive-in establishment* means a business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

*Drive-in restaurant* means a drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

*Dwelling* means any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

*Dwelling, multiple,* means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking in said building. The term "multiple dwelling" includes three-family houses, four-family houses, and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

*Dwelling, rowhouse or townhouse,* means a row of three or more attached one-family dwellings, not more than 2½ stories in height, in which each dwelling has its own front entrance and rear entrance.

*Dwelling, single-family,* means a dwelling or portion thereof used or designed as a residence for one family living together.

*Dwelling, two-family,* means a dwelling or portion thereof used or designed as a residence for two or more families living independently of each other and doing their own cooking in said building.

*Efficiency unit* means an efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing not less than 350 square feet of floor area.

*Erected* includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. The term "erected" includes excavations, fill, drainage, and the like.

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

*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. The term "family" does 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 anticipated limited duration of school terms or other similar determinable period.

*Fence* means any structure or partition erected for the purpose of enclosing or dividing a piece of land into distinct portions or to separate two contiguous estates.

*Filling* means the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening.

*Floor area, usable*, means any floor area within outside walls of a building exclusive of areas in cellars, basements, utility areas, unfinished attics, garages, open porches, and accessory buildings.

*Foster child* means a child unrelated to a family by blood or adoption with whom he lives for the purposes of care and/or education.

*Home occupation* means any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, including giving instruction in a craft or fine art; provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, and child care day nurseries, among other nuisance causing occupations, shall not be deemed to be home occupations.

*Hospital* means an institution providing health services, primarily for inpatients and medical or surgical cure of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel* means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five sleepingrooms, and in which no provision is made for cooking in any individual room.

*Junkyard* includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

*Kenel* means any lot or premises on which more than three dogs or cats, or combination thereof, over the age of six months are kept on one premises.

*Laboratory* means a place devoted to experimental study, such as testing and analyzing. Manufacturing of products is not permitted within this definition.

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

*Lodginghouse* means a lodginghouse, or roominghouse, is a building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangement, but not open to the public or transients.

*Lot* means land occupied or to be occupied by a use, building or structure and permitted accessory buildings together with such open spaces, lot width and lot area as are required by this chapter and having its principal frontage upon a public street or upon a private way used for street purposes. A lot need not be a lot of record.

*Lot area* means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, the term "lot area" means that area within lot lines separating the lot from the private street, and not the centerline of said street.

*Lot, corner,* means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

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

*Lot depth* means the mean horizontal distance from the front street line to the rear lot line, including front, rear, side, street or alley lot line.

*Lot, double frontage,* means an interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street in the plat and the request for a building permit.

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

*Lot width* means the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where the side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

*Mobile home* means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. In the event of any controversy concerning whether or not a particular unit is included within this definition, the zoning board of appeals shall have the right and authority to determine whether the same is so included.

*Mobile home park, including trailer camp park* means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

*Motel* means a building containing apartments, each composed of bedroom, bathroom, and closet space, but without cooking facilities, with the exception of the units occupied by the management staff. The apartment units shall be used only for the accommodation of transients, with no cooking being permitted therein.

*Motor vehicle repair.*

- (1) The term "motor vehicle repair" means:
  - a. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicle;
  - b. Collision service such as body, frame or fender straightening and repair;
  - c. Overall painting.
- (2) The term "motor vehicle repair" does not include the undercoating of automobiles unless conducted in a completely enclosed spray booth.

*Motor vehicle wash establishment* means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Nonconforming use* means any use of land or structure, other than height, area, yard, greenbelt, parking or setbacks, that shall be required for the district in which it is situated, which does not conform to the use provisions of this chapter or amendments thereto at the time of its adoption.

*Nursery, day nursery, nursery school or child care center* means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. The term "child care organization" includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes. The term "child care organization" does not include a governmental or nongovernmental organization that does either of the following:

- (1) Provides care exclusively to minors who have been emancipated by court order under section 4(3) of Public Act No. 293 of 1968 (MCL 722.4).
- (2) Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of Public Act No. 293 of 1968 (MCL 722.4), at the same location.

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

*Open air business uses* include the following:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (2) Retail sale of fruit and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (4) Bicycle, trailer, motor vehicle, boats or home equipment rental services.
- (5) Outdoor display and sale of garages, swimming pools, and similar uses.

*Parking space* means an area of not less than nine feet wide by 20 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

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

*Roominghouse.* See *Lodginghouse*.

*Rubbish* means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

*Sign, outdoor advertising,* means any card, cloth, paper, metal, glass, plastic, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of the terms "outdoor advertising sign" and "outdoor advertising structure" include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. See also *Billboard*.

*Single parcel ownership* means the possession of a parcel of property wherein the owner does not own adjoining vacant property.

*Soil removal* means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

*Story* means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

- (1) *Mezzanine* means a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. For the

purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the finished grade level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

- (2) *Ground story* means the lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.
- (3) *Half-story* means the part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said full story. A half-story containing independent living quarters shall be considered a full story.
- (4) *Street* means a thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by the city. A private street is a street not so accepted, or any street designated as a private street upon a recorded plat.

*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.

*Structure* means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

*Structure, outdoor advertising*, means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

*Swimming pool* means any permanent, nonportable structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than 24 inches at any point and a total water surface area exceeding 250 square feet.

*Tourist home* means a dwelling in which overnight accommodations are provided or offered for transient guests.

*Use* means the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

*Yard, side*, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front and rear lot lines, as the case may be except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.

(Ord. No. 68-15, § 2.01, 10-22-1968; Ord. No. 71-14, § 1, 10-3-1971; Ord. No. 81-5, § 2, 1-27-1981; Ord. No. 82-11, § 2, 6-8-1982)

#### Sec. 52-2. - Interpretation, purpose and conflict.

- (a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.
- (b) It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or

permits previously adopted or issued and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

(Ord. No. 68-15, § 19.01, 10-22-1968)

Secs. 52-3—52-22. - Reserved.

## ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. - GENERALLY

#### Sec. 52-23. - Enforcement.

The provisions of this chapter shall be administered by the building department and the building inspector and his deputies as designated by the mayor and council.

(Ord. No. 68-15, § 17.01, 10-22-1968)

#### Sec. 52-24. - Duties of building inspector.

(a) The building inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. To this end, the building inspector shall require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to a scale of not less than one inch equals 50 feet, in duplicate and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed work or use is in conformance with this chapter.

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including in the residential areas the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (5) Existing and proposed grades to an extent necessary to allow the building department and the city engineer



to properly determine the results of the proposed work.

- (b) If the proposed excavation, construction, moving or alteration, or use of land, as set forth in the application are in conformity with the provisions of this chapter, the building inspector shall issue a zoning compliance permit. If any application for such permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter.
- (c) The building inspector is, under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order or regulation, contained in this chapter to any person making application to excavate, construct, move, alter or use either buildings, structures or land within the city.
- (d) The building inspector is, under no circumstances, permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as building inspector.
- (e) The building inspector shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived within 12 months after the adoption of the ordinance from which this chapter is derived for the purpose of carrying out the provisions of article VIII of this chapter.

(Ord. No. 68-15, § 17.02, 10-22-1968)

#### Sec. 52-25. - Permits.

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

*Alteration or repair of an existing building or structure* includes any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the state construction code, the city's minimum housing code or this chapter, except for minor repairs or changes not involving any of the aforesaid provisions. (See also the definition of term "alteration" in section 52-1.)

- (b) *Regulations.* The following shall apply in the issuance of any permit:
  - (1) *Required.* It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of an existing building without first obtaining a building permit from the building inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter, showing that the construction proposed is in compliance with the provisions of this chapter and with the state construction code. No plumbing, electrical, drainage or other permit shall be issued until the building inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
  - (2) *New use of land.* A building permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
  - (3) *Change in use of buildings or structures or change of occupant.* A building permit or certificate of occupancy shall also be obtained for any change in use of an existing building or structure to a different class or type. A building permit or certificate of occupancy shall also be obtained upon the change of occupant or tenant of

any commercial or business building or structure regardless of any change in use of the building or structure to a different class or type.

(Ord. No. 68-15, § 17.03, 10-22-1968; Ord. No. 81-6, § 2, 1-27-1981)

Sec. 52-26. - Inspections; notice required; building inspection; fire marshal's duties.

- (a) In order to ensure compliance with the provisions of this chapter, the building inspector shall be notified by the owner of any building or structure for which a change in use, tenant or occupant is intended prior to such change or as construction or alteration reaches the following stages:
- (1) Prior to completion of the footings and prior to the erection of any foundations.
  - (2) Upon completion of all work authorized by the building permit. Until inspection is completed, no further work shall be accomplished. At each inspection, the building inspector shall ensure that all work accomplished complies with the applicable provisions of this chapter. If he determines that any provision of this chapter has been violated, he shall immediately suspended the building permit, and such suspension shall remain in effect until correction of all violations shall have been approved by the building inspector.
- (b) Upon receipt of such notification the building inspector or his agent, and the fire marshal or his agent, shall make an inspection of the premises. If the building inspector or fire marshal determines that any provision of this chapter has been violated, he shall immediately suspend the building permit and/or certificate of occupancy, and such suspension shall remain in effect until correction of all violations shall have been approved by the building inspector and fire marshal.

(Ord. No. 68-15, § 17.05, 10-22-1968; Ord. No. 81-6, § 4, 1-27-1981)

Sec. 52-27. - Fees.

- (a) Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the building inspector in advance of the issuance of such permits or certificates.
- (b) The amount of such fees shall be established by resolution of the city council, from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this chapter. The fees shall be deposited in the general fund of the city.

(Ord. No. 68-15, § 17.06, 10-22-1968)

Sec. 52-28. - Planning commission.

The city planning commission as established in division 14 of article V of chapter 2, in accordance with Public Act No. 33 of 2008 (MCL 125.3801 et seq.), is hereby designated as the planning commission specified in section 301 of Public Act No. 110 of 2006 (MCL 125.3301), and shall perform the duties of the planning commission as provided in the statute in connection with amendments of this chapter.

(Ord. No. 68-15, § 17.07, 10-22-1968)

**Sec. 52-29. - Amendments.**

- (a) The city council may, upon recommendation from the city planning commission, amend, supplement or change the regulations of the district boundaries of this chapter as established herein, subsequently pursuant to the authority and procedure set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (b) Any applicant desiring to have any change made in this chapter shall, with his petition for such change, deposit the sum as currently established or as hereafter adopted by resolution of the city council from time to time with the city treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.

(Ord. No. 68-15, § 17.08, 10-22-1968)

**Sec. 52-30. - Performance guarantee.**

Where in this chapter there is delegated to the zoning board of appeals or the city planning commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval or variance, the zoning board of appeals or the city planning commission may, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require the permittee to furnish a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the city covering the estimated cost of improvements be deposited with the city clerk to ensure faithful completion of the improvements; provided, however, that in fixing the amount of such performance guarantee, the zoning board of appeals or the city planning commission shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply to court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding such application.

(Ord. No. 68-15, § 17.09, 10-22-1968)

**State Law reference—** Performance guarantee, MCL 125.3505.

**Secs. 52-31—52-49. - Reserved.****DIVISION 2. - CERTIFICATE OF COMPLIANCE****Sec. 52-50. - Required.**

It shall be unlawful to use, occupy or permit the use or occupancy of any land, building or structure for which a certificate of compliance is required until a certificate of compliance has been issued by the building department. The certificate shall be signed by the city building inspector, who may also be the city's designated code official under the state construction code and the fire chief or their designated assistants.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04A), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-51. - Conditions for issuance.

No certificate of compliance shall be issued for any land, building or structure or part thereof which is not in accordance with this chapter, including any zoning regulation and/or ordinance, all applicable city construction and fire codes and ordinances, the approved site plan, conditions imposed pursuant to local ordinance by the city council, planning commission, building department, city planner or city attorney, building plan and building permit.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04B), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-52. - Accessory structures.

Accessory buildings or structures shall not require a separate certificate of compliance, but may be included in the certificate of compliance for the principal building or structure when shown on the plans at the time of approval and completed at the same time as the principal building or structure. Accessory buildings or structures not so indicated, or constructed later, shall require the issuance of a separate certificate of compliance.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04C), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-53. - Application.

An application for a certificate of compliance shall be made in writing to the building department on forms furnished by the building department and shall be issued within ten business days after receipt of the application or final inspections, whichever occurs last, if the building or structure or part thereof, or land use is in full compliance with this chapter, all applicable city construction and fire codes and ordinances, the approved site plan, building plan, building permit and any condition imposed. If the application for a certificate of compliance is denied, the applicant shall be notified of the reason in writing during the same time period.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04D), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-54. - Temporary certificate.

- (a) A temporary certificate of compliance shall only be issued by the building department for either or both of the following reasons:
  - (1) Weather conditions prevent the required work from being completed; or
  - (2) An existing and operating business is transferred and will continue to operate without interruption.
- (b) No temporary certificate of compliance shall be issued for any building, structure or property when there is a danger to the public health, safety and welfare.
- (c) Issuance of the temporary certificate of compliance is solely within the discretion of the code official and fire chief. Any certificate so issued shall be signed by the code official and the fire chief or their designated assistants.
- (d) The temporary certificate of compliance shall state those items that must be completed to obtain the certificate of compliance.
- (e) A temporary certificate of compliance shall be issued for no greater period of time than six months if granted for weather reasons and not more than 60 days if granted for other reasons. A temporary certificate of compliance

shall not be extended or reissued. The expiration date shall be posted on the temporary certificate of compliance.

- (f) All required and unfinished work and site improvements shall be completed and approved by the appropriate city official prior to the expiration of the temporary certificate of compliance.
- (g) Occupancy of the structure or land shall become void and illegal if a certificate of compliance is not issued and obtained prior to the expiration of the temporary certificate of compliance and shall give rise to all penalties provided by city ordinances and shall, additionally, constitute a basis for relief in circuit court.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04E), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-55. - Guarantee for temporary certificates.

- (a) Whenever any applicant seeks occupancy of premises prior to the completion of an approved site plan, building plan or the requirements of the city's ordinances, or when the applicant occupies the premises at the time of application for a certificate of compliance or building permit and continued occupancy is contemplated during the time to obtain the certificate of compliance or period 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 the greater of either a minimum guarantee of \$2,000.00 or a guarantee equal to 150 percent of the estimated cost of the remaining improvements pursuant to such plan, all applicable city construction and fire codes and ordinances and the requirements of this chapter or conditions imposed by the city. The estimate of such cost shall be solely at the discretion of either the city code official (building inspector) and/or the city engineer. The term "improvements" includes roadways, parking surfaces, lighting, utilities, sidewalks, screening, drainage and landscaping.
- (b) The cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the city and shall automatically forfeit to the city by its terms and conditions, 15 days after notice is given to the applicant that the requirements imposed by the city, the site or building plan, zoning code or building or fire codes have not been met according to the terms of the temporary certificate of compliance. Notice shall be in writing and sent by first class mail to the last known address of the applicant. Thereafter, the city shall have the right to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The city may use any contractor or service it wishes to utilize in the completion of the construction. The city may retain 20 percent of the cost of such completion as the city construction administrative expense and refund any balance to the applicant. Notwithstanding the foregoing provision, the city is not required to complete the work and may require the applicant to do so. No part of an irrevocable bank letter of credit or surety bond shall be released to the applicant 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. In the alternative, the applicant may assign the deposit held, less the required administrative expense amount, directly to the contractor employed by the applicant to complete the work. Such assignment shall be on the form provided by the city and cannot be revoked. The city shall disburse the funds according to the assignment as each item of work is completed and passes the required city inspections. The city shall not be liable for any disbursement made pursuant to the assignment or any dispute between the applicant and contractor concerning the quality of the work completed

and passed by the city. The city shall not be required to complete the work and may, instead, return the guarantee so posted less five percent for administration expense and declare the building, structure or portion thereof incomplete and render it illegal to occupy the building, structure or portion thereof.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04F), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Sec. 52-56. - Keep as public record in building department.

A record of all certificates of compliance and temporary certificates of compliance shall be kept as a public record in the building department.

(Ord. No. 68-15, § 17.04, 10-22-1968; Ord. No. 2000-2, § 1(17.04G), 11-14-2000; Ord. No. 2004-01, § 1, 3-8-2005)

Secs. 52-57—52-85. - Reserved.

### DIVISION 3. - ZONING BOARD OF APPEALS

Sec. 52-86. - Established.

There is hereby established a zoning board of appeals which shall perform the duties and exercise the powers provided in this division and article VI of Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 68-15, § 18.01, 10-22-1968; Ord. No. 2006-11, § 1(18.1), 2-27-2007)

Sec. 52-87. - Board composition.

The board shall consist of seven members, who are electors of the city, to be appointed by the city council upon the recommendation of the mayor. One of these members shall be a member of the planning commission. One member of the board shall be a member of the city council. An employee, appointee or contractor of the city shall not be eligible for appointment.

(Ord. No. 68-15, § 18.02, 10-22-1968; Ord. No. 2006-11, § 1(18.2), 2-27-2007)

Sec. 52-88. - Alternate members.

There shall be one alternate member. The alternate member shall be called to serve on the board when any member will be unable to attend more than one meeting. The alternate shall also be called to serve for the purpose of hearing an appeal and reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate selected for this purpose shall continue to sit on that case until a final decision is reached.

(Ord. No. 2006-11, § 1(18.3), 2-27-2007)

Sec. 52-89. - Term of office.

(a) The regular and alternate members of the zoning board of appeals shall serve for a term of three years. The initial appointments to the board shall serve terms as follows:

- (1) Three members for a term of three years;
- (2) Two members for a term of two years; and
- (3) Two members for one year.

Selection of the initial terms shall be by draw of lots. Thereafter all new appointments shall be for three years.

(b) The planning and zoning and city councilmember shall serve only while a member of the planning commission or city council and is subject to reappointment after three years. The alternate member shall serve for terms of three years. All members may be reappointed to successive terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.

(c) Vacancies occurring on the board before the expiration of any term shall be reported to the mayor and council and shall be filled by appointment provided herein for the unexpired term.

(Ord. No. 2006-11, § 1(18.4), 2-27-2007)

#### Sec. 52-90. - Compensation.

All members shall serve as such without compensation.

(Ord. No. 2006-11, § 1(18.5), 2-27-2007)

#### Sec. 52-91. - Removal.

A member of the board may be removed by the city council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. No. 2006-11, § 1(18.6), 2-27-2007)

#### Sec. 52-92. - Meetings.

Meetings of the board shall be held at the call of the chairperson and at other times as the board may determine or as required by its rules of procedure. The chairperson or, in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The councilperson serving on the board shall not be the chairperson. The board shall not conduct business unless a majority of the regular members are present. The board shall maintain a record of its meetings and proceedings and shall file this record with the building department and the city clerk.

(Ord. No. 68-15, § 18.03, 10-22-1968; Ord. No. 2006-11, § 1(18.7), 2-27-2007)

#### Sec. 52-93. - Jurisdiction.

The board shall hear and decide questions that arise in the administration of this chapter, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The board shall also hear and decide on matters referred to the board or upon which the board is required to pass under this chapter. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this chapter. For special land use and planned unit development decisions, an appeal may be taken to the board.

(Ord. No. 2006-11, § 1(18.8), 2-27-2007)

#### Sec. 52-94. - Appeals.

- (a) An appeal to the board may be taken by a person aggrieved or by an officer, department, board or bureau of the state, local unit of government or the city. In addition, a variance in this chapter may be applied for and granted under section 4 of the uniform condemnation procedures act, being MCL 213.54, and as provided in this chapter.
- (b) An appeal shall be filed within 14 days of the order or decision by filing a written request stating the specific grounds for the appeal with the board and the officer or body from whom the appeal is taken.
- (c) Upon receiving notice of the appeal, the body or officer from whom the appeal is taken shall immediately transmit to the board all of the papers and documents that were filed and constituting the record concerning the matter appealed.
- (d) An appeal to the board stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the board after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the board or circuit court.
- (e) Following the receipt of the written request of appeal, the board shall set a reasonable time for the hearing.
- (f) Notice of the hearing shall be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (g) At the hearing, a party may appear in person, by agent or attorney.
- (h) After conducting the hearing, the board shall render a determination and shall state the grounds of any determination made by it. The decision of the board shall be final.

(Ord. No. 68-15, § 18.04, 10-22-1968; Ord. No. 2006-11, § 1(18.9), 2-27-2007)

#### Sec. 52-95. - Fee.

A fee, as established by council ordinance, shall be paid to the city treasurer at the time the appeal to the zoning board of appeals is filed.

(Ord. No. 68-15, § 18.05, 10-22-1968; Ord. No. 2006-11, § 1(18.10), 2-27-2007)

#### Sec. 52-96. - Appeal to circuit court.

- (a) Any party aggrieved by a decision of the board may appeal to the circuit court for the county in which the property is located. An appeal shall be filed within 30 days after the board issues its decision in writing signed by



the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires.

- (b) The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
  - (1) Complies with the constitution and laws of the state;
  - (2) Is based upon proper procedure;
  - (3) Is supported by competent, material and substantial evidence on the record; and
  - (4) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.
- (c) If the court finds the record inadequate to make the review required or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the circuit court. The court may affirm, reverse or modify the decision.
- (d) Circuit court shall have jurisdiction to make such further orders as justice may require.
- (e) Any party may appeal the decision of the circuit court to the court of appeals.

(Ord. No. 2006-11, § 1(18.11), 2-27-2007)

#### Sec. 52-97. - Authority of the board.

- (a) The board may reverse or affirm, in whole or part, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. If there are practical difficulties for nonuse variances or unnecessary hardship for use variances in the way of carrying out the strict letter of this chapter, the board may grant a variance so that the spirit of this chapter is observed, public safety is secured and substantial justice is done.
- (b) The board shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this chapter or to any other nonuse-related standards in this chapter. A majority vote of the board is necessary to reverse an order, requirement, decision, or determination or the administrative official or body, to decide in favor of the applicant.
- (c) Additionally, the board shall have the authority to grant land use variances. Approval of such variances shall require a vote of two-thirds of the members of the board.

(Ord. No. 68-15, § 18.06, 10-22-1968; Ord. No. 2006-11, § 1(18.12), 2-27-2007)

#### Sec. 52-98. - Standards of review.

In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the chapter in a specific case:

- (1) First determine that the proposed variation involves exceptional circumstances not found in other areas of

the same district;

- (2) Will not in any other respect impair the public health, safety, comfort, or welfare of the inhabitants of the city; and
- (3) In addition meets the following general standards:
- a. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
  - b. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
  - c. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  - d. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(Ord. No. 2006-11, § 1(18.13), 2-27-2007)

#### Sec. 52-99. - Approval period.

No order of the board permitting the erection or alteration of a building shall be valid for a period longer than 12 months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(Ord. No. 68-15, § 18.08, 10-22-1968; Ord. No. 2006-11, § 1(18.14), 2-27-2007)

#### Secs. 52-100—52-126. - Reserved.

### ARTICLE III. - DISTRICT REGULATIONS

#### DIVISION 1. - GENERALLY

#### Sec. 52-127. - Districts.

The city is hereby divided into 20 classes of districts known as follows:

R-1A	Single-family residential district
R-1B	
R-2	Two-family and multiple dwelling residential district
RM	Multiple dwelling residential district
RMA	
C-1	Neighborhood business district
C-2	General business district
C-3	Commercial district
C-4	General business district
C-5	Central business district
C-6A	Regional shopping districts
C-6B	
RD	Research and development district
RO-1	Restricted office district
SD	Service district
GI	General industrial district
M-1	Light industrial district
M-2	Medium industrial district
M-3	Heavy industrial district
	Floodplain district

---

(Ord. No. 68-15, § 3.01, 10-22-1968)

Sec. 52-128. - Map.

- (a) The boundaries of these districts are shown upon the map this chapter, which map is designated as the zoning map of the city. The zoning map is on file in the office of the clerk of the city and all notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if said zoning map and all such notations, references, and other information shown thereon were fully set forth or described herein.
- (b) Except where reference on said map to a street or other designated line by the dimensions shown on said map, the district boundary lines follow lot lines or the centerlines of the streets or alleys or such lines extended and the corporate limits of the city, as they existed at the time of the adoption of this chapter.
- (c) Where a district boundary line, as established in this section or as shown on the zoning map, divides a lot which was in a single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this chapter, shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within 25 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
- (d) Questions concerning the exact location of district boundary lines shall be determined by the zoning board of appeals after recommendation from the city planning commission, according to rules and regulations which may be adopted by it.

(Ord. No. 68-15, § 3.02, 10-22-1968)

Secs. 52-129—52-154. - Reserved.

DIVISION 2. - R-1A AND R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 52-155. - Statement of purpose.

The R-1A and R-1B, single-family residential districts are established as districts in which the principal use of land is for single-family dwellings. For the single-family residential districts, in promoting the general purpose of this chapter, the specific intent of this section is:

- (1) To encourage the construction of, and the continued use of the land for single-family dwellings;
- (2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single-family dwellings in the district;
- (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter;

- (4) To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve residences on those streets; and
- (5) To discourage any use which, because of its character or size would create requirements and costs for public services such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

(Ord. No. 68-15, § 7.01, 10-22-1968; Ord. No. 95-15, § 1, 5-16-1995)

Sec. 52-156. - Permitted uses.

The following are permitted uses in the R-1A and R-1B, single-family residential districts:

- (1) Single-family detached dwellings.
- (2) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (3) Municipally and publicly owned parks and parkways.
- (4) Public utility buildings, telephone equipment building, electric transformer stations and substations, and gas regulator stations, with limited areas for personnel, and only when such must be located within the district to serve the immediate vicinity. Service or storage yards are prohibited.
- (5) Temporary buildings incidental to construction work may be allowed by special permit issued by the building inspector provided all of the following requirements are met:
  - a. The building is not used as a dwelling unit;
  - b. The use of the building is limited to 180 days;
  - c. The maximum size does not exceed 200 square feet; and
  - d. The building is totally removed within 15 days after completion of work.
- (6) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation. This shall include one private garage for each residential lot which shall not contain space for more than three vehicles; provided further, that all accessory buildings shall conform and be located as required in section 52-158.
- (7) Home occupations as limited and defined in section 52-167.
- (8) Off-street parking in accordance with the requirements of article IX of this chapter.
- (9) The following uses shall be allowed as a special use:
  - a. Churches and other facilities normally incidental to churches, provided all of the following requirements are met:
    - 1. The proposed site is not less than two acres;
    - 2. There is adequate access to all required off-street parking areas;
    - 3. There is no parking in the required front yard except as allowed in article IX of this chapter; and
    - 4. The site is adjacent to a major thoroughfare as defined in the city's master plan.
  - b. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general

education, and not operated for profit, and municipally, and publicly owned and operated buildings, libraries, parks, parkways and recreational provided all of the following requirements are met:

1. The proposed site is not less than two acres;
  2. There is adequate access to all required off-street parking areas; and
  3. There is no parking in the required front yard except as allowed in article IX of this chapter.
- c. Child care centers, provided all of the following requirements are met:
1. There is a minimum of 100 square feet of outdoor play area for each child;
  2. A total outdoor play space of not less than 1,000 square feet is maintained;
  3. An off-street loading and unloading area is provided; and
  4. The site is adjacent to a major thoroughfare as defined in the city's master plan.
- d. Private noncommercial recreational areas.

(Ord. No. 68-15, § 7.02, 10-22-1968; Ord. No. 95-15, § 1, 5-16-1995)

#### Sec. 52-157. - Site plan review.

All permitted uses, except single-family detached dwellings, shall require mandatory site plan review pursuant to section 52-904.

(Ord. No. 95-15, § 1(7.03), 5-16-1995)

#### Sec. 52-158. - Lot limitations.

- (a) Only one principal building shall be erected, constructed or maintained on a lot of record.
- (b) No residential dwelling shall be constructed in the rear yard or on the rear of any lot or upon a lot with another dwelling.
- (c) Every principal building shall front upon a public street or permanent easement of access which provides access to a public street. Such permanent easement shall be constructed to the same standards as a public street.
- (d) The combined lot coverage for principal and accessory buildings on the lot shall not exceed 35 percent of the total lot area. Public easements other than front or side street rights-of-way, shall be included in computing lot coverage. An additional five percent of lot coverage shall be allowed for coverage by a wood deck as long as the area below the deck is not concrete, patio stones or similar hard surface.
- (e) The rear yard shall have a 50 percent open space. Patio stones, brick pavers, concrete slabs, or a similar solid or hard surface shall not be considered open space. Public easements shall be included in the lot area for this computation. A wood deck without a hard surface below shall be considered part of the open space.
- (f) A nonenclosed porch or paved terrace may occupy the front yard, provided that it does not project more than six feet beyond the front line of the building.
- (g) A bay window shall not project more than three feet beyond the front line of the building.
- (h) No principal building shall be erected or altered to exceed the height, area or setback requirements as set forth in

division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 95-15, § 1(7.04), 5-16-1995)

#### Sec. 52-159. - Accessory buildings.

The following conditions shall apply to all accessory buildings:

- (1) If physically attached to the principal building, the accessory building shall conform to all regulations applicable to principal buildings.
- (2) Shall not be erected:
  - a. In any required yard except a rear yard;
  - b. Closer than two feet to any adjoining side lot line and one foot to any rear lot line;
  - c. On any public easement or right-of-way; and
  - d. Closer than ten feet to the principal building or any deck attached to the principal building.
- (3) If not attached to principal building, it shall not exceed a height of:
  - a. One story; or
  - b. 15 feet if constructed with a sloped roof.
- (4) Shall not exceed the total ground floor area of the principal building.
- (5) In the cases of double frontage lots, or corner lots, accessory buildings shall observe the front yard requirements on both street frontages.

(Ord. No. 95-15, § 1(7.05), 5-16-1995; Ord. No. 2003-03, § 1, 4-27-2004)

#### Sec. 52-160. - Decks.

- (a) A decorative deck shall be permitted in the required rear yard or open space, subject to all of the following conditions:
  - (1) The deck does not encroach into any easement by more than 25 percent of the width of the easement;
  - (2) The deck conforms with the applicable side yard setback requirements; and
  - (3) Additional structures attached to the deck, such as a gazebo or shed, are not closer than ten feet to the principal building.
- (b) A decorative deck that is not attached to the principal dwelling shall be considered an accessory use or building and shall be treated as such.
- (c) Construction and use shall be pursuant to the state construction code, article II of chapter 10.

(Ord. No. 95-15, § 1(7.06), 5-16-1995)

#### Sec. 52-161. - Exterior appliances.

- (a) Since exterior appliances are installed for an owner's convenience and comfort, it is the intent of this section to burden the property owner where the unit is located with the noise and other nuisances associated with such

appliances. A central air conditioning condenser unit, heat pump or any other noise-producing mechanical system components which are typically required to be located on the exterior of a house, shall be located in the rear yard within three feet of the principal building, and clear of side yard setbacks. Such components may be located in a side yard at the discretion of the building inspector if all of the following conditions are complied with:

- (1) Placement in the rear yard is not possible due to structural interferences, as determined by the building inspector;
  - (2) The unit is provided with air discharge outlet directed vertically upwards or is directed to the rear yard;
  - (3) The unit is screened by a decorative wood fence or similar structure, four feet high, to conceal the unit from view from the side yard and front yard;
  - (4) The unit shall not be located adjacent to an adjoining property owner's living or sleeping area where windows or doors are directly exposed to the unit;
  - (5) The unit shall not be located closer than four feet from any property line.
- (b) Existing units located in side yards at the time of adoption of the ordinance from which this chapter is derived shall not be replaced in the same location unless the unit complies with the conditions of this section.

(Ord. No. 95-15, § 1(7.07), 5-16-1995)

#### Sec. 52-162. - Parking.

- (a) The entire area designated for the parking or storage of vehicles and any driveway or maneuvering lane shall be provided with asphaltic or concrete surfacing. Upon special approval of the building inspector, an alternative hard surfacing material, such as brick pavers, may be utilized for single-family detached dwellings.
- (b) Driveways, approaches and parking pads of gravel construction that were in existence as of April 30, 1999, shall be permitted as a continued use. However, such driveway, approach and parking pad shall not be enlarged, altered or modified.
- (c) A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in section 1-14(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of section 1-14(a).
- (d) All requirements for off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 95-15, § 1(7.08), 5-16-1995; Ord. No. 99-3, § 1, 3-9-1999)

#### Sec. 52-163. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 95-15, § 1(7.09), 5-16-1995)

#### Sec. 52-164. - Basement and garage dwellings.

Basement dwellings and garage dwellings are prohibited and shall not be erected or occupied as a dwelling.

(Ord. No. 95-15, § 1(7.10), 5-16-1995)



Sec. 52-165. - Fences.

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

*Boundary fences* means any four-foot or higher structure or partition constructed or erected parallel to and on or within four feet of any lot line.

*Decorative fences* means any structure, partition or chain dividing a piece of land into distinct portions or into two separate contiguous parcels of land, other than a boundary fence.

- (b) Boundary fences shall only be installed and erected as follows:

- (1) Shall not be installed in the front yard which shall include any part of the lot or space in front of the house or structure that is the farthest from the sidewalk or street.
- (2) Shall not be brick, masonry, wood or any other material which results in a solid-type fence, unless the fence is along a commercial alley, expressway, open drainage ditch, railroad or parking facility.
- (3) Shall not exceed six feet in height, not including decoration or ornaments at the top of posts, which may extend an additional six inches.
- (4) If the lot is adjacent to a commercial alley, the fence may be extended along the alley line toward the front sidewalk or street but the fence shall be reduced to four feet at the front line of the house and then reduced to two feet within six feet of the front sidewalk and stopped two feet from the sidewalk.
- (5) A gate of the same permitted height may be installed along any of the fence lines.

- (c) Decorative fence shall be allowed only if installed as follows:

- (1) Not on any property line.
- (2) Not closer than three feet to any driveway of an abutting property owner.
- (3) If installed in the front yard, the fence shall not be constructed or installed parallel to the city sidewalk for a distance of more than four feet and shall not be installed closer than three feet from the edge of the sidewalk, or if installed elsewhere in the front yard, shall not be constructed or installed at a distance greater than four feet from the front of the principal building.
- (4) Shall not exceed a height of 30 inches.
- (5) Shall not be constructed of brick, masonry, wood, or any other material, which results in a solid type fence.
- (6) Shall not enclose any area and shall not have any gate.

- (d) A zoning permit shall be obtained prior to the installation of any fence, pursuant to section 52-25, zoning permits.

- (e) Construction shall be pursuant to state construction code, article II of chapter 10.

(Ord. No. 95-15, § 1(7.11), 5-16-1995; Ord. No. 2003-01, § 1, 4-27-2004)

Sec. 52-166. - Minimum standards for residential dwellings.

- (a) There shall be a minimum floor area for all single-family dwelling units of 1,200 square feet for R-1A districts and 900 square feet for R-1B zoned districts.

- (b) There shall be a minimum floor to ceiling height of 7.5 feet.
- (c) There shall be a minimum width throughout the entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length.
- (d) There shall be foundation around the entire exterior perimeter of the dwelling of concrete or block with a minimum depth of 42 inches with a minimum of eight inches exposed foundation above grade of the same design as required by the state construction code.
- (e) As a minimum, there shall be a crawlspace below the entire bottom of the dwelling with a depth of two feet with a vapor barrier consisting of two inches of concrete on the floor of the crawlspace. The crawlspace shall be provided with adequate drains to drain any accumulation of water. The building inspector may allow an alternative building plan to be utilized if consistent with the state construction code.
- (f) The dwelling shall be firmly attached to the foundation, so as to be watertight, and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled, Mobile Home Construction and Safety Standards, or as required by the state construction code.
- (g) If applicable, any wheels, pulling mechanism, and tongues shall be removed.
- (h) The dwelling shall be connected to a public sewer and water supply.
- (i) There shall be permanently attached to the foundation, steps and/or port areas where an elevation differential exists between any door and surrounding grade.
- (j) There shall be no additions to the living space of the dwelling unless it meets all the requirements hereof and is built according to the same minimum standard as provided in the state construction code and as approved by the building inspector.
- (k) There shall be a minimum of two doors to provide means of ingress and egress from the dwelling.
- (l) Plans, floor plan layouts, certification of meeting HUD mobile home standards (if applicable) and foundation shall be presented along with a site plan showing compliance with all standards, the state construction code and all other requirements of this chapter, including, but not limited to, the requirement of the district in which it is located, to the building inspector prior to issuance of a building permit.
- (m) A mobile home must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development regulations entitled, Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended. All other dwellings must meet the requirements of the state construction code.

(Ord. No. 95-15, § 1(7.12), 5-16-1995)

#### Sec. 52-167. - Home occupations.

- (a) A home occupation shall be allowed by special permit issued by the building inspector if all of the following conditions are met:
  - (1) It is conducted by the permanent residents of the dwelling;
  - (2) It is solely confined within the principal building with no outdoor storage of anything associated with the

business;

- (3) No article or service is sold or offered for sale on the premises, except as is produced on the premises by the residents;
- (4) No internal or external alterations or construction features or equipment, not customarily found in residential areas, are required;
- (5) The occupation is incidental to the residential use;
- (6) Storage space for the occupation does not occupy more than 400 square feet;
- (7) No sign advertising the occupation shall be displayed;
- (8) No outdoor display of product sold;
- (9) The occupation does not generate traffic or a need for parking beyond that required for the residential unit;
- (10) The occupation does not generate excessive dust, noise or odors offensive to the neighborhood;
- (11) The occupation does not interfere with the permitted uses in the neighborhood or make the premises unsuitable for the permitted uses;
- (12) The occupation will not cause a reduction in property values in the area; and
- (13) The occupation does not involve the sale or storage of explosive, flammable, toxic or hazardous materials, products or supplies.

- (b) No home occupation shall commence until the special permit has been obtained and the required annual fee, as set by council resolution, has been paid.

(Ord. No. 95-15, § 1(7.13), 5-16-1995)

**State Law reference—** Single-family residence, use for instruction in craft or fine art as home occupation, MCL 125.3204.

#### Sec. 52-168. - Private pools.

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

*Private pool* means any portable or nonportable structure or container, either above or below grade, whether enclosed or not, having a depth of two feet or more feet at any point and a total water surface area exceeding 250 square feet.

- (b) A private pool shall be permitted in the side or rear yard if all of the following requirements are met:

- (1) A distance of not less than six feet from the lot lines to the pool wall is provided;
- (2) The pool is not within 35 feet of any street right-of-way; and
- (3) The pool is not within six feet of the principal building.

- (c) Construction and security enclosure shall be pursuant to state construction code and regulations.

(Ord. No. 95-15, § 1(7.14), 5-16-1995)

#### Sec. 52-169. - Antennas.

Erection and placement shall be provided and allowed in accordance with the requirements of article VII of this chapter.

(Ord. No. 95-15, § 1(7.16), 5-16-1995)

Secs. 52-170—52-191. - Reserved.

### DIVISION 3. - R-2, TWO-FAMILY AND MULTIPLE DWELLING RESIDENTIAL DISTRICT

Sec. 52-192. - Statement of purpose.

The R-2, two-family and multiple dwelling residential district is established as a district in which the principal use of land is for single-family and two-family dwellings and certain multiple dwellings based upon a plan to make the most appropriate use of scattered parcels of land within neighborhoods or on major thoroughfares. The specific intent of this article is to ensure that only such residential uses as can be properly designed and built will be allowed in this district so as not to overcrowd the land, cause parking or traffic congestion, or to have injurious effects on adjacent single-family residential property.

(Ord. No. 68-15, § 8.01, 10-22-1968)

Sec. 52-193. - Permitted uses; specific prohibitions.

- (a) In all R-2 districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses:
  - (1) Any use permitted in the R-1A and R-1B, single-family residential districts, as enumerated in section 52-156, subject to all requirements for such uses.
  - (2) Two-family dwellings.
  - (3) Multiple dwellings including:
    - a. Apartment houses.
    - b. Rowhouse or townhouse dwellings.
    - c. Efficiency units.
  - (4) Hospitals, sanitariums, rest homes, residences for aged persons and orphanages subject to the following requirements:
    - a. Buildings designed for or occupied by any of these uses shall be located at least 50 feet from any exterior property line and shall be located on a site having at least two acres of area.
    - b. The building height shall be limited to 2½ stories or 35 feet.
    - c. The proposed site shall front upon a major street of not less than 120-foot right-of-way and provide direct access to all parking and loading areas directly from said street.
  - (5) Off-street parking and loading in accordance with the requirements of article IX of this chapter.
- (b) In connection with all of the uses in subsection (a) of this section, the following requirements shall be complied with before any building permit is issued:

- (1) The developer shall furnish the building inspector with two copies of the letter of intent and the development plan use permitted in the R-2 district, drawn to scale, showing the general location of all buildings, roads, parking areas, sidewalks, and street lighting. Typical elevations of all four sides of the proposed buildings and proposed multiple dwelling units by type (e.g., number of bedrooms) shall be submitted.
  - (2) Two copies of the proposed protective covenants shall also be submitted whereby the developer proposed to regulate the development if the property is to be subdivided or if requested by the building inspector.
  - (3) The developer shall submit to the city engineer for his approval three copies of the utility plans drawn to a scale not less than one inch equals 50 feet showing proposed sanitary sewers, storm sewers, water mains, street pavements, parking areas and other required engineering data.
  - (4) The city shall install and construct all such municipal utilities and improvements as may be required by the city at the expense of the developer or owner of the multiple dwelling developments exceeding and including five acres of total land area.
  - (5) The developer or owner, prior to final approval of the plans, shall dedicate to the city the required public easements for the maintenance and operation of sewer lines and water lines and necessary street rights-of-way for the maintenance and operation of all pavements.
  - (6) The developer or owner shall also deposit with the city all monies necessary, in an amount as determined by the city, for the cost and payment by the city for all construction, including engineering, inspection, legal and miscellaneous contingency costs incurred by the city in the construction of said municipal utilities and improvements.
- (c) Only those uses specifically permitted in this section shall be allowed in an R-2 district. In order to clarify the type of permitted uses, the following uses, among others, are specifically prohibited:
- (1) Rental offices, as accessory to a multiple dwelling, rowhouse or townhouse dwelling or efficiency unit project.
  - (2) Tourist home, lodginghouse, or boardinghouse.
  - (3) Motel, hotel, or mobile home park.
  - (4) A residential structure for a home for children of other than those residing therein, or for the aged, indigent, or physically handicapped; or a rest or convalescent home, except for state licensed residential facilities required to be permitted uses in all residential districts in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(Ord. No. 68-15, § 8.02, 10-22-1968)

Sec. 52-194. - Area, height, bulk and placement requirements.

The area, height, bulk and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 8.03, 10-22-1968)

Secs. 52-195—52-211. - Reserved.

## DIVISION 4. - RM AND RMA, MULTIPLE DWELLING RESIDENTIAL DISTRICTS

## Sec. 52-212. - Statement of purpose.

The RM and RMA, multiple dwelling residential districts are designed to permit residential use of land with various types of multiple dwellings and related uses. These areas would be located near major streets for good accessibility and be designed to complement adjacent single-family areas. Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community without overtaxing existing community facilities, utilities, or services.

(Ord. No. 68-15, § 9.01, 10-22-1968)

## Sec. 52-213. - Permitted uses; specific prohibitions.

- (a) In all RM and RMA districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses:
  - (1) All uses permitted in the R-2 district, subject to all requirements for such uses in zoning districts where first permitted.
  - (2) Multiple dwellings including:
    - a. Apartment houses.
    - b. Rowhouse or townhouse dwellings.
    - c. Efficiency units.
  - (3) Community garages serving the principal residential building, containing space for no more than two passenger vehicles for each dwelling unit in the principal building on the lot.
  - (4) Maintenance and management buildings to serve the multiple dwellings.
  - (5) Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
  - (6) Signs when located on the same lot pertaining to the use of the particular building or buildings, provided that they shall not overhang any public right-of-way; shall not be illuminated; shall not exceed 12 square feet in area; shall not project higher than one story or 20 feet above the level of the ground, whichever is lower; and shall not indicate any other information except the name or address of the building or management thereof. For community facility uses, a bulletin board with an area not exceeding 16 square feet in area nor located closer than eight feet to any property in a single-family residential zone is also permitted. Signs for off-street parking areas, open or enclosed, are permitted, providing they do not exceed two square feet in area and are not higher than seven feet above curb level.
  - (7) Off-street parking and loading in accordance with the requirements of article IX of this chapter.
- (b) In connection with all of the uses in subsection (a) of this section, the following requirements shall be complied with before any building permit is issued:
  - (1) The developer shall furnish the building inspector with two copies of the letter of intent and the development

plans for any use permitted in the RM or RMA district, drawn to scale, showing the general location of all buildings, roads, parking areas, open areas, sidewalks, and street lighting. Typical elevations of all four sides of the proposed buildings and proposed number of dwelling units by type (e.g., number of bedrooms) shall be submitted.

- (2) Two copies of the proposed protective covenants shall also be submitted whereby the developer proposed to regulate the development if the property is to be subdivided or if requested by the building inspector.
  - (3) The developer shall submit to the city engineer for his approval three copies of the utility plans drawn to a scale not less than one inch equals 50 feet showing proposed sanitary sewers, storm sewers, water mains, street pavements, parking areas and other required engineering data.
  - (4) The city shall install and construct all such municipal utilities and improvements as may be required by the city at the expense of the developer or owner of the multiple dwelling developments exceeding and including five acres of total land area.
  - (5) The developer or owner, prior to final approval of the plans, shall dedicate to the city the required public easements for the maintenance and operation of sewer lines and water lines and necessary street rights-of-way for the maintenance and operation of all pavements.
  - (6) The developer or owner shall also deposit with the city all monies necessary, in an amount as determined by the city, for the cost and payment by the city for all construction, including engineering, inspection, legal and miscellaneous contingency costs incurred by the city in the construction of said municipal utilities and improvements.
- (c) Only those uses specifically permitted in this section shall be allowed in an RM or RMA district. In order to clarify the type of permitted uses, the following uses, among others, are specifically prohibited:
- (1) Rental offices, as accessory to a multiple dwelling, rowhouse or townhouse dwelling or efficiency unit project.
  - (2) Tourist home, lodginghouse, or boardinghouse.
  - (3) Motel, hotel, or mobile home park.
  - (4) A residential structure for a home for children of other than those residing therein, or for the aged, indigent, or physically handicapped; or a rest or convalescent home, except for state licensed residential facilities required to be permitted uses in all residential districts in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(Ord. No. 68-15, § 9.02, 10-22-1968)

#### Sec. 52-214. - Area, height, bulk and placement requirements.

The area, height, bulk and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 9.03, 10-22-1968)

#### Secs. 52-215—52-236. - Reserved.

## DIVISION 5. - C-1, NEIGHBORHOOD BUSINESS DISTRICT

## Sec. 52-237. - Statement of purpose.

The C-1, neighborhood business district is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to protect the abutting residential neighborhood, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic or late hours of operation. The intent of this district is also to encourage the concentration of small local business in isolated service areas to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the uncontrolled expansion strip business development.

(Ord. No. 68-15, § 10.01, 10-22-1968; Ord. No. 2004-05, § 1(10.1), 3-8-2004)

## Sec. 52-238. - Permitted uses.

(a) *Retail classification.* The following are permitted uses in the retail classification:

(1) Bake shops, subject to the following restrictions:

- a. At least 75 percent of all baked goods produced on the premises are sold on the premises at retail; and
- b. Floor area used for bakery production shall be limited to 500 square feet per establishment.

(2) Household appliance, bicycle and small motorized lawn service equipment repair shops with no outdoor storage or service area.

(3) Laundromats or dry cleaning dropoff sites without dry cleaning plants.

(4) Retail stores of not more than 4,000 gross square feet for the sale of art supplies, bicycles, clothing and tailoring shops, collectibles, confections, delicatessen, drugs, flowers, groceries including liquor if other nonalcohol items are sold and are the majority of the products offered for sale, gifts, hardware, household appliances, notions, periodicals, (excluding adult book or video stores), small motorized lawn service equipment, stationery, sundry small household articles, tobacco, and other similar items.

(5) Video rental or sale, provided:

- a. There is no on-site viewing area; and
- b. Adult videos shall be no more than one percent of the inventory.

(b) *Food service.* Permitted uses are regulated uses only. See section 52-239.

(c) *Personal service.* The following are permitted uses in the personal service classification:

- (1) Barbershop.
- (2) Beauty shop.

(d) *General office.* Permitted uses in the general office classification are all nonmedical offices.

(e) *Medical.* The following are permitted uses in the medical classification:

- (1) Dental offices and clinics.
- (2) Medical offices and clinics without emergency room and overnight facilities.



(f) *Residential*. Single-family and multiple-family dwellings, subject to the following conditions:

- (1) Shall be constructed above a permitted business or other nonresidential use;
- (2) Shall have a separate entrance; and
- (3) Shall meet the density requirements for the R-2 zoning district.

(g) *Other*.

(1) Uses similar to those permitted uses within the neighborhood business district, in this subsections (a) through (f) of this section, subject to the following restrictions:

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced; and
- b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(2) Off-street parking facilities.

(h) *Accessory uses*. Accessory structures and uses, customarily incidental to the uses permitted in this section, subject to the following restriction: garages to be used exclusively for the storage of vehicles, which are to be used in connection with a business or other permitted use located on the same parcel of property.

(Ord. No. 68-15, § 10.02, 10-22-1968; Ord. No. 2004-05, § 1(10.2), 3-8-2004)

#### Sec. 52-239. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

(1) *Uses*.

- a. Day care facilities, with and without outdoor activity areas.
- b. Eating or drinking places subject to the following restrictions:
  1. No liquor license;
  2. No more than 1,600 gross square feet; and
  3. No drive-through facilities.
- c. Nursing homes.
- d. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

(2) *Requirements*.

- a. All parking required by article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- b. All outdoor activity areas and/or storage areas shall be screened as required by and as specified by the planning commission.

(Ord. No. 2004-05, § 1(10.3), 3-8-2004)

Sec. 52-240. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 68-15, § 10.03, 10-22-1968; Ord. No. 2004-05, § 1(10.4), 3-8-2004)

Sec. 52-241. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(10.5), 3-8-2004)

Sec. 52-242. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(10.6), 3-8-2004)

Sec. 52-243. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(10.7), 3-8-2004)

Sec. 52-244. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(10.8), 3-8-2004)

Sec. 52-245. - Area, height, bulk and placement requirements.

The area, height, bulk and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 10.04, 10-22-1968; Ord. No. 2004-05, § 1(10.9), 3-8-2004)

Secs. 52-246—52-268. - Reserved.

DIVISION 6. - C-2, GENERAL BUSINESS DISTRICT

Sec. 52-269. - Statement of purpose.

The C-2, general business district established in this article is intended to be that permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the master plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal strip, business development along major streets.

(Ord. No. 2004-05, § 1(10A.1), 3-8-2004)

Sec. 52-270. - Permitted uses.

(a) *Retail classification.* The following are permitted uses in the retail classification:

(1) Bake shops, subject to the following restrictions:

- a. At least 75 percent of all baked goods produced on the premises are sold on the premises at retail; and
- b. Floor area used for bakery production shall be limited to 500 square feet per establishment.

(2) Household appliance, bicycle and small motorized lawn service equipment repair shops with no outdoor storage or service area.

(3) Laundromats or dry cleaning dropoff sites without dry cleaning plants.

(4) Video rental or sale, provided:

- a. There is no on-site viewing area; and
- b. Adult videos shall be no more than one percent of the inventory.

(5) Retail stores of not more than 4,000 gross square feet for the sale of art supplies, bicycles, clothing and tailoring shops, collectibles, confections, delicatessen, drugs, flowers, groceries including liquor if other nonalcohol items are sold and are the majority of the products offered for sale, gifts, hardware, household appliances, notions, periodicals, (excluding adult book or video stores), small motorized lawn service equipment, stationery, sundry small household articles, tobacco, and other similar items.

(b) *Food services.* Permitted uses are regulated uses only. See [section 52-271](#).

(c) *Personal services.* The following are permitted uses in the personal services classification:

- (1) Banking facilities without drive-through service.
- (2) Barbershop.
- (3) Beauty shop.

(d) *Professional services.* Permitted uses in the professional services classification are nonmedical offices.

(e) *Medical.* The following are permitted uses in the medical classification:

- (1) Dental offices and clinics.
- (2) Medical offices and clinics without emergency and overnight facilities.

(f) *Residential.* The following are permitted uses in the residential classification: single-family and multiple-family

dwellings subject to all of the following conditions:

- (1) They shall be constructed above a permitted business or other nonresidential use;
- (2) They shall have a separate entrance; and
- (3) They shall meet the density requirements for the R-2 zoning district.

(g) *Other.*

- (1) Uses similar to those permitted uses within the general business district, in this subsections (a) through (f) of this section, subject to the following restrictions:

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced; and
- b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

- (2) Off-street parking facilities.

- (h) *Accessory use.* Accessory structures and uses customarily incidental to the permitted uses in subsection (a) through (f) of this section subject to the following restrictions: garages to be used exclusively for the storage of vehicles, which are to be used in connection with a business or other permitted use located on the same parcel of property.

(Ord. No. 2004-05, § 1(10A.2), 3-8-2004)

Sec. 52-271. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

(1) *Uses.*

- a. Churches and other facilities normally incidental to churches, provided that:
  1. The proposed site is not less than two acres;
  2. There is adequate access to all required off-street parking areas;
  3. There is no parking in the required front yard except as allowed in article IX of this chapter; and
  4. The site is adjacent to a major thoroughfare as defined in the city's master plan or by the city's motor vehicle fund.
- b. Eating or drinking places, subject to the following restrictions:
  1. No liquor license;
  2. No more than 1,600 gross square feet; and
  3. No drive-through facilities.
- c. Mortuary establishments, funeral homes or chapels.
- d. Private club, provided:
  1. No liquor license; and

2. No more than 1,000 gross square feet.

- e. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

(2) *Requirements.*

- a. All parking requirements of article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- b. All outdoor activity areas and/or storage areas shall be screened as required by and specified by the planning commission.

(Ord. No. 2004-05, § 1(10A.3), 3-8-2004)

Sec. 52-272. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(10A.4), 3-8-2004)

Sec. 52-273. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(10A.5), 3-8-2004)

Sec. 52-274. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(10A.6), 3-8-2004)

Sec. 52-275. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(10A.7), 3-8-2004)

Sec. 52-276. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(10A.8), 3-8-2004)

Sec. 52-277. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(10A.9), 3-8-2004)

Secs. 52-278—52-302. - Reserved.

#### DIVISION 7. - C-3, COMMERCIAL DISTRICT

Sec. 52-303. - Statement of purpose.

The C-3, commercial district is intended to permit retail business and service uses which are needed to serve the nearby residential areas as well as limited regional traffic. In order to protect the nearby residential neighborhoods and promote the business development so far as is possible and appropriate, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke and glare. The intent of this district is also to encourage the concentration of business in these locations that require greater accessibility thereby promoting the best use of land at certain strategic locations and avoid the further expansion of such business locations into the residential districts.

(Ord. No. 2004-05, § 1(10B.1), 3-8-2004)

Sec. 52-304. - Permitted uses.

(a) *Retail classification*. The following are permitted uses in the retail classification:

- (1) Grocery stores.
- (2) Laundromats or dry cleaning dropoff sites without dry cleaning plants.
- (3) Rental shops with no outdoor storage or display of products.
- (4) Retail stores of not more than 20,000 gross square feet for the sale of art supplies, bicycles, clothing and tailoring shops, collectibles, confections, delicatessen, drugs, flowers, gifts, hardware, household appliances, liquor/beer/wine sales, notions, periodicals, small motorized lawn service equipment, stationery, sundry small household articles, tobacco and other similar items.
- (5) Video rental or sale, provided:
  - a. There is no on-site viewing area; and
  - b. Adult video shall be no more than one percent.

(b) *Food service*. The permitted uses are regulated use only. See section 52-305.

(c) *Personal service*. The following are permitted uses in the personal service classification:

- (1) Banking facilities, including drive-through servicing.
- (2) Barbershop.
- (3) Beauty shop.

(d) *Professional service*. The permitted uses in the professional service classification are regulated use only. See

section 52-305.

(e) *Medical.* The permitted uses in the medical classification are regulated uses only. See section 52-305.

(f) *Residential.* Residential uses are not allowed.

(g) *Other.*

(1) Uses similar to those permitted uses within the C-3, commercial district, as set forth in subsections (a) through (f) of this section, subject to the following restrictions:

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced; and
- b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(2) Off-street parking facilities.

(h) *Accessory uses.* Accessory uses are not allowed.

(Ord. No. 2004-05, § 1(10B.2), 3-8-2004)

Sec. 52-305. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

(1) *Uses.*

- a. Automobile, light truck and trailer rental facilities, either conducted alone or in conjunction with another use.
- b. Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune-ups, vehicle washing, tire sales and repair, exhaust systems, or collision service.
- c. Dental office and clinic.
- d. Eating or drinking places, including fast food restaurant, but excluding catering facilities, banquet halls and private clubs with on-site consumption.
- e. Medical office and clinic with limited emergency services and no overnight facilities.
- f. Nonmedical professional offices.
- g. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

(2) *Requirements.*

- a. All parking requirements of article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- b. All outdoor activity areas and/or storage areas shall be screened as required by and specified by the

planning commission.

(Ord. No. 2004-05, § 1(10B.3), 3-8-2004)

Sec. 52-306. - Automotive service centers.

In addition to the other requirements of this division, automotive service centers shall conform to the following regulations:

- (1) All repair or service activity, except the fueling of a vehicle, shall be conducted within completely enclosed buildings; and
- (2) No vehicle shall be stored or parked outside when the business is closed unless either of the following apply:
  - a. The vehicle is stored or parked in an area enclosed by a screen wall of a type and height as specified by the planning commission; or
  - b. An outdoor storage permit has been obtained pursuant to section 52-307.
- (3) All provisions of sections 52-886 and 52-1011 shall be met.

(Ord. No. 2004-05, § 1(10B.4), 3-8-2004)

Sec. 52-307. - Outdoor storage permit.

- (a) Any use seeking to store any item, including motor vehicles, boats, machine parts or other items outdoors when such storage is not a permitted use, shall only store those items after having obtained an outdoor storage permit from the city council.
- (b) The application for the outdoor storage permit shall indicate all of the following:
  - (1) The items that will be stored on the site;
  - (2) The reason for the outdoor storage;
  - (3) The length of time the business desires the storage;
  - (4) The number of items to be stored;
  - (5) The proposed location of the storage, with a detailed drawing showing the actual dimensions of the storage space; and
  - (6) The proposed manner of screening.
- (c) The city council, after considering the petition at a regularly scheduled council meeting, may approve, deny or condition the approval of the permit. The council may, at its option, schedule the petition as a public hearing do to the proposed location and proximity to residential property and require the cost of such hearing be paid by the petitioner. The fee for such shall be the same fee scheduled for other public hearings before the zoning board of appeals. An approved or conditioned permit for outdoor storage shall specify all of the following:
  - (1) The name of the business and business owner;
  - (2) The address of the location;
  - (3) The items allowed to be stored;



- (4) Any conditions imposed by the council for the storage; and
- (5) Any termination date imposed by the council.
- (d) The outdoor storage permit shall automatically expire upon the happening of any of the following and notice of such shall be forwarded by the city clerk or building official to the business at the address contained in the petition:
  - (1) The business is sold or transferred to a new owner or entity;
  - (2) The business is closed for more than six months;
  - (3) Any violation of the outdoor storage permit by the business; or
  - (4) The permit expires by the terms of its issuance.
- (e) No outdoor storage permit shall be allowed for items or materials not customarily used or serviced by the type of business petitioning for the storage and all items stored shall be stored solely in conjunction with the business being conducted on the site. Motor vehicles for which there is no current work order shall be presumed not to be used or stored in conjunction with the business.

(Ord. No. 2004-05, § 1(10B.5), 3-8-2004)

Sec. 52-308. - Protective screening.

Those sides of a lot or parcels that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(10B.6), 3-8-2004)

Sec. 52-309. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(10B.7), 3-8-2004)

Sec. 52-310. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(10B.8), 3-8-2004)

Sec. 52-311. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(10B.9), 3-8-2004)

Sec. 52-312. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(10B.10), 3-8-2004)

Sec. 52-313. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(10B.11), 3-8-2004)

Secs. 52-314—52-344. - Reserved.

DIVISION 8. - C-4, GENERAL BUSINESS DISTRICT

Sec. 52-345. - Statement of purpose.

The general business district is intended to permit a wider range of business and entertainment activities. The permitted uses would serve not only nearby residential areas, but also people further away for types of businesses and services usually found in major shopping centers and along principal streets. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas.

(Ord. No. 2004-05, § 1(10C.1), 3-8-2004)

Sec. 52-346. - Permitted uses.

(a) *Retail classification.* The following are permitted uses in the retail classification:

- (1) Carpet, rug, linoleum, or other floor covering stores provided all sales and services are performed indoors.
- (2) Clothing, tailoring or costume rental establishments.
- (3) Furniture stores of not more than 10,000 gross square feet.
- (4) Interior decorating establishments.
- (5) Musical instrument sales, rental and repair shops, with or without practice rooms.
- (6) Office or business machine stores, sales or rental.
- (7) Photographic developing or printing establishments, without wholesale plants, and studios.
- (8) Repair shops for computers, household appliances, small business machines, bicycle and small motorized lawn service equipment with no outdoor storage or service area.
- (9) Retail stores of not more than 10,000 gross square feet for the sale of art supplies, bicycles, collectibles, confections, delicatessen, drugs, flowers, groceries including liquor if other nonalcohol items are sold and are the majority of the products offered for sale, gifts, hardware, household appliances, notions, periodicals

(excluding adult book stores where such products are more than ten percent of the merchandise offered for sale), small motorized lawn service equipment, stationery, sundry small household articles, tobacco, and other similar items.

(10) Studios for music, dancing, or theatrical instruction.

(11) Taxidermist shops.

(12) Upholstering shops dealing directly with consumers and not servicing automotive or marine vehicles.

(13) Venetian blind, window shade, or awning shops, custom shops, including repairs, limited to 2,500 square feet of floor area per establishment.

(14) Video rental or sale, provided:

a. There is no on-site viewing area; and

b. Adult videos shall be no more than one percent of the inventory.

(b) *Food service.* The following are permitted uses in the food service classification:

(1) Catering establishments without on-site consumption.

(2) Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in vehicle for on-site consumption.

(c) *Personal service.* The following are permitted uses in the personal service classification:

(1) Banking facilities, including drive-through servicing.

(2) Barbershop.

(3) Beauty shop.

(4) Other uses similar to subsections (a) through (c) of this section and subject to the following regulations:

a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced; and

b. All business, servicing, or processing, except for off-street parking, loading, and those open air uses indicated as being permissible in the subsections of this section shall be conducted within completely enclosed buildings.

(d) *Professional service.* Permitted uses in the professional service classification are nonmedical offices.

(e) *Medical.* The following are permitted uses in the medical classification:

(1) Dental offices and clinics.

(2) Medical offices and clinics without emergency and overnight facilities.

(f) *Residential.* Single-family and multiple-family dwellings subject to all of the following conditions:

(1) Shall be constructed above a permitted business or other nonresidential use;

(2) Shall have a separate entrance; and

(3) Shall meet the density requirements for the R-2 zoning district.

(g) *Other.*

(1) Business schools and colleges, or private schools operated for a profit.

- (2) Equipment rental facilities without outdoor storage or display area.
- (3) Governmental office or other governmental use, including libraries.
- (4) Public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage yards.
- (5) Monument sales establishments, with incidental processing to order, but not including the shaping of headstones, excluding outside display, preparation or storage yards.
- (6) Mortuary establishments, funeral homes or chapels.
- (7) Moving or storage offices, without storage and no outdoor storage of rental equipment or vehicles.
- (8) Office showroom of any service establishment of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision:
  - a. No more than five persons shall be employed at any time in the fabrication, repair, and other processing of goods; and
  - b. The repair area or workshop area does not exceed 20 percent of the building.
- (9) Off-street parking and loading facilities in accordance with article IX of this chapter.
- (10) Sign fabricating shops and printing establishments of not more 5,000 gross square feet and without painting facilities.
- (11) Veterinary facilities.
- (12) Wedding chapels of not more than 3,000 gross square feet.
- (h) *Accessory uses.* Accessory structures and uses, customarily incidental to the permitted uses in this section subject to the following restriction: garages to be used exclusively for the storage of vehicles, which are to be used in connection with a business or other permitted use located on the same parcel of property.

(Ord. No. 2004-05, § 1(10C.2), 3-8-2004)

Sec. 52-347. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

- (1) *Regulated uses.*
  - a. Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune ups, vehicle washing, tire sales and repair, exhaust systems, or collision service, subject to the regulations of section 52-348.
  - b. Bowling alley.
  - c. Catering establishments and banquet halls.
  - d. Contractors' offices or display rooms, with or without outside storage yards.
  - e. Drive-in establishment wherein the services are rendered to the patron while in their vehicle, provided

that:

1. The entrance or exit from any such use is located at least 50 feet from the intersection of any two streets; and
  2. All such uses shall have direct access to a major thoroughfare as defined in the city's master plan.
- f. Equipment rental with outdoor displays or storage, subject to an outdoor storage permit in section 52-349.
- g. Exterminators.
- h. Inns, motels and hotels.
- i. Medical office and clinic with limited emergency services and no overnight facilities.
- j. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- k. Outdoor storage or display areas, subject to an outdoor storage permit in section 52-349.
- l. Physical culture or health establishment, including athletic and fitness centers, gymnasiums, reducing salons, masseurs, or steam baths of not more than 10,000 gross square feet.
- m. Printing and sign fabricating shops of any size, with or without painting facilities.
- n. Private clubs with on-site consumption of food and/or liquor license.
- o. Radio and television studios.
- p. Theater, dance halls, assembly halls or similar places of assembly.
- q. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.
- r. Open air business uses, not including the seasonal sale of plants where the total display area does not exceed 200 square feet, subject to the following regulations:
1. The minimum area of the site shall be:
    - (i) 10,000 square feet for motor vehicle sales of any type;
    - (ii) 6,000 square feet for the sale of nursery stock and landscaping materials.
  2. There shall be provided around all sides of the outdoor activity conducted on the site a screen wall as specified by the planning commission, in order to intercept windblown trash and other debris and to screen the stored materials from view from outside the property. Where the outdoor activity abuts any residentially zoned district, the minimum requirements for protective screening shall be as specified in section 52-901.
  3. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent properties.
  4. All open air business uses shall comply with all city and county health regulations regarding sanitation and general health conditions.

(2) *Requirements.*

- a. All parking requirements of article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- b. All outdoor activity and/or storage areas shall be screened by a decorative wall or fence of a type and height as specified by the planning commission.

(Ord. No. 2004-05, § 1(10C.3), 3-8-2004)

Sec. 52-348. - Automotive service centers.

In addition to the other requirements of this chapter, all automotive service centers shall conform to the following regulations:

- (1) All repair or service activity, except the fueling of a vehicle, shall be conducted within completely enclosed buildings; and
- (2) No vehicle shall be stored or parked outside when the business is closed unless either of the following apply:
  - a. The vehicle is stored or parked in an area enclosed by a screen wall of a type and height as specified by the planning commission; or
  - b. An outdoor storage permit has been obtained pursuant to section 52-349.
- (3) All provisions of sections 52-886 and 52-1011 shall be met.

(Ord. No. 2004-05, § 1(10C.4), 3-8-2004)

Sec. 52-349. - Outdoor storage permit.

- (a) Any use seeking to store any item, including motor vehicles, boats, machine parts or other items outdoors when such storage is not a permitted use, shall only store those items after having obtained an outdoor storage permit from the city council.
- (b) The application for the outdoor storage permit shall indicate all of the following:
  - (1) The items that will be stored on the site;
  - (2) The reason for the outdoor storage;
  - (3) The length of time business desires the storage;
  - (4) The number of items to be stored;
  - (5) The proposed location of the storage, with a detailed drawing showing the actual dimensions of the storage space; and
  - (6) The proposed manner of screening.
- (c) The city council, after considering the petition at a regularly scheduled council meeting, may approve, deny or condition the approval of the permit. The council may, at its option, schedule the petition as a public hearing due to the proposed location and proximity to residential property and require the cost of such hearing be paid by the

petitioner. The fee for such shall be the same fee scheduled for other public hearings before the zoning board of appeals. An approved or conditioned permit for outdoor storage shall specify all of the following:

- (1) The name of the business and business owner;
- (2) The address of the location;
- (3) The items allowed to be stored;
- (4) Any conditions imposed by the council for the storage; and
- (5) Any termination date imposed by the council.

(d) The outdoor storage permit shall automatically expire upon the happening of any of the following and notice of such shall be forwarded by the city clerk or building official to the business at the address contained in the petition:

- (1) The business is sold or transferred to a new owner or entity;
- (2) The business is closed for more than six months;
- (3) Any violation of the outdoor storage permit by the business; or
- (4) The permit expires by the terms of its issuance.

(e) No outdoor storage permit shall be allowed for items or materials not customarily used or serviced by the type of business petitioning for the storage and all items stored shall be stored solely in conjunction with the business being conducted on the site. Motor vehicles for which there is no current work order shall be presumed not to be used or stored in conjunction with the business.

(Ord. No. 2004-05, § 1(10C.5), 3-8-2004)

#### Sec. 52-350. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(10C.6), 3-8-2004)

#### Sec. 52-351. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(10C.7), 3-8-2004)

#### Sec. 52-352. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(10C.8), 3-8-2004)

#### Sec. 52-353. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(10C.9), 3-8-2004)

Sec. 52-354. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(10C.10), 3-8-2004)

Sec. 52-355. - Area, height, bulk, and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(10C.11), 3-8-2004)

Secs. 52-356—52-383. - Reserved.

DIVISION 9. - C-5, CENTRAL BUSINESS DISTRICT

Sec. 52-384. - Statement of purpose.

The C-5, central business district is intended to permit smaller, specialized retail and mixed uses which are primarily pedestrian orientated. This district is designed to allow a higher concentration of uses in a smaller area, promote shared vehicle parking and common areas and outdoor civic uses. Those uses which are consistent with this purpose and are complimentary and do not adversely effect pedestrian travel and nearby residential units.

(Ord. No. 2004-05, § 1(10D.1), 3-8-2004)

Sec. 52-385. - Permitted uses.

(a) *Retail classification*. The following are permitted uses in the retail classification:

- (1) Antique shops without refurbishing facilities.
- (2) Art galleries.
- (3) Bake shops, subject to all of the following restrictions:
  - a. At least 95 percent of all baked goods produced on the premises are sold on the premises at retail;
  - b. The floor area used for bakery production shall be limited to 500 square feet per establishment; and
  - c. No drive-through facilities.
- (4) Bookstores, excluding adult book stores.
- (5) General retail of not more than 15,000 gross square feet on the ground floor for the sale of art supplies, confections, delicatessen, drugs, flowers, furniture, groceries including liquor if other nonalcohol items are sold and are the majority of the products offered for sale, gifts, hardware, notions, periodicals, collectibles,



stationery, sundry small household articles, tobacco.

(6) Photographic studios and developing, and general printing establishments, without wholesale plants and servicing the general public.

(b) *Food service.* The following are permitted uses in the food service classification:

(1) Cafes and coffee houses, without drive-through facilities.

(2) Eating or drinking places without drive-through facilities and excluding private clubs, catering halls and banquet halls when located on the ground floor.

(c) *Personal service.* The following are permitted uses in the personal service classification:

(1) Banks without drive-through service facilities.

(2) Barbershops.

(3) Beauty shops.

(d) *Professional service.* Offices of not more than 2,000 gross square feet on the ground floor.

(e) *Medical.* The following are permitted uses in the medical classification:

(1) Dental offices of not more than 2,000 gross square feet on the ground floor.

(2) Medical offices of not more than 2,000 gross square feet on the ground floor and no emergency and/or overnight facilities.

(f) *Residential.* Single-family residential and multiple-family dwellings, subject to all of the following conditions:

(1) Shall be constructed above a permitted business or other nonresidential use.

(2) Shall have a separate entrance.

(3) Shall meet the density requirements for the R-2 zoning district.

(g) *Other.*

(1) Governmental buildings, excluding garages and storage facilities.

(2) Theater and movie houses, not including adult entertainment facilities.

(h) *Accessory uses.* Accessory uses are not allowed.

(Ord. No. 2004-05, § 1(10D.2), 3-8-2004)

#### Sec. 52-386. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

(1) *Uses.*

a. Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune-ups, vehicle washing, tire sales and repair, exhaust systems, or collision service, subject to section 52-387.

b. Banks with drive-through facilities.

c. Catering establishments and banquet halls with on-site consumption.

- d. Coffee shops with drive-through facilities.
- e. Eating establishments with drive-through facilities.
- f. Medical office and clinic with limited emergency services and no overnight facilities.
- g. Private clubs, with or without, on-site consumption of food and/or liquor license.
- h. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.
- i. Residential dwellings when located on the first floor or below.

(2) *Requirements.*

- a. All parking requirements of article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- b. All outdoor activity areas shall be screened by a decorative wall or fence of a type and height as specified by the planning commission.

(Ord. No. 2004-05, § 1(10D.3), 3-8-2004)

Sec. 52-387. - Automotive service centers.

In addition to the other requirements of this code, all automotive service centers shall conform to the following regulations:

- (1) All repair or service activity, except the fueling of a vehicle, shall be conducted within completely enclosed buildings; and
- (2) No vehicle shall be stored or parked outside when the business is closed.
- (3) All provisions of sections 52-886 and 52-1011 shall be met.

(Ord. No. 2004-05, § 1(10D.4), 3-8-2004)

Sec. 52-388. - Outdoor areas.

A business may use the outdoor areas of the property, including the abutting public space, for outdoor seating and dining, subject to all of the following conditions:

- (1) The surface of the area used must be hard surfaced with concrete, pavers, bricks or other such materials as approved by the planning commission; and
- (2) If the front public space is used, a six-foot-wide clear pathway shall be maintained through the area for the public pedestrian traffic and the clear pathway area shall be no closer to any roadway than two feet.

(Ord. No. 2004-05, § 1(10D.5), 3-8-2004)

Sec. 52-389. - Required entrances.

A business shall maintain a public entranceway open to the general public during its normal business hours:

- (1) On the side of its building that carries its street address, as assigned by the building department; or
- (2) On a side of the building with the entrance being within ten feet of the side of the building that carries its street address, as assigned by the building department.

(Ord. No. 2004-05, § 1(10D.6), 3-8-2004)

Sec. 52-390. - Protective screening.

Those sides a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(10D.7), 3-8-2004)

Sec. 52-391. - Parking.

(a) Off-street parking shall not be required for the following nonregulated use classifications:

- (1) Retail;
- (2) Personal service;
- (3) Professional service; and
- (4) Residential.

(b) Off-street parking shall be provided, as required in article IX of this chapter, for all other listed uses, regulated uses and automotive service centers.

(Ord. No. 2004-05, § 1(10D.8), 3-8-2004)

Sec. 52-392. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(10D.9), 3-8-2004)

Sec. 52-393. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(10D.10), 3-8-2004)

Sec. 52-394. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(10D.11), 3-8-2004)

Sec. 52-395. - Area, height, bulk, and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(10D.12), 3-8-2004)

Secs. 52-396—52-418. - Reserved.

#### DIVISION 10. - C-6A AND C-6B, REGIONAL SHOPPING DISTRICTS

##### Subdivision I. - In General

Sec. 52-419. - Statement of purpose.

The C-6A and C-6B, regional shopping districts are intended to permit retail business and service uses which are needed to serve and draw clientele from regional traffic. In order to protect the nearby residential neighborhoods and promote the business development so far as is possible and appropriate, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke and glare. The intent of this district is also to encourage the concentration of business in these locations that require greater accessibility thereby promoting the best use of land at certain strategic locations and avoid the further expansion of such business locations into the residential districts.

(Ord. No. 68-15, § 11.01, 10-22-1968; Ord. No. 2004-05, § 1(11.0), 3-8-2004)

Secs. 52-420—52-436. - Reserved.

##### Subdivision II. - District C-6A (Fairlane Green District)

Sec. 52-437. - Permitted uses.

The following are permitted uses in C-6A, Fairlane Green District:

- (1) Health clubs.
- (2) Hotels and/or motels, including extended stay or executive motels.
- (3) Multi-screen movie theaters.
- (4) Office uses.
- (5) Retail, entertainment/restaurant and commercial land uses typically found in a retail shopping center, including, but not limited to:
  - a. Coffee shops.
  - b. Department stores, including both conventional, junior department stores, and value oriented

department stores.

- c. Open air business uses; excluding new and used automobile, boat and recreational show places, stores or lots.
- d. Pharmacies.
- e. Restaurants, both drive-through and sitdown and other establishments that sell food products for consumption on or off the premises or for takeout.
- f. Shops or stores for the sale of:
  - 1. Art and craft supplies.
  - 2. Books and/or music.
  - 3. Clothing and/ or footwear.
  - 4. Electronic merchandise, including goods using wireless technology.
  - 5. Home improvement.
  - 6. Household goods, such as furniture and accessories and/or household appliances.
  - 7. Office supplies.
  - 8. General soft goods not covered by any specific category of soft goods listed.
- g. Supermarkets, and/or specialty or gourmet food stores, or fruit and vegetable markets as a primary use or accessory to a value oriented department store.

(Ord. No. 68-15, § 11.02, 10-22-1968; Ord. No. 2004-05, § 1(11A.1), 3-8-2004)

#### Sec. 52-438. - Accessory structures and uses.

All accessory structures and uses customarily incidental to the specially approved uses in section 52-437 shall be allowed, including, but not limited to:

- (1) Drive-through lanes for restaurants, banks, pharmacies and other businesses.
- (2) Open air garden centers when attached to a building and enclosed on all sides.
- (3) Outdoor display and sales areas in the parking lots and common areas of the development, including within any required setback area, so long as no permanent structures are constructed therein.
- (4) Outdoor seating areas which are accessory seating for a restaurant, food service, or other retail use, so long as:
  - a. Such areas are adjacent or in close proximity to the principal use;
  - b. The floor area devoted to such use does not exceed 50 percent of the useable floor area of the principal use; and
  - c. The conduct of such use does not materially interfere with pedestrian circulation to or from adjacent uses or on sidewalks. Outdoor seating areas may be located within any required setbacks so long as no permanent structures are constructed therein.
- (5) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas

regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

- (6) Service stations (which include, without limitation, the sale of gasoline), so long as ancillary to a principal use within the development.
- (7) Sidewalk display and sales areas on the sidewalks adjacent to a restaurant, food service or retail use, including within any required setback area, so long as no permanent structures are constructed therein.

(Ord. No. 2004-05, § 1(11A.2), 3-8-2004)

Sec. 52-439. - Hours of operation.

Permitted uses may operate 24 hours per day, seven days per week.

(Ord. No. 2004-05, § 1(11A.3), 3-8-2004)

Sec. 52-440. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 68-15, § 11.04, 10-22-1968; Ord. No. 2004-05, § 1(11A.4), 3-8-2004)

Sec. 52-441. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(11A.5), 3-8-2004)

Sec. 52-442. - Signage.

(a) *District signage.*

(1) *Pylon signs.*

- a. The total district, as defined upon the adoption of the ordinance from which this division is derived, shall have not more than four pylon signs identifying the development and containing occupant panels. Two pylon signs may be located along I-94, but no closer than 200 feet to Outer Drive, two signs along the Southfield Freeway Service Drive.
- b. The total display area on each pylon sign identifying the development and the occupant panels, shall be no larger than 300 square feet in size.
- c. The sign structure shall be no higher than 40 feet.

(2) *Monument signs.*

- a. The total district, as defined upon the adoption of the ordinance from which this division is derived, shall have not more than two monument signs identifying the development and containing occupant panels

along Outer Drive and two monument signs identifying the development and containing occupant panels along Oakwood Boulevard.

- b. The district shall be allowed four additional monument signs along Fairlane Drive, with two signs at or near internal drive entrances for the east side of Fairlane Drive and two signs at or near internal drive entrances for the west side.
- c. The total display area on each monument sign identifying the development and the occupant panels, shall be no larger than 130 square feet in size.
- d. The monument sign structure shall be no higher than 12 feet.

(3) *Illumination time period.* District signage may be illuminated 24 hours a day.

(b) *Occupant signage.*

(1) Each occupant which owns or leases:

- a. Less than 15,000 gross square feet, shall be permitted signage, including secondary signage, of ten percent of the number of linear feet of frontage multiplied by the height of the building, but not to exceed 200 total square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contain a patron or customer entrance for that occupant.
- b. Between 15,000 square feet and 50,000 gross square feet, shall be permitted 300 square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contain a patron or customer entrance for that occupant.
- c. More than 50,000 gross square feet, shall be permitted 400 total square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contains a patron or customer entrance for that occupant.

(2) In addition to the signage allowed in subsection (b)(1) of this section, each occupant shall be allowed one sign of not more than 12 square feet on any one side of the building that it occupies that does not contain a general public, customer entrance.

(3) Occupant signage shall only be illuminated during the business hours of the occupant.

(c) *Restaurant outlot signage.*

- (1) In addition to the signage allowed in subsection (b) of this section, each freestanding restaurant building shall each be allowed one low mount monument sign on its respective portion of the development. Each sign shall have only one two-sided occupant panel on each such sign identifying only the restaurant occupant on the lot.
- (2) The occupant panel shall be no larger than 40 square feet in size.
- (3) The monument sign structure shall be no higher than five feet.
- (4) Restaurant outlot signage shall only be illuminated during the business hours of the occupant.
- (5) Should a restaurant no longer occupy the outlot, the monument sign shall be removed upon the earlier of either the occupancy of the outlot by another type of tenant or within six months of the closing of the restaurant.

(d) *Directional signage.* Customary and appropriate directional signage, without tenant identification, may be installed throughout the development.

(Ord. No. 2004-05, § 1(11A.6), 3-8-2004)

Sec. 52-443. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(11A.7), 3-8-2004)

Sec. 52-444. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(11A.8), 3-8-2004)

Sec. 52-445. - Area, height, bulk, and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 11.05, 10-22-1968; Ord. No. 2004-05, § 1(11A.9), 3-8-2004)

Secs. 52-446—52-473. - Reserved.

Subdivision III. - District C-6B (Marketplace District)

Sec. 52-474. - Permitted uses.

The following uses are permitted in the C-6B, marketplace district:

- (1) Health clubs.
- (2) Multi-screen movie theaters, provided no other such facility is constructed or previously site planned by the city for this or any other developer within one-quarter mile of the proposed development site.
- (3) Retail, entertainment/restaurant, and commercial land uses typically found in a retail shopping center, including, but not limited to:
  - a. Coffee shops.
  - b. Department stores, including both conventional, junior department stores, and value oriented department stores.
  - c. Open air business uses; excluding new and used automobile, boat and recreational show places, stores or lots.
  - d. Pharmacies.



- e. Restaurants, both drive-through and sitdown, and other establishments that sell food products for consumption on the premises or for takeout.
- f. Shops or stores for the sale of:
  - 1. Art and craft supplies.
  - 2. Books and/or music.
  - 3. Clothing and/or footwear.
  - 4. Electronic merchandise, including goods using wireless technology.
  - 5. Home improvement center, which may include the retail sale of lumber and building supplies and material and an enclosed garden center.
  - 6. Household goods, such as furniture and accessories and/or household appliances.
  - 7. Office supplies.
  - 8. General soft goods not covered by any specific category of soft goods listed.
- g. Supermarkets, and/or specialty or gourmet food stores, or fruit and vegetable markets as a primary use or accessory to a value oriented department store.

(Ord. No. 2004-05, § 1(11B.1), 3-8-2004)

Sec. 52-475. - Accessory structures and uses.

All accessory structures and uses customarily incidental to the above specially approved uses shall be allowed, including, but not limited to:

- (1) Drive-through lanes for restaurants, banks, pharmacies and other businesses.
- (2) Open air garden centers when attached to a building and enclosed on all sides by screening as required by and specified by the planning commission.
- (3) Outdoor seating areas which are accessory seating for a restaurant, food service, or other retail use, so long as:
  - a. Such areas are adjacent or in close proximity to the principal use;
  - b. The floor area devoted to such use does not exceed 50 percent of the useable floor area of the principal use; and
  - c. The conduct of such use does not materially interfere with pedestrian circulation to or from adjacent uses or on sidewalks.
- (4) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.
- (5) Service stations (which include, without limitation, the sale of gasoline), so long as ancillary to a principal use within the development.

- (6) Temporary sidewalk display and sales areas on the private sidewalks immediately adjacent to a restaurant, food retail use, so long as no permanent structures are constructed therein and such is not displayed for more than one calendar year.

(Ord. No. 2004-05, § 1(11B.2), 3-8-2004)

Sec. 52-476. - Hours of operation.

Permitted uses may operate 24 hours per day, seven days per week.

(Ord. No. 2004-05, § 1(11B.3), 3-8-2004)

Sec. 52-477. - Outdoor displays.

Outdoor display of merchandise for sale and the outdoor storage of materials, supplies and products shall be prohibited, except as provided for in section 52-475.

(Ord. No. 2004-05, § 1(11B.4), 3-8-2004)

Sec. 52-478. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(11B.5), 3-8-2004)

Sec. 52-479. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(11B.6), 3-8-2004)

Sec. 52-480. - Signage.

(a) *District signage.*

- (1) The total district, as defined upon the adoption of this chapter, shall have one monument sign identifying the development contained within the district and containing occupant panels along Outer Drive and one monument sign identifying the development contained within the district and containing occupant panels along the Southfield Freeway service drive.
- (2) The sign identifying the district and occupants along Southfield Road shall be no larger than 120 total square feet in size and the sign structure shall be no taller than 20 feet.
- (3) The sign identifying the district and occupants along Outer Drive shall be no larger than 80 total square feet in size and the sign structure shall be no taller than 12 feet.
- (4) District signage may be illuminated 24 hours a day.

(b) *Occupant signage.*

(1) Each occupant which owns or leases:

- a. Less than 15,000 gross square feet, shall be permitted signage, including secondary signage, of ten percent of the number of linear feet of frontage multiplied by the height of the building, but not to exceed 200 total square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contain a patron or customer entrance for that occupant.
- b. Between 15,000 square feet and 50,000 gross square feet, shall be permitted 300 square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contain a patron or customer entrance for that occupant.
- c. More than 50,000 gross square feet, shall be permitted 400 total square feet of signage for the entire building, including secondary signage, within which that occupant is located. Such signage shall only be placed upon those sides of the building that contains a patron or customer entrance for that occupant.

(2) In addition to the signage allowed in subsection (b)(1) of this section, each occupant shall be allowed one sign of not more than 12 square feet on any one side of the building that it occupies that does not contain a general public, customer entrance.

(3) Occupant signage shall only be illuminated during the business hours of the occupant.

(c) *Restaurant outlot signage.*

- (1) In addition to the signage allowed in subsection (b) of this section, each freestanding restaurant building shall each be allowed one low mount monument sign on its respective portion of the development. Each sign shall have only one two-sided occupant panel on each such sign identifying only the restaurant occupant on the lot.
- (2) The occupant panel shall be no larger than 40 square feet in size.
- (3) The monument sign structure shall be no higher than five feet.
- (4) Restaurant outlot signage shall only be illuminated during the business hours of the occupant.
- (5) Should a restaurant no longer occupy the outlot, the monument sign shall be removed upon the earlier of either the occupancy of the outlot by another type of tenant or within six months of the closing of the restaurant.

(d) *Lowe's special signage.*

- (1) In addition to the signage allowed in subsection (b) of this section, Lowe's, and successor occupants of the Lowe's structure if occupied by no more than one sole tenant, shall be allowed one low mount monument sign along the Southfield Freeway service drive on its portion of the development with just its name on the sign.
- (2) The sign may be double faced and shall have a sign panel not larger than 40 square feet.
- (3) The monument sign structure shall be no higher than five feet.
- (4) The monument sign may be illuminated 24 hours a day.

(e) *Directional signage.* Customary and appropriate directional signage, without tenant identification, may be

installed at each entrance to the development and throughout the development.

(Ord. No. 2004-05, § 1(11B.7), 3-8-2004)

Sec. 52-481. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(11B.8), 3-8-2004)

Sec. 52-482. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(11B.9), 3-8-2004)

Sec. 52-483. - Area, height, bulk, and placement requirements.

- (a) *Setback*. There shall be no minimum setback from the front lot line, side yard lot line and rear yard lot line of each and every parcel comprising the development; provided, however, all buildings shall be at least 40 feet from the Southfield Freeway and Outer Drive.
- (b) *Height limitations*. Retail buildings within the development shall be limited to a maximum height of 40 feet for one-story buildings and 50 feet for two-story buildings, not including parapet, mechanical and architectural features. For buildings with frontages of 200 linear feet or less the parapet, mechanical and/or architectural features may add an additional five feet in height for either a one-story or two-story building. Any building with a frontage of more than 200 linear feet may add an additional five feet in height for either a one-story or two-story building plus an additional five feet over no more than five percent of the building's linear front footage.
- (c) *Lot size and coverage*. There are no maximum or minimum requirements for lot coverage, floor area ratios, or minimum and maximum lot sizes.

(Ord. No. 2004-05, § 1(11B.10), 3-8-2004)

Secs. 52-484—52-504. - Reserved.

DIVISION 11. - RD, RESEARCH AND DEVELOPMENT DISTRICT

Sec. 52-505. - Statement of purpose.

The RD, research and development district is designed to primarily accommodate office, scientific, business, technological research operations, related testing operations, and other related uses where office, technology and scientific research activities are mutually dependent or developmental in nature in a spacious, open type environment devoid of nuisance factors commonly present in nonresidential districts; and to permit uses which support and complement permitted principal

uses enumerated in this district, or which are vital to such principal uses and required to be located close to them; and the result shall be development planned in a coordinated manner, according to an approved site plan. It is further the intent of this district to continue all activities within an enclosed building with no outdoor activities allowed.

(Ord. No. 2004-05, § 1(12.1), 3-8-2004)

#### Sec. 52-506. - Permitted uses.

All uses permitted in this district shall be conducted completely within a building in accordance with the standards of this article and limited to those listed on the approved site plan. No other uses shall be permitted.

- (1) Corporate headquarters offices, administrative, professional, and/or business offices of permitted principal uses, legal, engineering, surveying, accounting, architectural, and similar professional offices.
- (2) Data processing and computer centers, including incidental service and maintenance of electronic data processing equipment.
- (3) Educational and design facilities whose principal function is the research and development of new products and processes and technical training.
- (4) Medical and dental clinics, including emergency services, but not including overnight facilities.
- (5) Research, development, and testing facilities for technological, scientific and business establishments, including the development of prototype equipment, products or materials for experimental purposes which are not available for sale.
- (6) Technological, medical and dental clinics; medical, optical, pharmaceutical and dental laboratories.
- (7) Similar uses as determined by the planning commission.

(Ord. No. 2004-05, § 1(12.2), 3-8-2004)

#### Sec. 52-507. - Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

- (1) Hospitals or extended stay medical facility.
- (2) Large warehouse style consumer retail stores.
- (3) Professional sports arena and practice facilities.
- (4) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

(Ord. No. 2004-05, § 1(12.3), 3-8-2004)

#### Sec. 52-508. - Use restrictions.

The following conditions shall apply to all uses within this district:

- (1) Only two exterior loading docks shall be allowed per site and shall be screened as required by the planning commission; and
- (2) Exterior storage shall only be conducted as approved by the planning commission and shall be centrally located and screened as required by the planning commission.

(Ord. No. 2004-05, § 1(12.4), 3-8-2004)

Sec. 52-509. - Accessory uses.

Accessory structures and uses, customarily incidental to the uses permitted in section 52-506 shall be allowed subject to the following restriction: garages to be used exclusively for the storage of vehicles, which are to be used in connection with a business or other permitted use located on the same parcel of property.

(Ord. No. 2004-05, § 1(12.5), 3-8-2004)

Sec. 52-510. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near residential districts shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(12.6), 3-8-2004)

Sec. 52-511. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(12.7), 3-8-2004)

Sec. 52-512. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(12.8), 3-8-2004)

Sec. 52-513. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(12.9), 3-8-2004)

Sec. 52-514. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(12.10), 3-8-2004)

Sec. 52-515. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(12.11), 3-8-2004)

Secs. 52-516—52-538. - Reserved.

## DIVISION 12. - RO-1, RESTRICTED OFFICE DISTRICT

Sec. 52-539. - Statement of purpose.

The RO-1, restricted office district is intended to permit those office and restricted business uses which will provide opportunities for local employment close to residential areas, thus reducing travel to and from work; and which will provide clean, modern office buildings in landscaped settings; which will provide, adjacent to residential areas, appropriate districts for uses which do not generate large volumes of traffic, traffic congestion, and parking problems; and which will promote the most desirable use of land in accordance with the master plan.

(Ord. No. 2004-05, § 1(12A.1), 3-8-2004)

Sec. 52-540. - Permitted uses.

The following uses are permitted in the RO-1, restricted office district:

- (1) Accounting offices.
- (2) Administrative office support.
- (3) Architect, engineer or drafting.
- (4) Attorneys.
- (5) Financial management.
- (6) General office.
- (7) Medical or dental offices, without overnight or emergency room care.
- (8) Mortgage or banking offices without tellers.
- (9) Publishing, without printing.
- (10) Real estate.
- (11) Veterinary facilities.
- (12) Other similar uses.

(Ord. No. 2004-05, § 1(12A.2), 3-8-2004)

Sec. 52-541. - Use restrictions.

The following conditions shall apply to all uses within this district:

- (1) No product shall be sold or manufactured on the premises;
- (2) All services shall be conducted completely within an enclosed building;
- (3) There shall be no outdoor storage of any goods, inventory or equipment;
- (4) There shall be no indoor warehousing or storage of goods or materials beyond that normally incidental to the permitted use;
- (5) Any interior display shall not be visible from the exterior of the building;
- (6) The total internal area devoted to a display and the floor space set aside for person viewing the display shall not exceed 25 percent of the gross floor space;
- (7) All parking required by article IX of this chapter, shall be provided and no special parking permit shall be allowed; and
- (8) None of the required parking shall be provided in the front yard setback.

(Ord. No. 2004-05, § 1(12A.3), 3-8-2004)

Sec. 52-542. - Protective screening.

Along any property line of an RO-1 district abutting a residentially zoned district, the area between the required setback and the property line shall be sodded, planted and shrubbed to form a permanent screen which shall be maintained at a height of not less than four feet or more than seven feet and provide materials specified in section 52-901.

(Ord. No. 2004-05, § 1(12A.4), 3-8-2004)

Sec. 52-543. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(12A.5), 3-8-2004)

Sec. 52-544. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(12A.6), 3-8-2004)

Sec. 52-545. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(12A.7), 3-8-2004)



Sec. 52-546. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(12A.8), 3-8-2004)

Sec. 52-547. - Area, height, bulk, and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(12A.9), 3-8-2004)

Secs. 52-548—52-572. - Reserved.

DIVISION 13. - SD, SERVICE DISTRICT

Sec. 52-573. - Statement of purpose.

The SD, service district is designed to primarily group those business that offer services to consumers, travelers and industry that require larger areas for operations and can be mutually dependent and support and complement the principal uses enumerated in the district. It is further the intent of this district to serve regional traffic and provide ease of access into and out of the area from major arteries.

(Ord. No. 2004-05, § 1(12B.1), 3-8-2004)

Sec. 52-574. - Permitted uses.

The following uses are permitted in the SD, service district:

- (1) Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune-ups, vehicle washing, tire sales and repair, exhaust systems, or collision service.
- (2) Distribution plants.
- (3) Eating or drinking establishments.
- (4) Equipment and vehicle rental and leasing services with outdoor storage.
- (5) Garaging and equipment maintenance centers.
- (6) Hotels.
- (7) Motor freight terminals.
- (8) Packing and crating services.
- (9) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and

all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.

(10) Warehousing and storage services.

(11) Wholesale stores.

(Ord. No. 2004-05, § 1(12B.2), 3-8-2004)

#### Sec. 52-575. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near a residentially zoned district shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(12B.3), 3-8-2004)

#### Sec. 52-576. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(12B.4), 3-8-2004)

#### Sec. 52-577. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(12B.5), 3-8-2004)

#### Sec. 52-578. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(12B.6), 3-8-2004)

#### Sec. 52-579. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(12B.7), 3-8-2004)

#### Sec. 52-580. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(12B.8), 3-8-2004)

#### Secs. 52-581—52-608. - Reserved.

## DIVISION 14. - GI, GENERAL INDUSTRIAL DISTRICT

## Sec. 52-609. - Statement of purpose.

The GI, general industrial district is intended to provide a desirable industrial environment that consists of uses that are slightly more intense than the commercial districts. In order to protect the abutting residential neighborhood, uses are prohibited which would create excessive hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic or late hours of operation. The intent of this district is also to encourage the concentration of small incidental industrial uses in an isolated service area to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the uncontrolled expansion of industrial uses into other residential and business districts.

(Ord. No. 2004-05, § 1(13.1), 3-8-2004)

## Sec. 52-610. - Permitted uses.

The following uses are permitted in the GI, general industrial district:

- (1) Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune-ups, vehicle washing, tire sales and repair, exhaust systems, or collision service, subject to the following requirements:
  - a. All repair or service activity, except the fueling of a vehicle, shall be conducted within completely enclosed buildings; and
  - b. No vehicle shall be stored or parked outside when the business is closed unless either of the following apply:
    1. The vehicle is stored or parked in an area enclosed by a screen wall of a type and height as specified by the planning commission; or
    2. An outdoor storage permit has been obtained pursuant to section 52-611.
  - c. All provisions of sections 52-886 and 52-1011 shall be met.
- (2) Off-street parking facilities.
- (3) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.
- (4) Single-family and multiple-family dwellings subject to all of the following conditions:
  - a. Shall be constructed above a permitted business or other nonresidential use;
  - b. Shall have a separate entrance; and
  - c. Shall meet the density requirements for the R-2 zoning district.
- (5) Small parts and tool fabrication plants, machine shops, processing shops or plants and woodworking and cabinet shops of not more than 10,000 gross square feet per building and not more than 20,000 gross

combined square feet for more than one building, subject to the following conditions:

- a. Employing not more than 25 employees;
  - b. Noise shall not exceed 60 decibels as measured at the street or property line;
  - c. There shall be no emission of odors, smoke or dust; and
  - d. All activities shall be conducted indoors.
- (6) Small parts storage and warehousing of not more than 10,000 gross square feet, without loading docks and all activities conducted indoors.

(Ord. No. 2004-05, § 1(13.2), 3-8-2004)

Sec. 52-611. - Outdoor storage permit.

- (a) Any use seeking to store any item, including motor vehicles, boats, machine parts or other items outdoors when such storage is not a permitted use, shall only store those items after having obtained an outdoor storage permit from the city council.
- (b) The application for the outdoor storage permit shall indicate all of the following:
  - (1) The items that will be stored on the site;
  - (2) The reason for the outdoor storage;
  - (3) The length of time business desires the storage;
  - (4) The number of items to be stored;
  - (5) The proposed location of the storage, with a detailed drawing showing the actual dimensions of the storage space; and
  - (6) The proposed manner of screening.
- (c) The city council, after considering the petition at a regularly scheduled council meeting, may approve, deny or condition the approval of the permit. The council may, at its option, schedule the petition as a public hearing do to the proposed location and proximity to residential property and require the cost of such hearing be paid by the petitioner. The fee for such shall be the same fee scheduled for other public hearings before the zoning board of appeals. An approved or conditioned permit for outdoor storage shall specify all of the following:
  - (1) The name of the business and business owner;
  - (2) The address of the location;
  - (3) The items allowed to be stored;
  - (4) Any conditions imposed by the council for the storage; and
  - (5) Any termination date imposed by the council.
- (d) The outdoor storage permit shall automatically expire upon the happening of any of the following and notice of such shall be forwarded by the city clerk or building official to the business at the address contained in the petition:
  - (1) The business is sold or transferred to a new owner or entity;

- (2) The business is closed for more than six months;
- (3) Any violation of the outdoor storage permit by the business; or
- (4) The permit expires by the terms of its issuance.

(e) No outdoor storage permit shall be allowed for items or materials not customarily used or serviced by the type of business petitioning for the storage and all items stored shall be stored solely in conjunction with the business being conducted on the site. Motor vehicles for which there is no current work order shall be presumed not to be used or stored in conjunction with the business.

(Ord. No. 2004-05, § 1(13.3), 3-8-2004)

#### Sec. 52-612. - Protective screening.

Those sides of a lot or parcel that are adjacent to or near a residentially zoned district shall be screened as required by section 52-901.

(Ord. No. 2004-05, § 1(13.4), 3-8-2004)

#### Sec. 52-613. - Parking.

Off-street parking shall be provided as required in article IX of this chapter.

(Ord. No. 2004-05, § 1(13.5), 3-8-2004)

#### Sec. 52-614. - Signage.

Signage shall be allowed as provided in section 52-899.

(Ord. No. 2004-05, § 1(13.6), 3-8-2004)

#### Sec. 52-615. - Landscaping.

Landscaping shall be provided as required in the approved site plan.

(Ord. No. 2004-05, § 1(13.7), 3-8-2004)

#### Sec. 52-616. - Dumpsters.

Dumpsters shall be placed and enclosed pursuant to division 2 of article II of chapter 38.

(Ord. No. 2004-05, § 1(13.8), 3-8-2004)

#### Sec. 52-617. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 2004-05, § 1(13.9), 3-8-2004)

Secs. 52-618—52-637. - Reserved.

#### DIVISION 15. - M-1, LIGHT INDUSTRIAL DISTRICT

Sec. 52-638. - Statement of purpose.

The intent of the M-1, light industrial district is to permit certain industries which are of a light manufacturing character to locate in planned areas of the city. So that such uses may be integrated with land uses, such as commercial and residential areas, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and nonindustrial uses and not necessarily require railroad access or major utility facilities.

(Ord. No. 68-15, § 14.01, 10-22-1968)

Sec. 52-639. - Permitted uses.

The following uses are permitted in the M-1, light industrial district:

- (1) Bakeries.
- (2) Bottling or packaging of cleaning compounds, polishes, seeds, etc.
- (3) Carpenter and cabinet-making shops.
- (4) Cold storage plants.
- (5) Confection manufacturing.
- (6) Creameries.
- (7) Dental, surgical and optical goods manufacturing.
- (8) Dry cleaning and carpet cleaning.
- (9) Electric and gas service buildings.
- (10) Food products manufacturing.
- (11) Jewelry manufacturing.
- (12) Laboratories, research and testing.
- (13) Laundries.
- (14) Patternmaking shops.
- (15) Pharmaceutical products manufacturing.
- (16) Printing, engraving, and bookbinding shops.
- (17) Produce markets.
- (18) Soda water and soft drink bottling establishments.

- (19) Toiletries and cosmetic manufacturing.
- (20) Tool, die, gauge, and machine shops manufacturing small parts.
- (21) Warehouse, storage and transfer and electric and gas service buildings and yards and public utility buildings; telephone exchange buildings and substations; gas regulator stations; railroad transfer and storage tracks; heating and electric power generating plants, and all necessary uses; water and gas tanks and/or freight terminals, railroad rights-of-way.
- (22) Off-street parking and loading in accordance with the requirements of article IX of this chapter.
- (23) The following uses may be permitted by the city in accordance with the procedures and standards established by article VII of this chapter:
  - a. Those uses permitted in the C-2, general business district but not including uses which may be included by reference to other zoning districts.
  - b. Those uses permitted in the C-3, commercial district but not including uses which may be included by reference to other zoning districts.
  - c. Those uses permitted in the RO-1, restricted office district but not including uses which may be included by reference to other zoning districts.

(Ord. No. 68-15, § 14.02, 10-22-1968; Ord. No. 89-3, § 1(II), 9-26-1989)

Sec. 52-640. - Industrial performance standards.

- (a) *Automatic screw machines*. Permitted only when operated with noise silencers, and when located not less than 300 feet from any zoned residential district.
- (b) *Stamping machines, punch presses, and press brakes*. Must be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.
  - (1) For punch and stamp presses, other than hydraulic presses, up to 20-ton capacity permitted when 200 feet from the nearest residential zone.
  - (2) For hydraulic presses, up to 150 tons capacity permitted when 200 feet from nearest residential zone.
  - (3) All press brakes must be located at least 300 feet from nearest residential zone.
- (c) *Hot forgings, steam or board hammers*. Hot forgings, steam or board hammers uses are not permitted.
- (d) *Noise*. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed 60 decibels, and must comply with requirements of this Code.
- (e) *Odor*. The emission of obnoxious odors of any kind shall not be permitted.
- (f) *Gases, smoke, dust, dirt, and fly ash*. The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable state and county health laws as pertaining to air pollution and smoke abatement.
- (g) *Glare and heat*. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed

behind solid walls or frosted glass not less than 15 feet high as measured from the ground level adjacent to the structure concerned.

- (h) *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state rules and regulations, and as established by the fire prevention act, Public Act No. 207 of 1941 (MCL 29.1 et seq.). Further, all storage tanks of liquid materials above ground shall be located not less than 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
- (i) *Sewage wastes.* No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction, or to impair the strength or durability of sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewer treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest. Specific conditions controlling sewage wastes are as follows:
- (1) Acidity or alkalinity must be neutralized to a pH of 7.0 as a daily average on a volumetric basis with a maximum temporary variation of pH 5.0 to 10.0.
  - (2) Must not contain more than ten ppm of the following gases: hydrogen sulphide, sulphur dioxide, oxides or of nitrogen, or any of the halogens.
  - (3) Must not contain any flammable substance with a flash point lower than 187 degrees Fahrenheit.
  - (4) Must not contain any explosive substance.
  - (5) Must have a temperature within the range of 32 to 150 degrees Fahrenheit.
  - (6) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.
  - (7) Must not contain insoluble substance in excess of 10,000 ppm, or exceeding a daily average of 500 ppm.
  - (8) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 ppm, or exceeding a daily average of 2,000 ppm.
  - (9) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
  - (10) Must not contain insoluble substance having a specific gravity greater than 2.65.
  - (11) Must not contain insoluble substance that will fail to pass a No. 8, standard sieve, or having any dimension greater than one-half inch.
  - (12) Must not contain gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
  - (13) Must not have a chlorine demand greater than 15 ppm.
  - (14) Must not contain more than 100 ppm of any antiseptic substance.
  - (15) Must not contain phenols in excess of 0.05 ppm.



- (16) Must not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.
- (17) Must not contain in excess of 100 ppm or exceed a daily average of 25 ppm of any grease or oil or any oily substance.

All of the standards and regulations set forth in this section are to apply at the point where industrial or commercial type wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(Ord. No. 68-15, § 14.03, 10-22-1968)

Sec. 52-641. - Protective screening.

Those sides of a lot or parcel in an M-1 district which abut an R-1A, R-1B, R-2, RM and RMA district shall be provided with protective screening as specified in section 52-901.

(Ord. No. 68-15, § 14.04, 10-22-1968)

Sec. 52-642. - Area, height, bulk, and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 14.05, 10-22-1968)

Secs. 52-643—52-672. - Reserved.

DIVISION 16. - M-2, MEDIUM INDUSTRIAL DISTRICT

Sec. 52-673. - Statement of purpose.

The intent of the M-2, medium industrial district is to permit certain industrial uses to locate in desirable areas of the city, based upon the master plan, which uses are primarily of a manufacturing, assembling, and fabricating character, including large-scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the city.

(Ord. No. 68-15, § 15.01, 10-22-1968)

Sec. 52-674. - Permitted uses.

The following uses are permitted in the M-2, medium industrial district:

- (1) All permitted uses in a M-1 district.
- (2) Automobile accessory manufacturing, not including tires.

- (3) Bump shops where primary use is such.
- (4) Cigar and cigarette manufacturing.
- (5) Electrical fixtures, batteries, and other electrical apparatus manufacturing.
- (6) Furniture and upholstering manufacturing.
- (7) Hardware and cutlery manufacturing.
- (8) Leather goods and luggage manufacturing.
- (9) Machine shops.
- (10) Mattress manufacturing.
- (11) Metal buffing, plating, and polishing.
- (12) Metal molding and extrusion.
- (13) Millwork, lumber and planing mills.
- (14) Painting and varnishing shops.
- (15) Manufacturing of paper and/or paper products.
- (16) Plastic molding and extrusion.
- (17) Railroad yards and terminals.
- (18) Rustproofing shops.
- (19) Tinsmith and sheet metal shops.
- (20) Wearing apparel manufacturing, including shoes, handbags, etc.
- (21) Welding shops.
- (22) Off-street parking and loading in accordance with the requirements of article IX of this chapter.

(Ord. No. 68-15, § 15.02, 10-22-1968)

Sec. 52-675. - Permitted uses after special approval.

Under such reasonable conditions as imposed by the city council, after public hearing and recommendation from the city planning commission and in harmony with the purposes of the M-2 district, the following uses may be permitted by the city council in accordance with procedures established by article VII of this chapter:

- (1) Automobile or other machinery assembly plants.
- (2) Body plants.
- (3) Brewing or distillation of malt beverages or liquors.
- (4) Canning factories.
- (5) Chemical plants.
- (6) Drive-in theaters.
- (7) Lumber or planing mills.
- (8) Metal stamping and pressing plants.

- (9) Open storage yards of building and construction contractors.
- (10) Junkyards.
- (11) Other types of heavy industry not listed in section 52-674.
- (12) Those uses permitted in the C-2, general business district but not including uses which may be included by reference to other zoning districts.
- (13) Those uses permitted in the C-3, commercial district but not including uses which may be included by reference to other zoning districts.
- (14) Those uses permitted in the RO-1, restricted office district but not including uses which may be included by reference to other zoning districts.

(Ord. No. 68-15, § 15.03, 10-22-1968; Ord. No. 89-3, § 1(III), 9-26-1989)

Sec. 52-676. - Industrial performance standards.

- (a) *Automatic screw machines*. Permitted only when operated with noise silencers, and when located not less than 300 feet from any zoned residential district.
- (b) *Stamping machines, punch presses*. Must be placed on shock absorbing mountings and on a suitable, reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.
  - (1) For punch and stamp presses, other than hydraulic presses:
    - a. Up to 50 tons capacity when located at least 250 feet from nearest residential zone.
    - b. Up to 100 tons capacity when located at least 300 feet from nearest residential zone.
    - c. Up to 150 tons capacity when located at least 500 feet from nearest residential zone.
  - (2) For hydraulic presses:
    - a. Up to 500 tons capacity when located at least 250 feet from the nearest residential zone.
    - b. Up to 750 tons capacity when located at least 300 feet from nearest residential zone.
- (c) *Hot forgings, steam or board hammers*. Hot forgings, steam or board hammers uses are not permitted.
- (d) *Noise*. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed 65 decibels, and must comply with requirements of this Code.
- (e) *Odor*. The emission of obnoxious odors of any kind shall not be permitted.
- (f) *Gases, smoke, dust, dirt, and fly ash*. The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformity with all applicable state and county health laws as pertaining to air pollution and smoke abatement, and to this Code.
- (g) *Glare and heat*. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind solid walls or frosted glass not less than 15 feet high, as measured from the ground level adjacent to the structure concerned.
- (h) *Fire and safety hazards*. The storage and handling of flammable liquids, liquefied petroleum gases and explosives,

shall comply with all state rules and regulations and, as established by the Fire Prevention Act, Public Act No. 207 of 1941, as amended MCL 29.1 et seq. Further, all storage tanks of liquid materials above ground shall be located not less than 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

- (i) *Sewage waste.* No industrial sewage waste shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause restriction of the normal inspection or maintenance of the sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process, cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest. Specific conditions controlling sewage waste are as follows:
- (1) Acidity or alkalinity must be neutralized to a pH of 7.0 as a daily average on a volumetric basis with a maximum temporary variation of pH 5.0 to 10.0.
  - (2) Must not contain more than ten ppm of the following gases: hydrogen sulphide, sulphur dioxide, oxides of nitrogen or any of the halogens.
  - (3) Must not contain any explosive substance.
  - (4) Must not contain any flammable substance with a flash point lower than 187 degrees Fahrenheit.
  - (5) Must have a temperature within the range of 32 degrees and 150 degrees Fahrenheit.
  - (6) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
  - (7) Must not contain insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm.
  - (8) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 ppm or exceeding a daily average of 2,000 ppm.
  - (9) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
  - (10) Must not contain insoluble substance having a specific gravity greater than 2.65.
  - (11) Must not contain insoluble substance that will fail to pass a No. 8, standard sieve, or having any dimension greater than one-half inch.
  - (12) Must not contain gases or vapors either free or occluded, in concentrations toxic or dangerous to humans or animals.
  - (13) Must not have a chlorine demand greater than 15 ppm.
  - (14) Must not contain more than 100 ppm of any antiseptic substance.
  - (15) Must not contain phenols in excess of 0.05 ppm.
  - (16) Must not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.

(17) Must not contain in excess of 100 ppm or exceed a daily average of 25 ppm of any grease or oil or any oily substance. All of the standards and regulations are to apply at the point where industrial or commercial type wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(j) *Open storage.* All storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies shall be located within an area not closer than 50 feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any R-1A, R-1B, R-2, RM, RMA, C-1, C-2, C-3, or RO-1 district by a solid eight-foot masonry wall sufficient to serve as a permanent retaining wall. Junkyards, when permitted, shall be entirely enclosed on all sides by said eight-foot wall or fence, and junk or other scrap material shall be piled no higher than the height of the required wall or fence.

(Ord. No. 68-15, § 15.04, 10-22-1968)

#### Sec. 52-677. - Protective screening.

Those sides of a lot or parcel in an M-2 district, which abut an R-1A, R-1B, R-2, or RM and RMA district, shall be provided with protective screening in accordance with section 52-901 in addition to those requirements as may be necessary as set forth in section 52-676(j), for open storage and junkyards.

(Ord. No. 68-15, § 15.05, 10-22-1968)

#### Sec. 52-678. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 15.06, 10-22-1968)

#### Secs. 52-679—52-699. - Reserved.

### DIVISION 17. - M-3, HEAVY INDUSTRIAL DISTRICT

#### Subdivision I. - In General

#### Sec. 52-700. - Statement of purpose.

The intent of the M-3, heavy industrial district is to permit location in limited areas of the city of heavy industrial facilities of large-scale manufacturing, assembling, processing and fabricating character, which require extensive sites and specific rail and utility services. Land use in this district shall be in compliance with the master plan, with the intent that heavy industry not cause adverse effects on residential and commercial areas in the city.

(Ord. No. 68-15, § 15A.01, 10-22-1968)

Sec. 52-701. - Permitted uses.

The following uses are permitted in the M-3, heavy industrial district:

- (1) All uses permitted in M-1 and M-2 districts, including uses permitted in such districts after special approval.
- (2) Automobile, aircraft and other machinery plants, including all enameling, painting and welding operations which comprise a part thereof.
- (3) Automotive parts plants.
- (4) Electroplating.
- (5) Galvanizing.
- (6) Miscellaneous manufacturing and assembly operations, including calculators, typewriters, computers, major consumer appliances and electronics products.
- (7) Miscellaneous metal products manufacturing.
- (8) Machining and assembly plants, including manufacture of engines, transmissions, etc.
- (9) Metal stamping and casting plants.
- (10) Open storage yards for manufactured products and raw materials, including coal, ore and stone.
- (11) Plastics products manufacturing and processing.
- (12) Warehousing.

(Ord. No. 68-15, § 15A.02, 10-22-1968)

Sec. 52-702. - Permitted uses after special approval.

Certain other uses may be permitted by the city council after public hearing and recommendation by the city planning commission. Such uses shall be subject to the specific terms and conditions of the approving resolution, shall be in harmony with the purposes of the M-3 district, and shall not be in any way injurious to the health, safety, welfare and property of persons in the vicinity of such use.

(Ord. No. 68-15, § 15A.03, 10-22-1968)

Sec. 52-703. - Industrial performance standards.

- (a) *Automatic screw machines*. Permitted only when operated with noise silencers, and when located not less than 300 feet from any zoned residential district.
- (b) *Stamping machines, punch presses*. Stamping machines and punch presses must be placed on shock absorbing mountings on a suitable, reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. Displacement at the property line shall not exceed 0.003 inch.
- (c) *Noise*. Noise emanating from the plant shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Noise as measured at the street or property line may not exceed 80 decibels, and

must comply with requirements of this Code.

- (d) *Odor.* The emission of odors having an obnoxious effect outside the property lines shall be prohibited.
- (e) *Gases, smoke, dust, dirt and fly ash.* Such emissions shall be in strict conformity with all applicable state and county laws pertaining to air pollution and to this Code.
- (f) *Glare and heat.* Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind solid walls or frosted glass not less than 15 feet high, as measured from the ground level adjacent to the structure concerned.
- (g) *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all state rules and regulations, and as established by the fire protection act, Public Act No. 207 of 1941 (MCL 29.1 et seq.). Further, all storage tanks of hazardous liquid materials above ground shall be located not less than 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed, when such dikes are required under state law. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
- (h) *Sewage waste.* No industrial sewage waste shall be discharged into sewers that will cause overloading or chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause restriction of the normal inspection or maintenance of the sewer structures, cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process, cause danger to public health and safety; an overloading of the sewage system; or cause obnoxious conditions inimical to the public interest. Specific conditions controlling sewage waste in the city shall be as outlined by the City of Detroit ordinance, entitled, Standards and Regulations Controlling Discharge of Industrial or Commercial Type Wastes Into the Detroit Sewer System and must also meet all current requirements of the county health department, state health department, and state department of environmental quality. Such conditions shall automatically be altered or amended to conform to any revisions which may, from time to time, be made in the Detroit ordinance. Specific conditions of the City of Detroit ordinance presently in effect, dated November 20, 1961, are as follows:
  - (1) Acidity or alkalinity must be neutralized to a pH of 7.0 as a daily average on a volumetric basis with a maximum temporary variation of pH 5.0 to 10.0.
  - (2) Must not contain more than ten ppm of the following gases: hydrogen sulphide, sulphur dioxide, oxides of nitrogen or any of the halogens.
  - (3) Must not contain any explosive substance.
  - (4) Must not contain any flammable substance with a flash point lower than 187 degrees Fahrenheit.
  - (5) Must have a temperature within the range of 32 degrees and 150 degrees Fahrenheit.
  - (6) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
  - (7) Must not contain insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm.
  - (8) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 ppm or exceeding a daily

average of 2,000 ppm.

- (9) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
- (10) Must not contain insoluble substance having a specific gravity greater than 2.65.
- (11) Must not contain insoluble substance that will fail to pass No. 8, standard sieve, or having any dimension greater than one-half inch.
- (12) Must not contain gases or vapors either free or occluded, in concentrations toxic or dangerous to humans or animals.
- (13) Must not have a chlorine demand greater than 15 ppm.
- (14) Must not contain more than 100 ppm.
- (15) Must not contain phenols in excess of 0.05 ppm.
- (16) Must not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.
- (17) Must not contain in excess of 100 ppm or exceed a daily average of 25 ppm of any grease or oil or any oily substance.

All of the standards and regulations set forth in this section are to apply at the point where industrial or chemical type wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

- (i) *Open storage.* All open storage shall be located within an area not closer than 300 feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than 20 feet from any interior lot line. All portions of a site utilized for open storage shall be accessible from a public street by fire trucks at all times. All such open storage shall be screened from all streets and on all sides by a solid masonry material as required by the planning commission. No material shall be piled any higher than a height of 30 feet or a height equal to ten percent of the distance from the street right-of-way line whichever is greater.

(Ord. No. 68-15, § 15A.04, 10-22-1968)

#### Sec. 52-704. - Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

(Ord. No. 68-15, § 15A.05, 10-22-1968)

#### Secs. 52-705—52-721. - Reserved.

#### Subdivision II. - Waste Disposal Site or Landfill

#### Sec. 52-722. - Definitions.



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

*Hazardous waste* means any material defined by the Michigan Department of Environmental Quality, state statutes, and federal laws and regulations, including those of the Environmental Protection Agency and the federal and state Departments of Transportation.

*Waste disposal manifest* means any document which complies with the manifest system for transporting hazardous wastes as developed by the state.

(Ord. No. 82-15, § 3(15A.07), 10-14-1982)

#### Sec. 52-723. - Application.

If the planned use of the M-3 district is for a nonhazardous or hazardous waste disposal site or landfill, then the regulations in this subdivision shall apply to said use.

(Ord. No. 82-15, § 2(15A.06), 10-14-1982)

#### Sec. 52-724. - Site area.

The minimum size for the site or disposal area shall be 25 acres, including any required greenbelt areas.

(Ord. No. 82-15, § 4(15A.08), 10-14-1982)

#### Sec. 52-725. - Operation.

- (a) The hours of operation for the site, including, but not limited to, dumping, excavating and regrading, shall be 7:00 a.m. to 7:00 p.m., unless special permission is granted by the city council, upon the recommendation of the city environmental commission and the city planning commission.
- (b) A waste disposal manifest or a copy thereof shall be kept at the site for each load or cargo containing hazardous wastes that are to be deposited, or stored in or on the waste disposal site. Said manifest or copy thereof shall be open for verification by the city police and the city inspectors.
- (c) As disposal is completed, the site area shall be restored, as near as possible, to its prior condition. This includes the replacement of topsoil and a suitable ground cover, as approved by the city environmental commission, the city planning commission, and the city council, to control soil erosion.
- (d) Any change in the natural contour of the land, both during disposal and closure, shall be maintained in a condition that is safe for persons on the site premises.

(Ord. No. 82-15, § 5(15A.09), 10-14-1982)

#### Sec. 52-726. - Additional performance standards.

- (a) Dust and fly ash shall in no manner be destructive, unhealthful, hazardous or deleterious to the general welfare. Such emissions shall be kept to a minimum, and waste or runoff water from the disposal site shall not be used for

control of such emissions.

- (b) All surface water at the disposal site shall be controlled by the use of holding ponds. The water collected in these ponds shall be transported from the site by truck or, if approved by the authority in control of the local sewage system and the city council, may be metered and discharged into the sewer system. Water discharged into the sewer system shall be considered as sewage waste.

(Ord. No. 82-15, § 6(15A.10), 10-14-1982)

#### Sec. 52-727. - On-site burning.

There shall be no burning of debris, waste or other material on the disposal site. This section shall not prohibit the installation of incinerators at the site which have met all federal, state and local rules and regulations and which have been approved by the city environmental commission, the city planning commission and the city council.

(Ord. No. 82-15, § 7(15A.11), 10-14-1982)

#### Sec. 52-728. - Transportation of waste materials.

- (a) Each vehicle transporting a hazardous waste shall maintain a waste disposal manifest. This manifest or copy of it shall be kept on or in the vehicle while said vehicle is transporting a hazardous waste either to or from the disposal site.
- (b) Vehicles transporting a hazardous waste shall use only Southfield Road (M-39), Pelham Road, Oakwood Road, the Ford Freeway (I-94) and I-75. Vehicles transporting nonhazardous waste shall use the most direct route to their destinations, but may not use residential streets. This shall not preclude the collection of domestic debris and refuse from residential streets.
- (c) Any spillage, dropping, sifting or leaking of the contents of the vehicle and/or any debris dropping or falling from the vehicle itself shall be removed and cleaned up at the expense of the person, firm or company responsible for transporting the waste material.

(Ord. No. 82-15, § 8(15A.12), 10-14-1982)

#### Sec. 52-729. - Screening.

In order to provide adequate protective screening for adjacent and nearby properties, the following regulations shall apply:

- (1) A landscaped greenbelt, not less than 100 feet in depth, enclosing the entire perimeter of the site shall be provided and maintained by the users. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees and/or ornamental trees set not closer than six feet to any fence or wall. Other landscaping materials would include flowering shrubs such as spirea, forsythia, yellow and red twig crocuses, Euonymus alatus and Althaea rosea of a height of not less than four feet. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawns. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All planting and zoning plans shall be first

submitted to the city planning commission, the city environmental commission, and the city council for approval as to the suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding sections and provisions of this chapter.

- (2) A chainlink fence, at least eight feet in height, with at least three strands of barbed wire above the fence, shall enclose the entire perimeter of the site. Said fence shall include at least one gate of similar chainlink design capable of being securely closed and locked during hours of nonoperation at the site.
- (3) Where the site is adjacent to an R-1A or R-1B district, a suitable noise barrier may be required. The city planning commission, the city environmental commission and the city council shall determine whether or not said barrier is necessary and the type of barrier required. Construction and maintenance of said barrier, if required, shall be the responsibility of the person, firm or company operating and/or owner of the site premises.
- (4) Warning signs shall be posted and/or displayed on the site premises. The type, wording and location and/or placement of these signs shall be determined by the city environmental commission, the city planning commission and the city council.

(Ord. No. 82-15, § 9(15A.13), 10-14-1982)

#### Sec. 52-730. - Controlling regulations.

Any federal, state or county regulation or statute which is more stringent than the sections in this subdivision shall apply in place of or in addition to the sections in this subdivision.

(Ord. No. 82-15, § 10(15A.14), 10-14-1982)

#### Sec. 52-731. - Enforcement.

The city hereby elects to administer and enforce the sections in this subdivision and designates the inspectors of the city, the city police department and the city fire department with such responsibility.

(Ord. No. 82-15, § 11(15A.15), 10-14-1982)

#### Secs. 52-732—52-760. - Reserved.

### DIVISION 18. - FLOODPLAIN ZONING DISTRICT

#### Sec. 52-761. - Statement of purpose; description.

The floodplain zoning district is intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation. These areas have been identified by Federal Emergency Management Agency as special flood hazard areas and are set forth in the flood insurance rate map dated May 6, 1996, which shall be the official map for

determinations and regulations related to this division. In order to protect the public health, safety and welfare, development in these areas is regulated to reduce flood hazard potential.

(Ord. No. 82-1, § 1(15B.01), 2-9-1982; Ord. No. 96-9, § 1, 4-23-1996)

Sec. 52-762. - Development prohibition.

In the floodplain district, no buildings shall be erected or converted for any use, or under any condition other than the following:

- (1) Residential supportive uses such as lawns, gardens, parking areas or play areas.
- (2) Parks and playgrounds.
- (3) Parking lots, loading areas and storage areas for machinery and equipment easily moved or not subject to flood damage.
- (4) Structures designed and constructed to accommodate a 100-year flood which will occur in the area as shown on the flood insurance rate map or calculated from other available official data without material damage to the structure and without material obstruction of the floodplain to the detriment of other properties. Permissible construction hereunder shall include, among others, all structures in which the lowest floor area (including basement floors, manufactured home floors and attached garage floors, but excluding detached garages or storage buildings when constructed and designed in a floodproof manner) is above the documented base 100-year flood elevation. The building inspector of the city is authorized and directed to determine the acceptability of any proposed construction hereunder, subject to appeal to the zoning board of appeals by an aggrieved applicant, which board shall be governed in its decision by the criteria that the proposed construction complies with the spirit and intent of the purposes of the floodplain district, is not contrary to public health and safety, and would afford substantial justice to all parties involved, including the general public. Any such proposed structure shall also be subject to site plan review by the planning commission of the city.

(Ord. No. 82-1, § 2(15B.02), 2-9-1982; Ord. No. 96-9, § 1, 4-23-1996)

Sec. 52-763. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 82-1, § 3(15B.03), 2-9-1982)

Sec. 52-764. - Other regulations.

All lot and area sizes, setbacks and off-street parking requirements shall apply as set forth in the ordinances for the particular zone use where the real estate is presently located.

(Ord. No. 82-1, § 4(15B.04), 2-9-1982)

Secs. 52-765—52-781. - Reserved.

## DIVISION 19. - SCHEDULE OF REGULATIONS

Sec. 52-782. - Schedule by districts.

The schedule of regulations by districts is as follows:

		Minimum Lot Size		Maximum Height of Structures		Minimum Setbacks		Combined		
District	Maximum Lot Coverage (Percent)	Square Feet	Width	Stories	Height	Front	One Side	Two Sides	Rear	Minimum Ground Floor Area <sup>f</sup>
R-1A	<u>35</u>	7,200	70	2½	<u>35</u>	25 <sup>a</sup>	5	15; <sup>sup\sup;</sup>	<u>35</u>	1,200
R-1B	<u>35</u>	5,000	<u>50</u> <sup>g</sup>	2½	<u>35</u>	25 <sup>a</sup>	3	11; <sup>sup\sup;</sup>	<u>35</u>	900
R2 <sup>e</sup>	<u>35</u>	8,000 <sup>d, h</sup>	70	2½	<u>35</u>	25	5	15	<u>35</u>	1,600
RM <sup>e</sup>	<u>30</u>	15,000 <sup>d, h</sup>	<u>50</u>	3	<u>40</u>	25	15	<u>30</u>	25	<sup>j</sup>
RMA <sup>e</sup>	<u>30</u>	5A <sup>d, h</sup>	100	3	<u>40</u>	25	15	<u>30</u>	25	<sup>j</sup>
C-1	NA	NA	NA	1	20	0	NA	NA	0	NA
C-2	NA	NA	NA	2	<u>24</u> ; <sup>sup\sup;</sup>	0	NA	NA	0	NA
C-3	NA	NA	NA	2	<u>24</u> ; <sup>sup\sup;</sup>	0	NA	NA	0	NA
C-4	NA	NA	NA	2	<u>24</u> ; <sup>sup\sup;</sup>	0	NA	NA	0	NA
C-5	NA	NA	NA	3	<u>40</u>	0	NA	NA	0	NA
C-6A	NA	NA	NA	2	<u>40</u>	10	20	<u>40</u>	20	NA

C-6B	NA	NA	NA	2	<u>40</u>	10	20	<u>40</u>	20	NA
RD	<u>50</u>	1A	NA	3	<u>40</u>	20	20	<u>40</u>	20	NA
RO-1	<u>50</u>	2,000	NA	3	<u>40</u>	20	20	<u>40</u>	20	NA
SD	<u>50</u>	1A	NA	4	<u>50</u>	20	20	<u>40</u>	20	NA
GI	<u>50</u>	5,000	NA	2	<u>30</u>	20	20	<u>40</u>	25	NA
M-1	70	10,000	NA	3	<u>40</u>	20	20	<u>40</u>	25	NA
M-2	70	1A	NA	5	75	<u>50</u>	25	<u>50</u>	<u>50</u>	NA
M-3	70	1A	NA	5	75	<u>50</u>	25	<u>50</u>	<u>50</u>	NA

Numbers are given in feet, except where indicated otherwise.

The term "A" means acre.

Footnotes to schedule of regulations.

<sup>a</sup> In cases where 25 percent or more of the frontage in any one block between two adjacent streets has been built upon, the minimum front yard shall be established by using the average depth of the front yards provided on the lots built upon.

<sup>b</sup> A permitted nonresidential use shall provide 25 feet on both sides of the building.

<sup>c</sup> The required rear yard for any lot of record in an R-2 or RM district of less than 100 feet in depth may be reduced by the number of feet in difference between the depth of the lot and 100 feet.

<sup>d</sup> Required lot area, lot width and other regulations for single-family residences in an R-2, RM and RMA district shall be the same as required for the single-family district abutting on said R-2, RM and RMA district at the nearest distance from the lot or lots in question.

<sup>e</sup> For multiple dwellings designed in a planned unit development of more than one building on a given site, the minimum horizontal distance between buildings used for dwelling purposes shall be as follows: 1. Front to front, front to rear, or rear to rear: 30 feet for buildings one story in height, and 60 feet for buildings two stories in height. 2. End to end: 20 feet. 3. End to front or end to rear: 30 feet. 4. Exterior to outer courts shall have a dimension in any horizontal direction equal to the height of the building. 5. Rear yard shall not be less than 35 feet deep. 6. Side yards shall be increased by one foot for each ten feet or part thereof by which the length of the multiple dwelling exceeds 40 feet in overall dimension along the adjoining side lot line.

<sup>f</sup> The minimum floor area per dwelling unit shall not include area of basements, porches, attached garages or utility rooms.

<sup>g</sup> Corner lots in an R-1B district shall have a minimum width of 55 feet.

<sup>h</sup> For R-2, RM and RMA districts, the following additional schedule shall apply for lot size:

		Minimum Size of Lot Per Dwelling Unit (in square feet)			
District	Maximum Dwelling Units (per acre)	Efficiency	1 BR <sup>(1)</sup>	2 BR <sup>(1)</sup>	3 BR <sup>(1)</sup>
R-2	20	1,000	1,500	2,000	4,000
RM	17	2,000	2,000	2,500	4,500
RMA	12	2,500	2,500	3,500	5,000

<sup>(1)</sup> Base unit includes a kitchen, bathroom, living room and the specified number of bedrooms. The required lot area shall be increased by 300 square feet for each additional room beyond the base unit. A bathroom shall not be considered an additional room.

<sup>i</sup> Height may be increased by ten feet to provide a sloped or peaked roof. There shall be no use of this interior space except for heating, cooling and ventilation equipment.

<sup>j</sup> For RM and RMA districts, the following additional schedule shall apply for the minimum ground floor area:

	Number of Bedrooms			
Efficiency	1	2	3	For Each Additional
350 sq. ft.	600 sq. ft.	800 sq. ft.	1,000 sq. ft.	90 sq. ft.

(Ord. No. 68-15, art. XVI, 10-22-1968; Ord. No. 2007-02, § 1, 6-12-2007)

Secs. 52-783—52-802. - Reserved.

## ARTICLE IV. - ADULT FOSTER CARE FACILITIES

## Sec. 52-803. - Definitions.

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

*Adult foster care facility.*

- (1) The term "adult foster care facility" means a governmental or nongovernmental establishment that provides foster care to adults. Subject to MCL 400.726a(1), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
- (2) The term "adult foster care facility" does not include any of the following:
  - a. A nursing home licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
  - b. A home for the aged licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
  - c. A hospital licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
  - d. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, Public Act No. 258 of 1974 (MCL 330.1001 et seq.).
  - e. A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, Public Act No. 280 of 1939 (MCL 400.55).
  - f. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
    1. Two, if the total number of residents is ten or fewer.
    2. Three, if the total number of residents is not less than 11 and not more than 14.
    3. Four, if the total number of residents is not less than 15 and not more than 20.
    4. Five, if the total number of residents is 21 or more.
  - g. A foster family home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Public Act No. 116 of 1973 (MCL 722.115).
  - h. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or roominghouse that does not provide or offer to provide foster care.
  - i. A facility created by Public Act No. 152 of 1885 (MCL 36.1 et seq.).



*Adult foster care small group home* means an adult foster care facility with the approved capacity to receive 12 or fewer adults who shall be provided with foster care.

*Foster care* means the provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

(Ord. No. 83-12, § 2(16A.01), 12-20-1983)

#### Sec. 52-804. - Exclusion from zoning districts.

Adult foster care facilities and adult foster care small group homes that provide foster care for more than six individuals are excluded and are a prohibited use in the R-1A and R-1B single-family residential districts within the city.

(Ord. No. 83-12, § 3(16A.02), 12-20-1983)

#### Sec. 52-805. - Controlling regulations.

Any federal, state or county regulation or statute which is more stringent than the sections in this article, shall apply in place of or in addition to the sections in this article.

(Ord. No. 83-12, § 4(16A.03), 12-20-1983)

#### Sec. 52-806. - Enforcement.

The provisions of this article shall be administered by the building department and the building inspector and his deputies as designated by the mayor and council.

(Ord. No. 83-12, § 5(16A.04), 12-20-1983)

#### Secs. 52-807—52-835. - Reserved.

### ARTICLE V. - ADULT ENTERTAINMENT BUSINESSES

#### Sec. 52-836. - Definitions.

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

*Adult entertainment businesses* includes, but are not limited to, the following:

- (1) *Adult bookstore* means an establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or special anatomical areas (defined in this section), or an establishment with a segment or section devoted to the sale or display of such material.
- (2) *Adult motion picture theater* means an enclosed building with a capacity of 20 or more persons used for

presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to special sexual activities or specified anatomical areas (defined in this section), for observation by patrons therein.

- (3) *Adult minimotion picture theater* means an enclosed building with a capacity for less than 20 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (defined in this section), for observation by patrons therein.
- (4) *Nude body painting or modeling studio* means an establishment which provides the services of body painting of the human body are offered for observation of the patrons therein.
- (5) *Escort services* means an establishment which provides the services of escorting members of the opposite sex for the payment of a fee.

*Specified anatomical areas* means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(Ord. No. 86-9, § 1(1), 8-26-1986)

#### Sec. 52-837. - Certificate of occupancy review.

Application to establish an adult entertainment business shall be made in writing to the planning commission. Such application shall specify the type of adult use or uses that will be catered to, and shall be accompanied by a request for a certificate of occupancy. The planning commission, having a duty to determine whether a particular use will have a deleterious effect on the surrounding area, will not approve a certificate of occupancy application if any of the following conditions are found to exist:

- (1) Adult entertainment businesses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses of zones:
  - a. Within 1,000 feet of any residential zone or any single-family or multiple-family residential use.
  - b. Within 1,000 feet of any public or private school.
  - c. Within 1,000 feet of any church or other religious facility or institution.
  - d. Within 1,000 feet of any public park.
  - e. The site is located closer than 1,000 feet to a site having an adult business designation under this section

or closer than 1,000 feet to the property line of any church or private or public school.

Any of the restrictions in subsection (1) of this section may be waived if the planning commission finds that 51 percent of the persons owning, residing or doing business within 500 feet of this location approve the use, that approval being evidenced by a petition with notarized signatures, signed by the concerned parties and presented by the petitioner prior to the public hearing.

- (2) The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.
- (3) Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by the city attorney, by way of civil abatement procedures only, and not by criminal prosecution.
- (4) Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or statute of the state regarding the public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

(Ord. No. 86-9, § 1(2), 8-26-1986)

Secs. 52-838—52-867. - Reserved.

#### ARTICLE VI. - SUPPLEMENTAL REGULATIONS

Sec. 52-868. - Applicability.

Except as hereinafter specifically provided, the general regulations of the sections of this article shall apply.

(Ord. No. 68-15, art. IV(intro.), 10-22-1968)

Sec. 52-869. - Conflicting regulations.

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

(Ord. No. 68-15, § 4.01, 10-22-1968)

Sec. 52-870. - Scope.

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

(Ord. No. 68-15, § 4.02, 10-22-1968)

Sec. 52-871. - Streets, alleys, and railroad rights-of-way.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(Ord. No. 68-15, § 4.03, 10-22-1968)

Sec. 52-872. - Permitted—Uses.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

(Ord. No. 68-15, § 4.04, 10-22-1968)

Sec. 52-873. - Same—Area.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

(Ord. No. 68-15, § 4.05, 10-22-1968)

Sec. 52-874. - Same—Height.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual, domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of radio and television transmitting, relay, or other types of antenna towers, where permitted shall abide by the regulations set forth in section 52-900. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be as established by the zoning board of appeals after consultation with the appropriate aeronautical agency.

(Ord. No. 68-15, § 4.06, 10-22-1968)

Sec. 52-875. - Zoning lot.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one such building on one lot unless otherwise provided in this chapter.

(Ord. No. 68-15, § 4.07, 10-22-1968)

Sec. 52-876. - Lot limitations.

In all residential districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as outlots, which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district in which it is located.

(Ord. No. 68-15, § 4.08, 10-22-1968)

Sec. 52-877. - Lots, yards, and open spaces.

- (a) No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this chapter, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building.
- (b) An open porch or paved terrace may occupy a front yard, provided that the unoccupied portion of the front yard furnishes a depth of not less than 15 feet. A one-story bay window may project not more than three feet beyond the front line of the building.
- (c) The minimum yard spaces, including lot area per family and maximum lot coverage required by this chapter for each and every building existing at the time of the passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building. (See schedule of regulations, article XVI of this chapter, for specific requirements.)

(Ord. No. 68-15, § 4.09, 10-22-1968)

Sec. 52-878. - Review of plans for construction and change of residential buildings.

- (a) In residential zones, after 25 percent of the lots and frontage on the side of the street in any block where the proposed improvement is contemplated have been improved by the erection of residences thereon, if one-half or more of the residences built in any such block are of a certain type and style, the remainder of the residences to be constructed, altered, relocated or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood; provided, however, that nothing herein shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance made of brick or stone, which is greater than the minimum herein required, or by constructing in such block a residence having floor area greater than the average area of residences in such block, such type and style shall be such as not to impair or destroy property values in the block.
- (b) There shall be five separated separate and distinct front elevations for constructing the front or face of two or

more residential buildings for every ten residences so contemplated and it shall not be permissible to have two like front elevations adjacent to each other. In built-up areas where scattered vacant lots are located between or beside existing dwellings at the time of applying for a permit to build on this vacant lot, it will be necessary to submit photographs of the front elevation of the existing dwellings on each side of this proposed residence so no two residences will have the same type of front elevation.

- (c) If any plans filed with the building department are rejected because they do not comply with the standards as to type and style, herein established, an appeal from the ruling may be filed with the zoning board of appeals, which board shall have the power to hear and determine such appeal and give relief in accordance with the provisions of this chapter.

(Ord. No. 68-15, § 4.10, 10-22-1968)

#### Sec. 52-879. - Substandard lots.

Any lot zoned R-1A or R-1B, which was of record at the time of the adoption of this chapter that does not meet the requirements of this chapter for lot width, lot area or yard space, may be utilized for single residence purposes, provided that the lot width, lot area or yard space is not less than 75 percent of that required by the terms of this chapter. Vacant lots having in the aggregate a continuous frontage of 120 feet or more regardless of ownership shall not be subject to this exception. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

(Ord. No. 68-15, § 4.11, 10-22-1968)

#### Sec. 52-880. - Frontage.

Every principal building shall front upon a public street, except that in the case of planned unit developments in multiple residential zones, variations may be allowed by the planning commission with due regard for the overall health, welfare, safety and convenience of the people.

(Ord. No. 68-15, § 4.12, 10-22-1968)

#### Sec. 52-881. - Nonresidential building elevations and screening near public streets.

In any case where a building or accessory building in a C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2 or M-3 district is erected or placed within 200 feet of the front lot line of any parcel of land fronting upon any public street, the front walls shall be constructed of stone, face brick or other approved ornamental material, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified, nor piles piled within said 200 feet unless the same shall be obscured from view from the street by the existence of a building or solid wall of approved ornamental material sufficient to properly obscure the same from view of the street. Open storage material sufficient to properly obscure the same from view of the street. Open storage uses, permitted only in the M-2 district, shall be governed by regulations in section 52-676(j).

(Ord. No. 68-15, § 4.13, 10-22-1968)

**Sec. 52-882. - Visibility.**

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight feet above the street level. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

(Ord. No. 68-15, § 4.14, 10-22-1968; Ord. No. 68-4, § 1, 3-12-1968)

**Sec. 52-883. - Dwellings in nonresidential districts.**

No dwelling shall be erected in the C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2 or M-3 district. However, the sleeping quarters of watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

(Ord. No. 68-15, § 4.15, 10-22-1968)

**Sec. 52-884. - Dwellings in other than main structure.**

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

(Ord. No. 68-15, § 4.16, 10-22-1968)

**Sec. 52-885. - Accessory buildings.**

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

- (1) Where the accessory building structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.
- (2) Accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than two feet to any adjoining side lot line and one foot to any rear lot line.
- (3) An accessory building, not exceeding one story or 15 feet in height for a sloping roof, may occupy not more than 14 percent of a required rear yard, plus 40 percent of any nonrequired rear yard; provided, that in no instance shall the accessory building exceed the ground floor area of the main building.
- (4) An accessory building shall be located on the rear half of the lot except when structurally attached to the main building.
- (5) No detached accessory building shall be located closer than 15 feet to any main or principal building.
- (6) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

- (7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of corner lot.

(Ord. No. 68-15, § 4.17, 10-22-1968)

Sec. 52-886. - Automobile service stations and public garages.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations, and to regulate and control the adverse effects which these and other problems incidental to the automobile service stations may exercise upon adjacent and surrounding areas, the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of the ordinance from which this section is derived shall comply with all requirements of this section. No automobile service station existing on the effective date of the ordinance from which this section is derived shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of the ordinance from which this section is derived.

- (1) The minimum lot area shall be 40,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil, and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 20,000 square feet or larger, subject to all other provisions herein required.
- (2) An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any other lot line.
- (3) All driveways providing ingress to or egress from an automobile service station shall not be more than 30 feet wide at the property line. Not more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
- (4) A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings.
- (5) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material, or, if any part of the lot is not surfaced, then that area shall be landscaped and separated from all surface areas by a low barrier or curb.
- (6) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.



- (7) Where an automobile service station adjoins any property located in any residential zone, or is separated from a property by a public alley only, a masonry wall five feet in height shall be erected and maintained along the corner or along the alley lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from striking the wall. In addition, all outside trash areas of used tires, auto parts and other items shall be enclosed on all sides other than for an opaque access door, by said five-foot masonry wall. Said masonry wall may be required by the planning commission where an automobile service station adjoins a nonresidential use such as an office building, medical day nursery or landscaped area or other types of nonresidential uses. Walls may be gradually reduced in height (stepped down) within 25 feet of any street right-of-way.
- (8) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (9) The total gasoline storage capacity of any automobile service station shall not exceed 40,000 gallons.
- (10) No automobile service station or public garage shall be located nearer than 500 feet, as measured from any point on the property line, to any existing automobile service station or public garage.
- (11) No automobile service station or public garage shall be located nearer than 500 feet as measured from any point on the property line to any church, public or private school, or playground.
- (12) Outdoor storage or parking of vehicles other than private automobiles shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. No. 68-15, § 4.19, 10-22-1968; Ord. No. 71-14, § 2, 10-3-1971; Ord. No. 72-3, § 1, 3-14-1972)

Sec. 52-887. - Occupancy means temporary garages, accessory building, trailer dwellings, basement apartments.

Substandard basement dwellings or garage or trailer dwellings which have been heretofore erected or occupied are hereby declared to be unlawful dwellings and shall be vacated within a period of one year. Buildings erected after the effective date of the ordinance from which this chapter is derived as garages, accessory buildings or trailer dwellings, except where located in properly licensed trailer park, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

(Ord. No. 68-15, § 4.20, 10-22-1968)

Sec. 52-888. - Temporary occupancy permit for recreational vehicles—Authorized.

Upon the petition of an owner of a parking area in a business or commercial district or on its own motion for a municipal parking area, the city council may authorize the building department to issue a limited number of one-week nonrenewable occupancy permits for a self-contained trailer, camper, or recreational vehicle up to its recognized capacity on parking areas located in business, commercial or municipal areas in the city.

(Ord. No. 77-13, § 1(4.20(b)), 3-14-1978)

Sec. 52-889. - Same—Criteria for approval of petitions.

The city council shall use the following criteria regarding the approval of petitions in section 52-888:

- (1) That the temporary occupancy permits are necessary to hold an event which will benefit the city financially or aesthetically;
- (2) That the temporary occupancy permits will not impair the health, safety or welfare of the citizens of the city.

(Ord. No. 77-13, § 1(4.20(b)(1)), 3-14-1978)

Sec. 52-890. - Building grades.

- (a) Where any lot, part or parcel of land, has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereon the easement exists shall be graded as indicated by the building department, and in no event shall be graded so as to obstruct or substantially slow down the normal flow of surface water across such easement. The grade in easements shall in all cases be subject to the approval of the building department.
- (b) In the event the building department shall determine that an easement has been graded in such a manner as to obstruct or substantially slow down the natural flow of surface water across such easement, the building department and its duly authorized agents, servants and employees shall have the right to go upon such easements and remove any obstruction to the natural flow of surface water across such easement and to grade or regrade said easement in such manner that the provisions of this section and section 52-889 shall be complied with.
- (c) In all cases where surface water in platted areas is to be conducted through open drainage ditches or cuts, the person, persons or legal entities platting such land shall enclose such open drainage ditches or cuts with a cyclone type fence at least five feet in height located within or at the edge of the easement provided for such surface drainage. Plans for such fence shall be submitted and approved by the planning commission before the plat of any such subdivision shall be approved by the planning commission.

(Ord. No. 68-15, § 4.21, 10-22-1968)

Sec. 52-891. - Buildings to be moved.

- (a) Any building or structure which has been wholly or partially erected on any premises located within the city shall not be moved to and be placed upon any other premises in the city until a building permit for such removal shall have been secured under section 52-25. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure. No building or structure shall be moved into the city from outside the city limits.
- (b) Before a permit may be issued for moving a building or structure, representatives from the building department and the city engineer shall inspect same and shall determine if it is in a safe condition to be moved, whether it may be reconditioned to comply with the state construction code and other city requirements for the use and occupancy for which it is to be used, and whether it will be of similar character with the buildings in the area where it is to be moved. Also, clearances will be obtained from all utility companies insuring that utilities are discontinued and all facilities accounted for. Special inspection fees may be charged to cover costs of inspecting

the old site and the new site of said building or structure. Providing these conditions can be complied with, a building permit shall be issued for the moving of said building or structure; this permit to carry the verification of the building inspector and the city engineer.

(Ord. No. 68-15, § 4.22, 10-22-1968)

Sec. 52-892. - Excavations or holes.

The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the state construction code, where such excavations are properly protected and warning signs posted in such manner as may be approved by the building department and, provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state, the county, the city or other governmental agency.

(Ord. No. 68-15, § 4.23, 10-22-1968)

Sec. 52-893. - Excavation, removal and filling of land.

The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or byproducts, is not permitted in any zoning district except under a certificate from, and under the supervision of the building department in accordance with a topographic plan, approved by the city engineer, submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 50 feet equals one inch and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the city engineer. Such certificate may be issued in the appropriate cases upon the filing with the application of a surety bond executed by a surety company authorized to do business in the state running to the city in an amount as established by the city engineer which will be sufficient in amount to rehabilitate the property upon default of the operator of such excavating or filling operation, and to cover court costs and other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the building department. Costs of a permit to fill or excavate may be allocated to the building department to defray the city's costs and in accordance with section 52-27.

(Ord. No. 68-15, § 4.24, 10-22-1968)

Sec. 52-894. - Restoring unsafe buildings.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or the required compliance with his lawful order.

(Ord. No. 68-15, § 4.25, 10-22-1968)

**State Law reference—** Dangerous buildings, MCL 125.538 et seq.

Sec. 52-895. - Construction begun prior to adoption of ordinance from which this chapter is derived.

Nothing in this chapter shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this chapter, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of passage of the ordinance from which this chapter is derived.

(Ord. No. 68-15, § 4.26, 10-22-1968)

Sec. 52-896. - Voting place.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Ord. No. 68-15, § 4.27, 10-22-1968)

Sec. 52-897. - Approval of plats.

No proposed plat of a new subdivision shall hereafter be approved by either the city council or the city planning commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter, and unless such plat fully conforms with the statutes of the state, the ordinances of the city and the subdivision regulations of the city.

(Ord. No. 68-15, § 4.28, 10-22-1968)

**State Law reference**— Land division act, MCL 560.101 et seq.

Sec. 52-898. - Essential services.

- (a) The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the city in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this chapter.
- (b) The zoning board of appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use, if the board shall find such use, height, area, building or

structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

(Ord. No. 68-15, § 4.29, 10-22-1968)

Sec. 52-899. - Signs.

- (a) *Purpose.* It is the purpose of this section to provide for and protect the safety and well-being of the public through the elimination or reduction of sign blight, distractions and obstructions to traffic, alleviation of hazards from signs projecting over or on public ways, discourage excessive competition in signage which causes disorientation and to promote and enhance aesthetically pleasing neighborhoods and business districts with signage that is creative, distinctive, easily readable and compatible with the surroundings.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Aerial balloons and inflatable figures* means any balloon, inflatable figure or inflatable object which is anchored or affixed to a location, property, structure or building and used solely to advertise the sale or rental of any product, property or service, or to announce the date or hours of operation of any business or event. Balloons or inflatable figures that are typically hand-held shall not be subject to regulations under this article.

*Commercial sign* means any sign announcing, displaying or advertising any product or service.

*Directional sign* means the indication of ingress and egress, placed at driveway locations, containing no advertising material and where the display area does not exceed three square feet.

*Freestanding sign* means any self-supporting sign not attached to any building or wall and supported by and anchored directly to the ground.

*Outdoor banner sign* means any temporary, nonridged cloth, plastic or similar material sign placed outdoors.

*Political campaign sign* means any sign announcing candidates seeking political or nonpolitical office or announcing or indicating any issue or proposal to be placed before the electorate for a decision.

*Portable sign* means any portable illuminated or nonilluminated sign used solely to advertise the sale of any product, property or service, or to announce the date or hours of operation that is not permanently attached to the building, wall or ground.

*Shopping center* means a single property with multiple occupancy of retail stores or service establishments under one ownership or management or clustered around a common parking lot with a common driveway entrance.

- (c) *Unlawful to erect sign without permit.*

- (1) It shall be unlawful for any person to erect, alter, relocate, reassemble, inflate or post any sign, including freestanding signs, portable signs, outdoor banner signs, aerial balloons or inflatable figures governed by the provisions of this article within the city without first having obtained a permit therefor from the building department.

- (2) No permit shall be required for the placement of political campaign signs or political or religious issue signs.

(d) *Application for permit.*

- (1) An application for a permit shall be made on a form prescribed by the city, and shall contain, among other things, the name and address of the applicant, the type of sign and the proposed location, the name of the person who will erect, hang or inflate the sign, and the written consent of the owner and lessee of the property on which the sign is to be located.
- (2) If the sign is to be electrically illuminated or inflated the name of the electrician who is to connect the wiring to the electrical supply must be specified, his city license number shown, and the sign shall have an approved Underwriters' Laboratory label number, together with an electrical permit number. Electrical clocks, thermometers or similar devices, when located on the outside of the building, shall, for the purposes of this article, be deemed to be signs. However, if the electrical connection for a portable sign, aerial balloon or inflatable figure is to be accomplished through the use of a standard line cord being placed into an existing electrical receptacle, no electrician is necessary to make the connection.
- (3) Applications for permits to erect or hang signs shall be accompanied by such drawings and specifications as are necessary to fully describe the construction, materials, supports and anchorage for such signs. The drawings for signs exceeding 20 square feet of display area, or exceeding 500 pounds in weight, or ground signs located closer to a public right-of-way line than the height of the sign above ground level, are to be prepared by, and bear the embossed seal of, a registered architect or engineer.
- (4) Every permit application for an aerial balloon, inflatable figure, portable sign or outdoor banner sign must include a description or sketch showing how such sign shall be affixed to the ground or some stationary structure which will prevent its rolling, tumbling, blowing or being pushed onto any driveway, street, alley or other public property.

(e) *Approval of application; issuance of permit.*

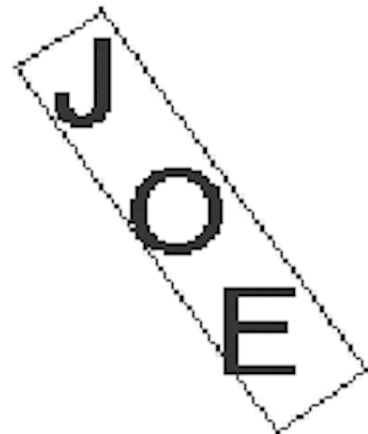
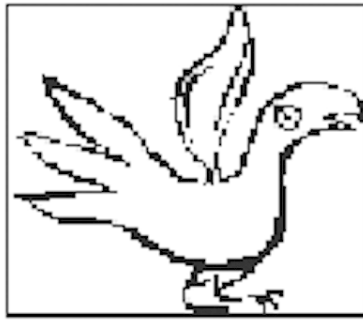
- (1) The application for permit, together with all plans and specifications in connection therewith, shall be approved by the building department, and such approval shall not be given unless and until such application shall comply with all of the provisions of this article and all other ordinances of the city. If such application complies with all of said ordinances, a permit to erect, hang, alter, relocate, reassemble or post the sign shall be issued by the building department after payment of the appropriate fees as specified by the city council.
- (2) No sign shall be approved unless specifically permitted under one of the provisions of this article.
- (3) Any sign which has been erected for a particular purpose shall not have its use changed without first making a new application and having a permit issued therefor.

(f) *Sign to bear permit number.*

- (1) Every permit shall bear a number, which number shall be inscribed upon a metal or hard, durable plastic tag and fastened to the sign in a conspicuous location. The tag shall be resistant to the elements and of a minimum size of three inches by three inches. The inscribed permit number shall be of ten-point type or larger. The applicants shall provide the tags at their own expense.
- (2) The sign erector shall have the permit in his possession at the time and place where the sign is being erected or hung.

- (g) *Measurement of sign area.* The area of the sign shall be based upon the entire area of the sign that can be included within a single continuous line forming a square, rectangle or other shape encompassing the outermost portions of the sign around the outermost edges of a sign formed by letters or symbols only. Wall signs painted upon a building shall include lettering, designs or symbols, together with any background of a different color other than the natural color or finish material of the building. All logos, symbols or/and lettering on canopy and awning signs shall be included in the sign

*EXAMPLES OF AREA OF MEASUREMENT*



**Note—** Solid outline indicates area of measurement.

(h) *Zoning district restrictions.*

- (1) *R-1A, R-1B and R-2 residential districts.* Persons may display one temporary sign pertaining to the lease or sale of the premises upon which it is placed. The sign shall not exceed six square feet in area and shall not be illuminated. The sign shall be removed within seven days after consummation of a lease or sale transaction. A permitted nonresidential use may display no more than two signs aggregating not more than 12 square feet, advertising the name and activities conducted on the property. No sign shall be erected nearer any street or road than one-half the front or side setback required for the principal building to be erected on the property.
- (2) *RM and RMA residential districts.* Persons may display one sign indicating the name and address of the building or management thereof. The sign shall not exceed 16 square feet in area and shall not be illuminated. Such use may also display one temporary sign pertaining to the lease of the premises upon which it is placed. The sign shall not exceed six square feet in area and shall not be illuminated. The sign shall be removed within seven days after consummation of a lease or sale transaction. For community facility use, there may also be one nonilluminated changeable display board with an area not exceeding 16 square feet. This display board shall not be located closer than eight feet to any property in an R-1A, R-1B and R-2 district.

- (3) *C-1 neighborhood business district.* Persons shall be allowed to display one sign facing any one road or street with signage of 1.6 square foot per each lineal foot of building frontage to a maximum of 64 square feet. The sign shall be an accessory to the business conducted on the premises. The sign shall be parallel to and attached to the building and shall not project beyond or overhang the wall, canopy, mansard or pent eave by more than one foot. No sign shall be placed on or project above the roof or parapet of the building to which it is attached.
- (4) *C-2 general business, C-3 commercial, C-4 general business, C-5 central business, and C-6A, C-6B regional shopping districts.* Persons shall be allowed to display signage of two square feet per each lineal foot of building frontage to a maximum of 120 square feet. If the building fronts two or more streets, the street of the building's mailing or street address shall be considered the building front for purposes of computing building frontage. Signage shall be allowed on the other street frontages of the building, but shall be computed at one square foot per each lineal foot of building frontage on such street to a maximum of 40 square feet. The sign shall be parallel to and attached to the building and shall not project beyond or overhang the wall, canopy, mansard or pent eave by more than one foot. No sign shall be placed on or project above the roof or parapet of the building to which it is attached. If a single use occupancy property has its own parking lot contained on the property, one freestanding sign may be installed. The total allowable signage for the site shall then be the maximum for the building based upon its frontage plus ten percent.
- (5) *RD research and development, RO-1 restricted office and SD service districts.* Persons shall not display more than one sign, for each office or clinic use in the building, facing any one road or street. The sign shall be an accessory to the business conducted on the premises. The sign shall be flat and parallel with the face of the building wall. No sign shall project beyond or overhang the wall by more than one foot and shall not be placed on or project above the highest point of the roof or parapet. The aggregate of the signs shall not exceed 64 square feet in area.
- (6) *G1 general industrial and M-1 light industrial districts.* No sign support structure shall be located closer to an adjacent property line than a distance equivalent to the height of said sign, and a minimum of 500 feet from other ground signs. The sign shall also comply with all setback requirements in the district. No sign shall exceed 300 square feet in area and may be double faced with 300 square feet on each side.
- (7) *M-2 Medium industrial and M-3 heavy industrial districts.* No sign support structure shall be located closer to an adjacent property line than a distance equivalent to the height of said sign, and a minimum of 500 feet from other ground signs. The sign shall comply with all setback requirements in the district. No sign shall exceed 1,000 square feet in area and may be double faced with 1,000 square feet on each side.
- (8) *Proximity to residential districts.* No sign of more than 150 square feet shall be erected within 300 feet of a residential R-1A, R-1B, R-2, RM, or RMA district.
- (9) *Public rights-of-way.* In all zoning districts, no sign shall be erected or located between the street curb and the sidewalk nor shall any sign be located in, project into or overhang a public right-of-way or dedicated public easement.
- (i) *Automobile service center.* An automobile service center that is selling gasoline, diesel fuel or any other fuel for vehicles shall be allowed an additional four square feet of signage to display the name of each such product sold on the site and its price. If the premises currently has a ground sign, the pricing signs may be attached to the



ground sign, but no additional ground sign shall be installed or erected for the pricing sign.

- (j) *Construction and real estate development signs.* One sign shall be permitted on the premises where the construction or development is taking place. The sign shall not be erected or placed prior to a building permit being issued for the project or development. The sign shall be removed upon the completion of 51 percent of the square footage of the project being completed or occupied, whichever occurs first. The size and type of sign shall be the same for the zoning district wherein the project is located.
- (k) *Funeral homes.* In addition to the signage allowed within the zoning district, funeral homes shall be allowed additional signage of two square feet for each chapel within the funeral home. Such signage shall be used solely to announce who is being viewed and the hours or services for such person.
- (l) *Garage sale signs.* One sign of up to six square feet, indicating a garage sale shall be permitted when located on the property where the event will occur. Additional signs of the same size may be placed, one per property on other private property when placed with that property owner's consent. All signs shall be removed within 24 hours after the conclusion of the sale. No garage sale sign shall be allowed in any commercial, office or industrial zones.
- (m) *Political campaign signs.*
  - (1) No permit shall be required for the placement and erection of political campaign signs.
  - (2) No political campaign sign shall be placed or erected sooner than 60 days to any election date, including any primary, special or general election.
  - (3) All political campaign signs shall be removed by the candidate, committee or organization listed on the sign within seven days immediately after the election date, including any primary, special or general election. However, a sign for a candidate who was successful in the primary shall be allowed to remain until the final election in which the candidate is involved. The sign must then be removed within seven days.
  - (4) All political campaign signs shall bear the name and address of the individual or organization responsible for the sign.
  - (5) Prior to a violation being issued under this subsection, a written warning of a violation of this subsection shall be given to the individual or organization responsible for the sign or if not listed on the sign, to the individual or organization described on the sign. The warning shall indicate the nature and location of the violation and the date by which the violation shall be corrected, which date shall not be sooner than seven days, to prohibit further enforcement.
  - (6) A person's first or second violation of this subsection shall be a municipal civil infraction with a civil fine as established in section 1-14(b). A person's subsequent violations of this subsection shall be a misdemeanor and subject to the penalties of section 1-14(a).
- (n) *Portable signs.*
  - (1) Portable signs shall not exceed 48 inches in height and 30 inches in width, including the frame or supporting structure.
  - (2) No portable sign shall be placed closer than two feet to any public driveway, street, alley, sidewalk or other public property, nor placed upon any other property other than where the business or product advertised is located or sold.

- (o) *Shopping center signage.* If a single property of multiple occupancy has a frontage of 60 feet or more, one freestanding identifying the name of each business located within such and the property name, if applicable, shall be allowed. This shall not be included in the signage calculation for each individual occupancy on the property. The maximum allowable signage on such sign shall be 16 square feet for the property or shopping center name and two square feet for each occupancy located on the property, up to a maximum of 44 square feet. Properties of 300 or more linear feet of frontage shall be allowed two such common signs, but shall not be installed any closer than 275 feet to each other.
- (p) *Temporary signage.* Permits shall be issued for a period not to exceed 15 days. Not more than five portable sign or outdoor banner sign permits shall be issued to any business, individual or organization within any calendar year.
- (q) *Window signs.*
- (1) Noncommercial window signs shall be allowed in all zoning districts with no restriction on the size. The length of time such sign may be displayed shall be governed by the type of sign.
  - (2) Commercial window signs shall only be permitted in C-1 neighborhood business, C-2 general business, C-3 commercial, C-4 general business, C-5 central business, C-6A and C-6B regional shopping, RD research and development, RO-1 restricted office, SD service, GI general industrial, M-1 light industrial, M-2 medium industrial and M-3 heavy industrial zoning districts. Such window sign shall not be included in the signage computation for the business and shall not exceed more than 50 percent of the window area in which it is displayed.
- (r) *Sign maintenance.*
- (1) No sign shall be installed or maintained in a condition which, in the opinion of the building inspector, based upon the state construction code then in effect, is structurally unsafe or constitutes a hazard to health, safety or the public welfare.
  - (2) All signs shall be maintained in good repair, as required by the state construction code then in effect, at all times. Deterioration of painting or other surface treatment which detracts from the appearance of a sign shall be considered a violation of this article.
  - (3) All signs shall be maintained in such a condition as to be safe from electrical shocks to any persons who are likely to come in contact with same.
  - (4) All signs and the electrical systems thereof shall be maintained in a condition so as to prevent the emission of electrical currents, waves, pulsations or discharges into the surrounding atmosphere which may interfere with radio or television reception.
  - (5) All signs pertaining to occupancy of a building are to be removed from the premises within 120 days by the owners and/or occupants, if, and at such time as, such occupancy is discontinued. Removal shall include any and all poles, supporting structures, lettering and sign facings. If such removal is not performed within 120 days, the city may remove the sign or any part of it and assess the cost of such to the property as provided in the city Charter.
  - (6) The building inspector or assistant building inspector shall be responsible for enforcement of this article and make periodic inspections of the signs within the city as needed. Records of such inspections shall be kept. Whenever the building inspector or assistant building inspector determines that a sign is in violation of the

above provisions of this section, the sign may be ordered removed or corrected by the building department. Upon failure of the owners to comply with such orders, the city may take whatever steps are necessary to have the sign removed, repaired or corrected and assess the cost of such against the owner and/or business and/or real property where the sign was located. A notice and demand shall be sent to the property owner of record and/or the occupant of the property informing him of the necessary repairs or corrections to be made. If such necessary repairs or corrections are not made within 30 days of such notice, the city may take whatever steps are necessary to have the sign removed, repaired or corrected and assess the cost of such against the owner and/or business and/or real property where the sign was located.

(s) *Removal of unauthorized signs.*

- (1) In addition to the remedies provided in this chapter pertaining to the enforcement of this chapter, the building inspector or assistant building inspector is hereby authorized and empowered to remove forthwith any and all signs located on public or on private property which have been constructed or installed not in accordance with the provisions of this chapter or for which a permit has not been issued or for which use of such sign has ceased.
- (2) The building inspector or assistant building inspector shall give written notice to the owner and/or business of any action to remove a sign pursuant to this chapter. If the owner and/or business does not comply with the written notice and remove or cure the defect within 45 days from the date of this notice, the city may cause the sign to be removed at the expense of the owner and/or business. If the sign sought to be removed is determined by the building inspector to be an immediate danger to the safety of the public, such notice shall be waived and the building department may cause to have the sign removed immediately. The owner and/or business may request a hearing to show cause as to why the sign should not be removed and such request must be made, in writing, to the building inspector, within the aforementioned 45 days. If the sign has been removed for safety reasons without a notice, such request shall be filed within 45 days of the removal. This hearing shall be conducted before the zoning board of appeals pursuant to the guidelines and provisions for such board.
- (3) Any expense incurred by the city in the removal of any sign shall be charged against the owner and/or property and if the amount of such expense has not been paid to the city within 30 days after a notice therefor has been mailed by ordinary mail to such owner and/or business, the amount of such expense shall be reported by the building department to the city controller, who shall assess the amount of such expense against the real estate on which the sign was located.

(t) *Nonconforming signs.* Nonconforming signs and sign structures may remain except as qualified below:

- (1) Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letters or numbers, new design, different colors or different logo, unless such action will make the sign conform to this article in all respects.
- (2) Nothing in this section shall be deemed to prevent keeping in good repair, a nonconforming sign, including sign maintenance or repainting of the support structure. Supporting structures for nonconforming signs shall not be replaced, unless such replacement will make the sign and sign structure conform to this article in all respects.
- (3) A nonconforming sign or sign structure which is destroyed or damaged by any casualty may be restored

within 120 days after such destruction or damage if the owner has shown to the building department, that the damage did not exceed 50 percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent that it exceeds 50 percent, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conform to this article in all respects.

- (4) A nonconforming sign or sign structure shall be removed within 30 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent that it exceeds 50 percent of the building's appraised value.
- (5) Each nonconforming sign and sign structure shall be allowed to remain as long as the current occupant occupies the property upon which the sign is located. Within 30 days of a change in occupancy of the property, the nonconforming sign and sign structure shall be removed.
- (6) Any sign not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this article, and may be removed by the city if the sign owner or property owner fails to do so after being so ordered by the building inspector. A sign or sign structure removed by the city shall be held for 30 days by the city during which period it may be recovered by the owner upon paying the city for cost of removal and storage, and upon payment of any imposed fine. If the sign or sign structure is not recovered within the 30-day period by the owner or occupant of the building from which it was removed, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the city for disposal in any manner permitted by law.
- (u) *Compliance.* Applicants for a sign permit under the subsections of this section shall also comply with the state construction code, the highway advertising act, Public Act No. 106 of 1972 (MCL 252.301 et seq.), when applicable, and this chapter. Should the provisions of any of these acts be more stringent than the provisions provided for in this article, then the more stringent provisions shall control.
- (v) *Licensing of sign hangers.* See article IX of chapter 10.
- (w) *Sign appeals.*
  - (1) An appeal may be taken by any person affected by decision of the building inspector or deputies related to the erection, location and size of all signs regulated pursuant to this chapter.
  - (2) Such appeal shall be commenced by the filing of a written notice of review with the building inspector within 30 days after the decision of the building inspector or deputies. The notice of review shall plainly and concisely explain the item upon which the applicant is seeking a review and indicate any exceptional conditions peculiar to the applicant's property or business that the application of the regulations of this sign section would result in practical difficulties and particular hardship upon the applicant.
  - (3) A review and publication fee, as prescribed by council resolution shall accompany the notice of review.
  - (4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the board, after the notice of review has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.
  - (5) The planning commission shall schedule a public hearing on the notice for review at a reasonable date and

time and shall give due notice of such hearing by publication one time in a local newspaper at least 15 days prior to the hearing and by mailing notice to all property owners pursuant to the last assessment roll within 300 feet of the proposed sign location.

- (6) At such hearing, the planning commission shall receive comments and information concerning the request and shall issue a recommendation and finding regarding the request. This recommendation and finding shall be forwarded to the zoning board of appeals.
- (7) The zoning board of appeals shall then consider the request under the guidelines and provisions of division 3 of article II of this chapter and shall either grant, deny or modify the request.

(Ord. No. 68-15, § 4.30, 10-22-1968; Ord. No. 75-5, § 1, 5-13-1975; Ord. No. 89-7, § 1, 10-23-1990; Ord. No. 96-18, § 1, 12-17-1996; Ord. No. 99-2, § 1, 8-10-1999)

**State Law reference—** Highway advertising act of 1972, MCL 252.301 et seq.

#### Sec. 52-900. - Radio, television towers.

All radio, television, and other transmitting or relay antenna towers shall be permitted in any business, commercial or industrial district which has access upon a major thoroughfare. The setbacks for such towers from all abutting streets or adjacent property shall be a distance at least 50 feet greater than the height of such tower. The structural plans must be approved by the city engineer and a permit issued.

(Ord. No. 68-15, § 4.31, 10-22-1968)

#### Sec. 52-901. - Protective screening.

In order to provide adequate protective screening for residential areas adjacent or near nonresidential areas, the following regulations shall apply:

- (1) *Adjacent residential property.* Where an R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2, or M-3 district abuts directly upon an R-1A or R-1B district, a solid, face brick, masonry wall five feet in height above grade shall be erected along its entire length by users of the R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2, or M-3 property. In the alternative, the planning commission may, providing approval is secured from the zoning board of appeals, require a landscaped greenbelt not less than 20 feet wide, to be provided and maintained by the users of the R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2 or M-3 property, where such property abuts directly upon a residentially zoned district. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, and/or ornamental trees set not closer than six feet to any fence or wall. Other landscaping materials would include flowering shrubs such as spirea, forsythia, yellow and red twig Cronuses, Euonymous alatus and Althaea rosea of a height of not less than four feet. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All planting plans shall be first submitted to the city planning commission for approval as to suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding sections and provisions of this chapter.

- (2) *Residential property across alley.* Any R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2 district on which a drive-in business, open air display, commercial parking lot or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than 20 feet wide, by either a building housing a permitted use or by a solid face brick masonry wall five feet in height above grade located, preferably, on the residential side of said public alley. Greater wall height may be required in accordance with subsection (1) of this section.
- (3) *Waiver of wall requirement.* Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided approval is secured from the zoning board of appeals as to suitability of width and location of such openings in said wall.

(Ord. No. 68-2, § 1, 2-13-1968; Ord. No. 68-15, § 4.32, 10-22-1968)

Sec. 52-902. - Fences.

- (a) In any residential zone, no fence or wall shall be erected within a required front yard; except, however, that on lots with a side lot line adjacent to an alley, a fence may be constructed along the alley line to the front of said lot. No fence, wall or similar structure including posts, other supporting structures and decorations or ornaments, shall exceed six feet in height. The six-foot height shall be permitted only along the rear lot line and along the side yard lines up to the rear house only. However, where the house is located on a corner lot or with a side lot line adjacent to an alley, the fence may be extended, along the side yard line, two feet beyond any side door adjacent to the street or alley. A gate of the same height may be installed along any of these lines. No fence shall hereafter be erected, or constructed, of solid brick, masonry, wood or any other material which results in a solid-type fence, or a different placement of height, unless and until the same shall have been approved by the zoning board of appeals. Fences may be constructed of wood or other materials, providing the construction does not result in a solid-type fence. Where a residential lot abuts a commercial alley, an expressway, open drainage ditch or railroad, a solid-type fence may be constructed. Fences enclosing swimming pools shall not be subject to the restrictions of this section, but shall be governed by the state construction code. This section shall not apply to retaining walls.
- (b) Prior to the construction of any fence, an application for a permit to construct the fence shall be filed with the building inspector, together with a plot plan and survey signed and sealed by a registered land surveyor, showing the location and dimensions of the property to be fenced and the location of the proposed fence, and permit fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time. No fence shall hereinafter be constructed without first obtaining this permit.
- (c) Shrubbery and hedges located in any part of a front yard along the exterior lot line of a lot shall not exceed three feet in height.
- (d) Construction requirements.
- (1) All fence posts shall be set 42 inches below grade and all post holes shall be inspected prior to setting the post.
- (2) The fence shall be erected one inch off the lot line, unless the fence abuts a city sidewalk at which location the fence shall be at least 12 inches from the edge of the sidewalk. A privacy fence erected along side of an

existing fence shall be placed at least six inches from the existing fence and shall not be attached to the existing fence.

(3) All bracing for the fence, including cross bars and nailer strips shall be on the installer's side of the fence.

(4) All sections of privacy fence between the posts shall be removable for maintenance.

(5) All fences shall comply with the state construction code requirements.

(e) The owner of the fence shall maintain the fence in good condition. Maintenance shall include the paint or finish of the fence and maintaining the space between any fence in a neat and weed-free condition. Any privacy fence not properly maintained may be ordered removed at the owner's expense by the building inspector.

(f) All fences shall have a final inspection by the building inspector and any deficiency noted shall be corrected immediately.

(Ord. No. 68-15, § 4.33, 10-22-1968; Ord. No. 74-12, § 3, 9-10-1974; Ord. No. 83-7, §§ 1, 2, 6-12-1984; Ord. No. 85-13, § 1, 5-28-1985; Ord. No. 89-6, § 1, 4-10-1990)

#### Sec. 52-903. - Motor vehicle storage in all commercial districts.

In all commercial districts the outdoor storage of motor vehicles and trailers shall be permitted by special permit of the zoning board of appeals only.

(Ord. No. 68-15, § 4.34, 10-22-1968)

#### Sec. 52-904. - Site plan review.

Site plan review and approval of all development proposals listed below is required by the provisions of this section. The intent of this section is to provide for consultation and cooperation between the developer and the city so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this chapter. Through the application of the following provisions, the attainment of the master plan of the city will be assured and the city will develop in an orderly fashion:

(1) *Required in use districts.* A site plan shall be submitted to the city planning commission for approval and shall be required in the following situations:

a. Special land uses and planned unit developments.

b. Any use or development for which the submission of a site plan is required by any provision of this chapter.

c. Any development, except single-family platted residential, for which off-street parking areas are provided as required in this chapter.

d. Any use within a R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, RD, RO-1, SD, GI, M-1, M-2, or M-3 districts or lying contiguous to or across a street or alley from a single-family residential district and/or use.

e. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street.

f. Any nonresidential use permitted in a residential zoned district.

- g. All site condominiums and condominium subdivisions developed pursuant to the condominium act (MCL 559.101 et seq.), or article III of chapter 20, pertaining to subdivision regulations.
  - h. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the land division act, (MCL 560.101 et seq.), or article III of chapter 20, pertaining to subdivision regulations.
  - i. Change in the zoning classification of the parcel.
  - j. Increase in floor space of an existing building that requires an increase in off-street parking to satisfy the zoning requirements.
  - k. Any site change that affects internal traffic circulation of the property or affects traffic circulation for properties surrounding the property.
  - l. Notwithstanding subsections (1)a through (1)j of this section, a site plan review shall not be required to be submitted to the planning commission and the city building inspector may allow an abbreviated site plan be submitted for his review if all of the following conditions apply:
    - 1. The proposed construction or improvement is to an existing structure;
    - 2. The total size of the proposed construction or improvement does not exceed 100 square feet;
    - 3. The proposed construction or improvement does not increase the required off-street parking as required to satisfy the zoning requirements;
    - 4. The proposed construction or improvement does not affect internal traffic circulation of the property; and
    - 5. The proposed construction or improvement does not require any variances.
- (2) *Application.* An application and site plan for site plan review shall be submitted simultaneously to the city planning commission in the quantities as specified in subsection (5) of this section, pertaining to distribution copies.
- a. The application which shall be obtained from the building official, shall, at a minimum, include all of the following information:
    - 1. The applicant's name, address (including e-mail address), and phone number in full;
    - 2. Proof of property ownership, including any options on the property, or any liens against it;
    - 3. A signed statement that the applicant is the owner of the property, has a legal option on the property or is officially acting on the owner's behalf;
    - 4. The name and address (including e-mail address) of the owners of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owners;
    - 5. The address, complete legal description and parcel number of the property;
    - 6. Name and address (including e-mail address) of the developer (if different from the applicant);
    - 7. Name and address (including e-mail address) of the engineer, architect and/or land surveyor;
    - 8. Project title;
    - 9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of



- recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this chapter;
10. A vicinity map drawn at a scale of one inch equals 200 feet with north point indicated;
  11. The gross and net square footage of all parcels in the project;
  12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels;
  13. Project completion schedule/development phases;
  14. Written statements and/or engineering documentation that addresses project influences on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands for all projects involving one-half acre or more of real property and for all projects involving food establishment;
- b. The site plan shall consist of an accurate, reproducible drawing at a scale of one inch equals 20 feet or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict all of the following:
1. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations;
  2. Existing topographic elevations and proposed grades, at a maximum of 50 feet intervals sufficient to determine the direction of drainage flows;
  3. Location, type and condition of significant existing vegetation as determined by a registered landscape architect;
  4. Location and elevations of existing watercourses and water bodies, including county drains and manmade surface drainageways, floodplains and wetlands;
  5. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building;
  6. Proposed location of accessory structures, buildings and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable;
  7. Location of existing public roads, rights-of-way and private easements of record and abutting streets;
  8. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development;
  9. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof;
  10. Location, size, and characteristics of all loading and unloading areas;
  11. Location and design of all sidewalks, walkways, bicycle paths and areas for public use;
  12. Location of water supply lines, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, wastewater lines, cleanout locations, connection points and treatment systems, including septic systems if applicable;

13. Location of all other utilities on the site including, but not limited to, natural gas, electric, cable TV, teleph
14. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable;
15. Location, size and specifications of all signs and advertising features;
16. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;
17. Location and specifications for all fences, walls, and other screening features with cross sections;
18. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate;
19. Location, size and specifications for screening of all waste and/or recyclable receptacles and other waste disposal facilities;
20. Location and specifications for any existing or proposed above- or below-ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities;
21. Identification of any significant site amenities or unique natural features;
22. Identification of any significant views onto or from the site to or from adjoining areas;
23. North arrow, scale and date of original submittal and last revision; and
24. Seal of the registered engineer, architect, or landscape architect.

(3) *Review and approval authorized.*

- a. The planning commission, as specified in this section, shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this section. Each site plan shall comply with the standards for granting a site plan approval as described in subsection (6) of this section. Each action taken with reference to site plan review shall be duly recorded in the official minutes of the planning commission. All site plans which require planning commission review will then be submitted to the planning commission for action along with the recommendation of the plan reviewer, engineer/planner or city building inspector as to conformity or nonconformity with chapter requirements and what revisions or conditions, if any, would be necessary in order to be in conformance.
- b. Prior to any final decision, the planning commission shall seek the recommendations of the city building inspector, public works department, planning consultant, city engineer, fire department, police department and where applicable, the county road commission, county health department, county drain commission, the state department of transportation, and the state department of natural resources.
- c. All applications and site plans which comply with this section shall be acted upon within 60 days of receipt by the city planning commission. Following approval of a site plan, the petitioner shall apply for the appropriate city, county and/or state permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

(4) *Procedures for submission and review of application.*

- a. *Submission requirement.* The applicant shall complete and submit the required number of copies of the application for site plan approval, site plans, and any other information required by this section. Compliance with the requirements of this chapter is mandatory. The applicant or a representative must be present at each scheduled review by the planning commission or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three phases:
    1. Conceptual review during a preapplication conference;
    2. Preliminary site plan review; and
    3. Final site plan review.
  - b. *Preapplication conference.* During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the building official and such other city representatives as appropriate. At this meeting the applicant or representative is also presented with the applicable procedures required by this section for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the zoning board of appeals for a variance. There is no charge or fee to the applicant for this meeting.
  - c. *Preliminary site plan review.* A preliminary site plan meeting the submittal requirements of this section shall be reviewed by the planning commission at a public hearing. Any necessary changes for final site plan approval shall be submitted in writing to the applicant within seven days after the hearing. All property owners of record within 300 feet of the subject property shall be notified of the hearing on the preliminary site plan at least seven days prior to the hearing. If no changes are required, the planning commission shall consider this a final review and all requirements for the final site plan shall be incorporated at the same time.
  - d. *Final site plan review.* When requested by the applicant, consideration for final site plan review shall be conducted by the planning commission. The planning commission shall indicate in writing that all requirements of this section including those of other reviewing agencies within the city have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the zoning board of appeals, said favorable action by the zoning board of appeals is necessary before final site plan approval can be granted. An approved site plan shall include a copy of each resolution granting any variance.
- (5) *Distribution copies.* Where site plan review is required by this section, an applicant for site plan approval shall at least 30 days prior to the next regularly scheduled meeting of the planning commission:
- a. Submit to the building official ten copies of a site plan review package which shall include a copy of the site plan application and checklist, site plan, and any other information required by this section. The applicant shall retain one copy for his records.
  - b. Submit an additional four copies of the site plan review package for review by the building department,

city engineer for the public works department, fire department and planning consultant. Application fees as found in the city fee resolution must be paid when the application is submitted and sufficient escrow accounts must be established to cover the projected review costs.

c. If required, submit the site plan review package to the following agencies:

1. One package to the county road commission;
2. One package to the county drain commission; and
3. One package to the county health department.

Upon delivery of the site plan review package, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed site plan indicating no comment. Comments from each agency, if any, should be returned to the building official. Without these copies and comments the site plan will not be processed.

(6) *Planning commission review.*

- a. An application for site plan review will be placed on the agenda of a meeting of the planning commission for discussion and action only after receipt of comments from the state, county, and/or city agencies, unless the site plan has been in possession of the reviewing agencies for 30 days without review and/or comment.
- b. The planning commission, at a scheduled meeting will consider all applications for site plan review and shall:
  1. Upon determination that the site plan is in compliance with this chapter and other plans or regulations, the site plan shall be marked approved; or
  2. Upon determination that the site plan requires minor revisions for compliance, such changes shall be indicated on the site plan. When these changes have been adequately provided, the petitioner shall resubmit the site plan to the planning commission for final site plan review; or
  3. If extensive revisions to the site plan are necessary to meet this chapter, and other applicable plans and regulations, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case, disapproved shall be written on the plan and reasons for disapproval indicated in the planning commission's minutes.
- c. After a site plan is reviewed and either approved or disapproved by the planning commission, three copies of the site plan, including any conditions of approval, shall be distributed as follows:
  1. One copy (signed by the chairperson of the planning commission) returned to the applicant.
  2. One copy forwarded to the building inspector for filing.
  3. One copy to the secretary of the planning commission for filing.

(7) *Construction.*

- a. Upon final site plan approval by the planning commission, a building permit may be obtained subject to the review and approval of the engineering plans by the city engineer and building department.
- b. Construction of an approved site plan shall be commenced within 180 days of the site plan approval. If construction shall not be commenced, the applicant shall be required to appear before the planning

commission and demonstrate why the approval should not be revoked. After a hearing the planning commission may revoke the previously approved site plan for the property if the planning commission finds that one or more of the following circumstances exist:

1. No physical development activity has occurred;
  2. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;
  3. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;
  4. A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;
  5. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.
- c. Thirty days prior to expiration of an approved site plan pursuant this subsection, an applicant may make application for a one-year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. The applicant shall appear in person or by representative at the next meeting of the planning commission.
- d. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The building inspector shall also be notified to withhold any building permit until a new site plan is approved.
- e. Once a site plan has been revoked, any subsequent submittal of the revoked plan shall be processed as a new request with new fees, except for minor amendments pursuant to subsection (10)b of this section.
- f. Following final approval of a site plan by the planning commission, the applicant shall construct the site plan in complete conformity with the approved plan. Failure to do so is a violation of this section.

(8) *Standards for granting site plan approval.*

- a. Each site plan shall conform to all applicable provisions of this chapter and the following standards:
1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
  2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
  3. Special attention shall be given to proper site drainage so that removal of stormwaters will not adversely affect neighboring properties or the city's stormwater system.
  4. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

5. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some p  
all sides.
  6. Every structure or dwelling unit shall have access to public street, walkway or other area dedicated to  
common use.
  7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably  
possible from the vehicular circulation system.
  8. All loading and unloading areas and outside storage areas, including areas for the storage of solid and  
yard waste, and recyclables, which face or are visible from residential districts or public thoroughfares,  
shall be screened, by a vertical screen consisting of structural materials no less than six feet and no  
more than eight feet in height.
  9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and does not  
impede the vision of traffic along adjacent streets.
  10. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the  
pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and  
drives which are part of an existing or planned street pattern which serves adjacent development shall  
be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way  
equal to that specified in the master plan.
  11. All streets shall be developed in accordance with article III of chapter 20 pertaining to subdivision and  
applicable city and county road commission specifications.
- b. Conditional approval. The planning commission may condition approval of a site plan on conformance  
with the standards of another local, county or state agency, such as but not limited to a public works  
department, county drain commission, county road commission, state highway commission or natural  
resources department when the following conditions exist:
1. It would ensure that public services and facilities affected by a proposed land use or activity will be  
capable of accommodating increased service and facility loads caused by the land use or activity;
  2. It would protect the natural environment and conserve natural resources and energy;
  3. It would ensure compatibility with adjacent uses of land; and
  4. It would promote the use of land in a socially and economically desirable manner.
- c. The planning commission may conditionally approve a site plan on conformance with fencing, screening,  
buffering or landscaping requirements and may collect a performance guarantee consistent with the  
requirements of subsection (9) of this section to ensure conformance. When so doing, the following  
finding shall be made and documented as part of the review process:
1. The required fencing, screening, buffering or landscaping would mitigate negative effects of noise,  
dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on  
adjoining parcels;
  2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment  
and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

- (9) *Performance guarantee required.* In the interest of ensuring compliance with this chapter provisions, protecting resources and the health, safety and welfare of the residents of the city and future users or inhabitants of an are a site plan for a proposed use has been submitted, the applicant shall deposit a performance guarantee for site improvements as set forth herein. The purpose of the performance guarantee is to ensure completion of improv connected with the proposed use as required by this section, including, but not limited to, roadways, lighting, uti sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.
- a. The term "performance guarantee," as used in this subsection, means a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of site improvements to be made as determined by the applicant and verified by the city building inspector.
  - b. Where the planning commission requires a performance guarantee, the performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit by the building inspector for the development and use of the land. Upon the deposit of the performance guarantee, the city shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.
  - c. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
  - d. In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the building inspector and the remaining 40 percent of the deposited funds when 100 percent of the required improvements are completed as confirmed by the building inspector. The remaining ten percent shall be retained by the city for administrative costs and expenses. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to ensure compliance with this chapter standards and the specifications of the approved site plan.
  - e. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the building inspector, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon, pursuant to subsection (9)d of this section.
  - f. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the city use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the city administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city

to ensure completion of an improvement associated with the proposed use prior to the city conditional approval, the applicant shall not be required to deposit with the city performance guarantee for that specific improvement and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the city regarding the performance guarantee.

(10) *Amendments to approved site plans.*

- a. Amendments to an approved site plan may be made by the planning commission provided that such changes conform to this chapter and the landowner agrees. Minor changes to an approved site plan may be approved by the building official after construction has begun provided no such change results in any of the following:
  1. A significant change in the use or character of the development;
  2. An increase in overall coverage of structures;
  3. A significant increase in the intensity of use;
  4. A reduction in required open space;
  5. A reduction in required off-street parking and loading;
  6. A reduction in required pavement widths or utility pipe sizes; or
  7. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- b. No fees shall be required for the following minor amendments:
  1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved buildings. Relocation of building entrances or exits, or shortening of building canopies.
  2. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.
  3. 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 chapter requirements.
  4. Moving of ingress and egress drives a distance of not more than ten feet if required by the appropriate state, county or other local road authority with jurisdiction.
  5. Substituting landscape plan species provided a landscape architect certifies the substituted species is similar in nature and screening effects.
  6. 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.
  7. Increase peripheral yards.
  8. 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 this chapter is violated and no significant reduction in safety or in the amount of open space is thereby affected.
- c. If the building inspector finds that a proposed amendment to an approved site plan does not qualify as a



minor change, the building inspector shall immediately notify the permit holder, and the planning commission in writing that site plan approval has been suspended pending approval by the planning commission of the proposed amendment. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the building inspector for that portion of the project which is not in compliance with this section. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with this section requirements, or of restarting the site plan review process. When the issue has been resolved, the building official shall send a written notice to the permit holder, and the planning commission that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

(Ord. No. 68-15, § 4.35, 10-22-1968; Ord. No. 68-4, § 1, 3-12-1968; Ord. No. 91-1, § 1, 5-14-1991; Ord. No. 92-8, § 1, 12-15-1992)

**State Law reference—** Submission and approval of site plan, MCL 125.3501.

Sec. 52-905. - Residential dwellings.

- (a) There shall be a minimum floor area for all single-family dwelling units equal to that specified in the zoning district where permitted.
- (b) There shall be a minimum floor to ceiling height of 7.5 feet.
- (c) There shall be a minimum width throughout the entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length.
- (d) There shall be foundation around the entire exterior perimeter of the dwelling of concrete or block of a minimum depth of 42 inches of exposed foundation and a minimum of eight inches exposed foundation above grade of the same design as required by the state construction code.
- (e) As a minimum, there shall be a crawlspace below the entire bottom of the dwelling of two feet in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawlspace provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the state construction code. (This allows for slab on grade construction.)
- (f) The dwelling shall be firmly attached to the foundation, so as to be watertight, in such a way as water will not enter and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards," or as required by the state construction code.
- (g) The wheels, pulling mechanism, and tongues shall be removed, if applicable.
- (h) The dwelling shall be connected to a public sewer and water supply.
- (i) There shall be permanently attached to the foundation, steps and/or porch areas where an elevation differential exists between any door and surrounding grade.
- (j) There shall be no additions to the living space of the dwelling unless it meets all the requirements hereof and is

built according to the same minimum standard as the dwelling and approved by the building inspector.

- (k) There shall be a minimum of two doors to provide means of ingress and egress from the dwelling.
- (l) Plans, floor plan layouts, certification of meeting HUD mobile home standards (if applicable) and foundation shall be presented along with a site plan showing compliance therewith and with all other requirements of this chapter, including, but not limited to, the requirement of the district in which it is, to the building inspector prior to issuance of a building permit.
- (m) A mobile home must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. All other dwellings must meet the requirements of the state construction code.

(Ord. No. 82-12, § 2(4.37), 6-8-1982)

Sec. 52-906. - Regulation of sidewalk use in business areas; conditions surrounding business and commercial areas.

- (a) *Unlawful to permit the accumulation of dirt or trash on sidewalks and areas adjoining commercial and business establishments.* It shall be unlawful for the owner, lessee, or occupant, or any person having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the city, to permit or allow an unsightly amount of dirt, rubbish, trash or debris of any nature to accumulate on the sidewalk and surrounding area adjoining such establishment. The presence of the aforementioned items upon any sidewalk or area adjoining any business or commercial establishment within the limits of the city is hereby declared to be a public nuisance.
- (b) *Duty of owner or occupant to provide receptacles.* It is hereby declared the duty of any owner, lessee, or occupant, or any person, having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the city, to provide adequate receptacles for the deposit of trash or litter of any kind in a convenient place located near such establishments.
- (c) *Sidewalk occupancy permits.* In the interest of promoting business by increasing activity and improving the general business climate in business districts, the building inspector may issue revocable permits to businesses who apply for a permit to operate an outside establishment as an extension of, or compatible with, the existing business on a portion of a city sidewalk. The use of the sidewalk shall be limited to activities carried on by the existing business.
  - (1) Sidewalk occupancy permits shall be issued if the building department determines the occupancy will not:
    - a. Unreasonably interfere with the use of the sidewalk for pedestrian travel;
    - b. Unreasonably interfere with the view of, access to or use of property adjacent to said sidewalk or area;
    - c. Cause damage to the sidewalk or to trees benches, landscaping or other objects lawfully located therein;
    - d. Cause violation of any state or local laws; or
    - e. Be attached to or reduce the effectiveness of or access to any utility pole, sign, other traffic control device or street lighting.
  - (2) For all businesses selling food or beverages in an area located on a public sidewalk, such areas shall be

enclosed by a structure approved by the building department. Prior to approval, written plans and specifications of such structure and any additional construction shall be submitted to the building department. All construction shall conform with the state construction code and regulations of the city and shall not be permanent.

- (3) Prior to the issuance of a sidewalk occupancy permit, additional insurance protecting the city from liability shall be obtained by the business. The council shall determine, by resolution, the necessary amount of liability insurance coverage.
- (4) Prior to the issuance of a sidewalk occupancy permit, a fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid by the requesting business for the period of the permit. The period of a sidewalk occupancy permit shall not exceed 180 days. The permit fee shall be tripled, plus a fine of up to \$500.00 may be imposed, if any such occupancy occurred prior to the issuance of a permit.
- (5) All permits shall specify the dates and duration of the permitted sidewalk occupancy and the permits shall be valid only for said specified period, which shall not exceed 180 days. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk business.
- (6) Permits shall only be valid if displayed in a manner visible to the public.

(Ord. No. 86-5, § 1(4.38), 4-8-1986)

#### Sec. 52-907. - Storage of firewood, coal and other combustible materials in certain districts.

No firewood, coal, or other combustible material shall be stored in R-1A, R-1B, R-2, RM, or RMA district and all commercial and industrial districts located within 250 feet of a residential district, except when stored no less than six inches above the ground.

(Ord. No. 86-16, § 1(4.39), 12-2-1986)

#### Secs. 52-908—52-932. - Reserved.

### ARTICLE VII. - SPECIAL APPROVAL USES

#### Sec. 52-933. - Purpose.

Certain land uses, structures or activities which because of unique characteristics in relation to the welfare of adjacent properties and the community as a whole may be allowed as a special approval use within a zoning district. However, such use shall not be permitted without prior review by the planning commission and approval of the city council and only if the special use is harmonious with the surrounding community and property. The provisions of this article are intended to set forth the procedure and standards applicable to such special approval use.

(Ord. No. 89-3, § 1(I)(4A.01), 9-26-1989)

Sec. 52-934. - Application and review.

- (a) Application for a special approval use shall be filed not later than 20 days prior to the next regularly scheduled meeting of the planning commission with the city on a form provided. The building inspector will review the application for completeness prior to being submitted to the planning commission. Any incomplete application shall be rejected. Each application shall be accompanied by an application fee in accordance with the schedule of fees adopted by the city council to cover the cost of processing and review of the application.
- (b) The application for special use approval shall be signed by each owner of the property being proposed for such special use, and shall be accompanied by the following information:
  - (1) The complete legal description of the property.
  - (2) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development.
  - (3) A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, parks, schools, school sites and other significant features of the community where appropriate.
  - (4) A site plan as required in section 52-904, containing at a minimum, the following information drawn to scale:
    - a. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between building and between buildings and lot lines, setback lines, and location of entrances and loading points.
    - b. All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
    - c. All pedestrian walks, malls and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owner's association.
    - d. Architectural sketches, at an appropriate scale, showing building heights, elevations, and other features of the development.
    - e. A general grading plan of the proposed development with brief narrative description.
    - f. Where the use is of a temporary nature, a statement relative to the duration of the proposed use and any conditions for restoration of premises or property in which such use is to be conducted.
- (c) Public hearing. Upon receipt of an application for a special approval use, a notice that the planning commission shall hold a public hearing for the purpose of receiving comments relative to the special approval use application shall be given as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103).
- (d) Within 30 days following the public hearing, the planning commission shall review the application for a special approval use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval stated in section 52-935. Such determination shall include findings with regard to:
  - (1) Effect of the proposed use on surrounding properties.
  - (2) Effect of the proposed use on traffic or pedestrian safety and traffic safety.
  - (3) Environmental impacts of the proposed special use.
  - (4) Effects of noise generated by the proposed use.

- (5) Whether the location, size, and other conditions regarding the proposed special approval use are in furtherance of the spirit and intent of the particular zoning district in which such proposed use is to be located.
- (6) The suggested length or duration of any proposed use if such proposed use is to be less than permanent in nature.
- (e) Upon completion of its findings and conclusions, the planning commission shall prepare and file its report with the city council. In addition to its findings and conclusions, the planning commission, where appropriate and necessary, may also recommend to the city council any conditions which should be imposed upon a proposed special approval use, or it may recommend additional information which may be necessary for consideration by the city council.
- (f) Upon receipt of the conclusions and report of the planning commission, the city council shall place upon its agenda the application for special approval use. Such application shall be considered at a regularly scheduled meeting of the city council. In the discretion of the city council, the matter of a particular special use application may be scheduled for a public hearing to be held at a designated time and date before the city council. In such event, the city clerk shall give notice to all property owners in the manner herein prescribed in subsection (c) of this section.
- (g) The city council, in considering approval or rejection of an application for special use, shall take into account the report and conclusions received from the planning commission, together with additional information which may have been received by the city council. Nothing herein shall be deemed to preclude the city council from requesting any additional information which it may deem necessary or essential or consideration of a special use application.
- (h) Upon conclusion of deliberations and consideration by the city council, the city council, by a majority of the members then present and constituting a quorum, shall by resolution approve, deny or approve with conditions the request. Such denial, approval or approval with conditions shall be incorporated in a resolution that contains the findings relative to the special approval use under consideration and which further specifies the basis for the decision and any conditions imposed. The city council may, in its conclusions and resolution, adopt some or all of the findings and recommendations of the planning commission, and/or modify any of the conclusions or recommendations of the planning commission, or may make its own findings.

(Ord. No. 89-3, § 1(I)(4A.02), 9-26-1989)

Sec. 52-935. - Special approval use review standards.

In formulating recommendations or approving any special approval use, the planning commission and city council shall require that the following standards be satisfied:

- (1) Upon review of each application there shall be a determination as to whether each use on the proposed site will:
  - a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area and zoning district in which the use is proposed.

- b. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, refuse disposal, water and sewer facilities and schools.
  - c. Not create excessive additional requirements at public cost for public facilities and services.
  - d. Not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
  - e. Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.
- (2) All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
- (3) As a minimum the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this chapter. For uses permitted by right in one district, but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply.

(Ord. No. 89-3, § 1(I)(4A.03), 9-26-1989)

Sec. 52-936. - Conditions.

- (a) After review, the planning commission may recommend, and the city council may impose as appropriate, such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare and for ensuring that the intent and objectives of this article are observed.
- (b) Upon finding that any condition, safeguard requirement has been breached, the city council may automatically invalidate the special approval use approval.
- (c) If stipulated as part of the conditions of approval, special approval use approval may provide for certain specific seasonal, fund raising, charitable, or other events of a defined and limited nature. In addition nothing herein shall preclude the city council, on application made in writing, and for good cause shown, to permit other specific events as part of such proposed special use, provided such event is not of a regularly recurring nature, is consistent with the special use approval, is harmonious with surrounding land uses, and is of a defined and specific nature. The city council may impose requirements on such additional events as will ensure compliance with this article. No approval of any such event or activity shall be deemed to assure approval of any additional events or activities, nor shall any such permit in any way expand or enlarge the approved special use.
- (d) In the event of rejection by the city council of an application for special approval use, no application for the same special use shall be filed for the same property within a period of 24 months from the date of action by the city council.

(Ord. No. 89-3, § 1(I)(4A.04), 9-26-1989)

**State Law reference—** Special land use regulations and standards, MCL 125.3504.

Sec. 52-937. - Discontinuance of use and time limitations.

Any property which is the subject of a special approval use permit which has not been used for a period of 12 months (without just cause being shown which is beyond the control of the owner and which is acceptable to the city council for the purposes for which such special approval use was granted) shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special approval use shall thereupon terminate. In addition, upon the expiration of any time period established as a condition for the approval of a special approval use of a temporary nature, the use shall immediately cease and may not continue unless such time period is extended by re-application consistent with the provisions of section 52-934.

(Ord. No. 89-3, § 1(I)(4A.05), 9-26-1989)

Sec. 52-938. - Coordination with development plan review.

Coordination with development plan review. Where a special approval use is also a use for which development plan review is required in accordance with section 52-904, then in such event the applicant may elect at the time of application for special use approval to file a joint application for special use approval and development plan approval. In such event, the requirements of this section for special use approval, as well as each and every requirement for development plan approval, shall be applicable in accordance with this section, as well as section 52-904. In the event of a joint application for special use approval and development plan approval, no special use shall be approved unless it shall meet each and every requirement for development plan approval, and no site plan approval shall be granted unless such proposed use shall meet each and every requirement for special use approval.

(Ord. No. 89-3, § 1(I)(4A.06), 9-26-1989)

Secs. 52-939—52-964. - Reserved.

ARTICLE VIII. - NONCONFORMING BUILDINGS AND USES

Sec. 52-965. - Purpose.

Any lawful use of the land or buildings existing at the date of passage of the ordinance from which this article is derived and located in a district in which it would not be permitted as a new use under the regulations of this article is hereby declared to be a nonconforming use and not in violation of this article at the date of adoption of the ordinance from which this article is derived; provided however, that a nonconforming use shall be subject to, and the owner comply with, the regulations set forth in this article.

(Ord. No. 68-15, art. V(intro.), 10-22-1968)

Sec. 52-966. - Certificate of occupancy.

(a) At any time after the adoption of this article should the city become aware of a nonconforming use, the owner of

said nonconforming use shall be notified by the building inspector of the provisions of this section, and that his property constitutes a nonconforming use. Within 30 days after receipt of said notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use. The application of such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy. If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this article. The building inspector and the city attorney shall take appropriate action to enjoin such violation.

- (b) If the building inspector shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the state construction code or this article in effect at the time of construction or alteration, he shall not issue the certificate of occupancy but shall declare such use to be in violation of this article.
- (c) The certificate of occupancy issued by the building inspector for a nonconforming use shall state that the use may be continued indefinitely, or for those uses listed in section 52-967, that the use must be discontinued.

(Ord. No. 68-15, § 5.01, 10-22-1968)

#### Sec. 52-967. - Nonconforming use of land; continuation of use.

The nonconforming use of land, where no building or structure is involved, which existed when the ordinance from which this article is derived became effective, may be continued provided that:

- (1) No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (2) If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this article.
- (3) Any sign, billboard, commercial advertising structure or similar object which lawfully existed and was maintained at the time the ordinance from which this article is derived became effective may be continued although such use does not conform with the provisions of this article; provided further, that all such nonconforming signs, billboards, commercial outdoor advertising structures and objects, and their supporting members located in an R-1A, R-1B, R-2, RM, RMA and RO-1 districts, shall be completely removed from the premises within ten years of the passage of the ordinance from which this article is derived or amendments thereto.

(Ord. No. 68-15, § 5.02, 10-22-1968)

#### Sec. 52-968. - Change.

A nonconforming use may be changed to another nonconforming use of the same or greater restriction provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.



(Ord. No. 68-15, § 5.03, 10-22-1968)

Sec. 52-969. - Extension prohibited.

A nonconforming use may not be expanded or extended throughout other portions of the building. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building or portion thereof shall be in conformity to the regulations of the district in which such building is located.

(Ord. No. 68-15, § 5.04, 10-22-1968)

Sec. 52-970. - Moving.

No nonconforming use of a building may be moved to any other part of a parcel of land upon which same was conducted at the time of the adoption of the ordinance from which this article is derived.

(Ord. No. 68-15, § 5.05, 10-22-1968)

Sec. 52-971. - Alterations.

No nonconforming building shall be enlarged or structurally altered except to make it comply with requirements of health and safety laws or ordinances; provided further, that the cost of such work shall not exceed 50 percent of the city assessed valuation of such building or structure at the time such work is done.

(Ord. No. 68-15, § 5.06, 10-22-1968)

Sec. 52-972. - Restoration of nonconforming structures.

- (a) Any nonconforming building or structure which has been destroyed or damaged in any way and by any source, including, but not limited to, fire, explosion, Act of God, or by public enemy, to the extent that the damage is less than 50 percent of its assessed valuation, exclusive of the foundation or accessory structures, at the time such damage occurred, then the structure may be restored to the same nonconforming zoning use as existed before such damage, provided that such restoration shall be subject to the approval of the zoning board of appeals, which shall not be unreasonably denied. The restoration shall be commenced within six months of the date the destruction occurred and shall be diligently carried on to completion. Any construction and repair shall conform to the state construction code and safety codes of the city.
- (b) Any nonconforming single-family dwelling which has been destroyed or damaged in any way and by any source, including, but not limited to, fire, explosion, Act of God, or by public enemy, to the extent that the damage is 50 percent or more of its assessed valuation, exclusive of the foundation or accessory structures, at the time such damage occurred, may be restored to the same nonconforming zoning use as existed before such damage, provided:
  - (1) The dwelling was physically occupied for at least nine months out of the immediately past 12 months by the owner of record or a member of the immediate family;
  - (2) Immediately before the property was destroyed, the property was not a rental property, as defined by city

ordinances;

- (3) The restoration shall be commenced within six months of the date the destruction occurred and shall be diligently carried on to completion;
- (4) After restoration, the property will be used as a nonrental, single-family residential dwelling;
- (5) The restoration, as much as possible and as the state construction code allows, shall be within the same footprint of the original structure and shall be of the same size and style of construction;
- (6) The restoration shall be subject to the final approval of the zoning board of appeals to ensure compliance with this article and which approval shall not be unreasonably withheld; and
- (7) All restoration construction and repair shall conform to the state construction code and safety codes of the city.

- (c) All other nonconforming buildings or structures which have been destroyed or damaged in any way and by any source, including, but not limited to, fire, explosion, Act of God, or by public enemy, to the extent that the damage is 50 percent or more of the building or structures' assessed valuation, exclusive of the foundation or accessory structures, at the time the damage occurred, the building shall thereafter be made to conform with all of the provisions of this Code and city ordinances in effect at the time.
- (d) Assessed valuation shall be the true cash value as contained on the city's current assessment roll at the time of the event causing the destruction or damage.

(Ord. No. 68-15, § 5.07, 10-22-1968; Ord. No. 2006-06, § 1(5.07), 11-14-2006)

#### Sec. 52-973. - Discontinuance or abandonment.

Any nonconforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of six months shall thereafter conform to the provisions of this article.

(Ord. No. 68-15, § 5.08, 10-22-1968)

#### Sec. 52-974. - Record of nonconforming uses.

- (a) Within six months after the adoption of the ordinance from which this article is derived, or any amendments thereto, the building inspector shall prepare a record of all known nonconforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of the ordinance from which this article is derived or amendment.
- (b) Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the city clerk.

(Ord. No. 68-15, § 5.09, 10-22-1968)

#### Sec. 52-975. - Change of tenancy or ownership.

There may be a change in tenancy, ownership, or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

(Ord. No. 68-15, § 5.10, 10-22-1968)

Sec. 52-976. - Removal of nonconforming use, building or structure.

- (a) The city planning commission may from time to time recommend to the city council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this article; and the removal of such use or structure.
- (b) The city planning commission shall submit its reasons and estimates of cost and expenses of such acquisition and of the removal of the nonconformity, and of the probable resale price of the property to be acquired after removal of the nonconformity as obtained from the appropriate city department, board or commission. The city planning commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the nonconformity, and the probable resale price which in their opinion should be assessed against a benefited district.
- (c) Whenever the city council has under advisement the acquisition by purchase, condemnation or otherwise as provided by law of any such nonconforming building, structure or use, a preliminary public hearing thereon shall be held before that body; provided that not less than 15 days' notice of time, place, and purpose of such public hearing shall first be published in a paper circulating in the city, and that the city clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of the time, place, and purpose of such hearing; and provided further that, if the cost and expense of any portion thereof is to be assessed to a special district, the city assessor shall be directed to furnish the city council with a tentative special assessment district and the tentative plan of assessment, the names of the respective owners of the property in such district, and the addresses thereof in the last assessment roll; and the city clerk shall also send the said respective owner in the tentative assessment district.
- (d) Wherever the city council, after such public hearing, shall declare by resolution that proceeding be instituted for the acquisition of any nonconforming building, structure or use in accordance with the laws of the state, and the Charter and ordinances of the city, the city clerk shall send by registered mail a certified copy of such resolution to the respective owners of the properties and to the owners of the properties in any special district at the addresses given in the last assessment roll.
- (e) Upon the passing of title in the private property so acquired to the city, the city council shall cause the discontinuance or removal of the nonconforming use or the removal or demolition or remodeling of the nonconforming structure. The city council shall thereafter order such property sold or otherwise disposed of, but only for a conforming use. The city council shall confirm the cost and expense of such project and report any assessable cost to the city assessor who shall then prepare an assessment roll in the manner provided for in the Charter and the ordinances of the city. Such an assessment roll may, in the discretion of the city council, be in one or more but not to exceed five annual installments.

(Ord. No. 68-15, § 5.11, 10-22-1968)

Secs. 52-977—52-995. - Reserved.

## ARTICLE IX. - PARKING, LOADING AND WAITING AREA REQUIREMENTS

### Sec. 52-996. - Definitions.

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

*Auto wash* means:

- (1) *Automatic* means when the vehicle is serviced by employees of facility.
- (2) *Self-service* means when the vehicle is serviced by occupant of vehicle.

*Bed* means each area occupied by the patients or guests. The term "bed" does not include bassinets and incubators.

*Driveway* means an access roadway between a public street and a parking space.

*Established line of setback* means a line, drawn parallel to the street, extending from the closest point of the principal building that is closest to the street at the front lot line.

*Financial institutions* includes banks, credit unions, mortgage company offices and other such establishments.

*Front open spaces* means the area enclosed by the side lot lines, the front street right-of-way line and the established line of setback.

*Greenbelt* means area of landscaping or nonimproved area.

*Gross square footage* means the area enclosed by the outside walls of the building or structure, as measured from the outside of the building or structure.

*Hall* includes dancehalls, convention halls, assembly halls, meeting halls or other such place of assembly, but does not include banquet halls or rooms.

*Laundromat* includes dry cleaning establishments, but not dry cleaning processing plants.

*Malls* includes commercial buildings connected together, under separate or common roof, with enclosed common public areas for pedestrian traffic and pedestrian amenities.

*Motel* includes hotels, motels, lodging homes, tourist homes or other commercial lodging establishment.

*Moveable walls* means walls that are not permanently fastened to either the floor or ceiling and do not extend any more than two-thirds of the distance between the floor and finished ceiling.

*Parking facility or lot* means a total surface area on one parcel containing 1,200 or more square feet or five parking spaces used for parking and maneuvering of motor vehicles. Parking structures shall be included in this definition.

*Pool vehicles* means any vehicle kept, parked or used on site or off site that is stored or parked on-site during nonbusiness hours.

*Public park* means any green space, playground or recreation area open to the use of the general public and owned by or operated by the city.

*Strip center* includes commercial buildings sharing common walls or built with zero or near zero clearance between the buildings without enclosed common public areas.

*Test vehicles* means any vehicle kept, parked or used at a site for purposes of evaluating durability or performance and that is not registered in the name of an individual.

Ord. No. 92-4, § 1(6.01), 9-28-1993)

Sec. 52-997. - Buildings and uses affected.

In all zoning districts, off-street parking facilities for motor vehicles shall be provided and maintained as follows:

- (1) No new building shall be erected unless the parking required by this article is provided.
- (2) No building shall be altered so the usable floor area is increased unless the minimum required parking for the entire building is provided.
- (3) The minimum parking required by this article shall be provided for the entire building if the use classification or number of units in use in the building is changed and the parking space required for the new use exceeds that required for the previous use.
- (4) The parking facility required by this article shall be accessible from a public street or alley and shall be kept available for the use by occupants, employees or other users of the building for which the space was provided.

(Ord. No. 92-4, § 1(6.02), 9-28-1993)

Sec. 52-998. - Deferred parking requirements.

- (a) If the structure is not completely occupied or the entire planned structure is not completely built, the owner may defer construction of up to 25 percent of the required parking spaces shown on the approved site plan if:
  - (1) The building inspector approves; and
  - (2) The total required parking pursuant to this chapter is in the excess of the immediate required parking based upon occupancy, use or completion.
- (b) All or any part of the deferred parking spaces shall be provided when the building inspector determines a need for such spaces, based upon the increased usage, occupancy or construction of the structure.

(Ord. No. 92-4, § 1(6.03), 9-28-1993)

Sec. 52-999. - Collective parking.

- (a) If two or more buildings or land are under common ownership, or if ownership is not common and the respective owners thereof have executed a covenant as indicated in section 52-1008, the buildings or uses may collectively provide the required off-street parking, provided the required number of parking spaces shall not be less than the

sum of the requirement for the several individual uses computed separately.

- (b) If the owners of two buildings or uses, whose operating hours do not overlap, desire to utilize common off-street parking facilities, the planning commission may permit collective utilization if all of the following conditions are met:
- (1) The normal business hours of the two buildings or uses in no way overlap, except for custodial personnel;
  - (2) The facility meets the off-street parking requirements of the larger building or more intensive use plus 15 percent;
  - (3) The location of the facility meets all of the locational requirements of this article;
  - (4) The site plan reserves an area that is capable of accommodating the required number of parking spaces necessary for both buildings or uses. Such space shall be kept as additional green belt until required for parking; and
  - (5) The developer and owners sign a reservation of parking space agreement obligating the owners to immediately install the additional required parking at the request of the building inspector if any of these conditions are violated.

(Ord. No. 92-4, § 1(6.04), 9-28-1993)

Sec. 52-1000. - Off-street parking facilities; location.

- (a) The off-street parking facilities shall be located on the same lot as the structure for which it serves, except as allowed in subsection (c) of this section.
- (b) Except as provided in subsection (c) of this section, off-street parking A as set forth in section 52-1005, or special parking districts as set forth in section 52-1006, off-street parking or off-street parking lots shall not be permitted as a primary principal use in any zoning district.
- (c) The planning commission may allow off-site parking for only commercial, office or industrial uses if the off-site parking is compatible with the use of the total site and all of the following conditions are met:
  - (1) The off-site parking is located within 300 feet of the use requiring the parking. This distance being measured from the center point of the parking facility to the nearest point of pedestrian entrance to the structure;
  - (2) The off-site parking facility is not separated from the structure by any major or secondary thoroughfare as designated by the city, or separated by any physical barrier or public improvement;
  - (3) A protected and defined means of pedestrian access is provided; and
  - (4) A covenant as indicated in section 52-1008 is executed which legally and irrevocably binds the off-site parking facility to the property upon which the structure is located.

(Ord. No. 92-4, § 1(6.05), 9-28-1993)

Sec. 52-1001. - General conditions.

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

- (b) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- (c) Off-street parking, existing on the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building or use, shall not be reduced to an amount less than required pursuant to this chapter for a similar new building or use.
- (d) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the building inspector and city attorney consider to be a similar use. This decision may be appealed to the planning commission.
- (e) For the purpose of computing the number of parking spaces required, the gross square footage of the floor area of the building or structure shall be used.
- (f) The minimum number of off-street parking spaces, by type or use, shall be determined in accordance with the following schedule:

### Minimum Required Parking Spaces

Unless otherwise specified, this table refers to the number of parking spaces per square feet of gross floor area, as an example: 2 per 40 sq. ft. means two parking spaces for each 40 square feet of gross floor area of the structure.

Use		Required Parking Spaces
Residential		
	Multiple-family dwellings	
	One bedroom	1.5 per dwelling unit
	Two bedroom	2 per dwelling unit
	Three or more bedroom	2 per dwelling unit
	Single-family dwellings	
	Townhouse dwellings	
	Two-family dwelling	

## Commercial

	Athletic and fitness centers:			
		Clubs/spas		1 per 200 sq. ft.
		Courts (handball/tennis/etc.)		1 per 1,000 sq. ft.
		Swimming pools		1 per 100 sq. ft. of pool size
	Automotive services (combined totals)			
		Gas		1 per pump island
		Repair service		3 per stall
		Retail service		1 per 125 sq. ft.
		Collision service		1 per 500 sq. ft.
		Auto washes:		
			Automatic	8 per wash lane plus stacking lane
			Self-serve	1 per bay plus stacking lane
	Banks and similar financial institutions			1 per 200 sq. ft.
	Barber, beauty, tanning shops			1 per 75 sq. ft.
	Bowling alleys			5 per alley
	Child care center			1 per 250 sq. ft.
	Dancehalls, assembly halls and convention halls			1 per 100 sq. ft.
	Dental offices			1 per 150 sq. ft.
	Food service establishments (combined totals)			



		Dining rooms	1 per 100 sq. ft.
		Bar seating and assembly area	1 per 75 sq. ft.
		Banquet rooms	1 per 50 sq. ft.
		Off-site consumption only	1 per 200 sq. ft.
		Furniture, home furnishings and appliance stores	1 per 600 sq. ft.
		General office/business or professional	
		Fixed walls	1 per 200 sq. ft.
		Moveable walls	1 per 150 sq. ft.
		Golf courses	
		Mini-golf	3 per hole
		Other	6 per hole
		Laundromat	
		Self-serve	1 per 1.5 machine
		Employee serve	1 per 250 sq. ft.
		Mortuaries/funeral homes	10 per chapel or parlor room
		Motels	1 per room
		Physician and allied health office	
		General practice	1 per 75 sq. ft.
		Obstetricians	1 per 100 sq. ft.
		Reserved	

		Pediatrician	1 per 75 sq. ft.
		Psychologists	1 per 100 sq. ft.
		Specialty (internal, cardiology)	1 per 150 sq. ft.
		Others not listed	1 per 75 sq. ft.
	Retail stores		
		Detached	1 per 200 sq. ft.
		Strip centers	1 per 200 to 10,000 sq. ft.
			1 per 250 over 10,000 sq. ft.
		Malls	1 per 100 to 15,000 sq. ft.
			1 per 125 to 450,000 sq. ft.
			1 per 150 over 450,000 sq. ft.
	Storage and warehousing		
		Without retail	1 per 2,000 sq. ft.
		With retail	Add retail as above
	Theaters/auditorium/stadium		1 per 3 seats, or
			1 per 5 ft. of bench
	Trade shops/repair shops		1 per 500 sq. ft.
	Veterinary		1 per 250 sq. ft.
	Videotape rental/sales and amusement centers		1 per 50 sq. ft.

Educational/institutional			
	Churches		1 per 3 seats or 1 per 6 feet of pew
	Convalescent homes		1 per 2 Beds
	Elementary schools		2 per classroom
	Middle school		3 per classroom plus auditorium
	High school		5 per classroom plus auditorium
	Hospital		2 per bed
	College/trade school		20 per classroom
	Library/museum		1 per 500 sq. ft.
Manufacturing and research			
	Heavy manufacturing		
		Processing area	1 per 1,500 sq. ft.
		Office area	See general office
		Warehousing	1 per 5,000 sq. ft.
	Light manufacturing		
		Processing area	1 per 1,000 sq. ft.
		Office area	See general office
		Warehousing	1 per 2,000 sq. ft.
	Research and development		

	Test or lab area	1 per 500 sq. ft.
	Office area	See general office

(Ord. No. 92-4, § 1(6.07), 9-28-1993)

\_\_\_\_\_

#### Sec. 52-1002. - Mixed property uses.

For mixed uses or where there is a combination of uses, the total requirements for off-street parking shall be the sum of the requirements as indicated from the minimum schedule of parking spaces referenced in section 52-1007(f) for each separate use within the structure.

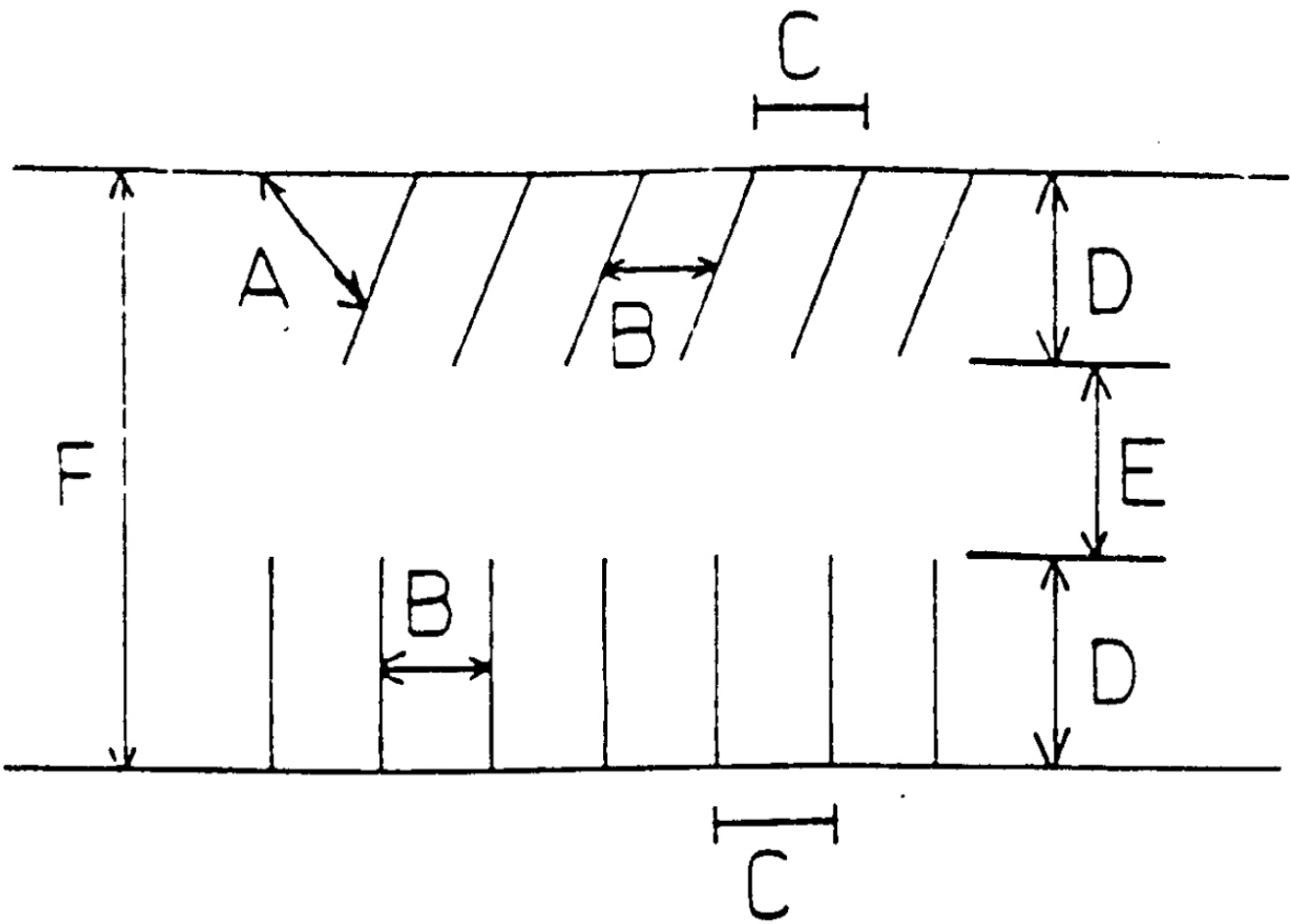
(Ord. No. 92-4, § 1(6.08), 9-28-1993)

#### Sec. 52-1003. - Design of off-street parking facilities.

No person shall construct or establish a driveway or off-street parking structure, lot or space, except pursuant to a building permit issued upon the submission of plans showing compliance with all of the following standards:

- (1) In residential zones, parking spaces or lots shall not be located in the front open space. Churches, child care centers and schools with more than 100 feet of street frontage and more than 20,000 square feet of land area may be permitted to have parking located in the front open space if it is behind the required front setback line and if approved by the planning commission as part of a site plan review.
- (2) In nonresidential zones, parking spaces and lots shall be located behind the front setback line unless the planning commission approves, as part of the site plan, one of the following setback standards:
  - a. Zone A; parking between the property line, and four feet of the property line. Parking in this area may be allowed if all of the following conditions are met:
    1. A 42-inch high masonry screen wall shall be constructed along the exterior edge of the parking surface. The height of the wall shall be measured from the finished grade of the parking surface at the wall.
    2. Where the parking stall is perpendicular to the property line, the internal vehicle curb or bumper block shall be installed no closer than two feet to the property line, as measured from the parking lot side of the curb or block.
  - b. Zone B; parking between four feet and eight feet of the property line. Parking in this area may be allowed if all of the following conditions are met:
    1. A row of deciduous or evergreen shrubs, of 30-inch minimum height at planting and spaced no farther than three feet on center, shall be installed along the edge of the parking lot. The mature plantings

- shall be maintained at a height of 42 inches above the parking surface as measured from the parking surface nearest the planting area.
2. A bed area of hardwood mulch or other approved material shall be installed around the plantings.
  3. Where the parking stall is perpendicular to the property line the internal vehicle curb or bumper block shall be installed no closer to the property line than four feet, as measured from the parking lot side of the curb or block.
- c. Zone C; parking between eight feet and required setback line. Parking in this area may be allowed if the area between the property line and the parking lot is landscaped pursuant to the requirements of the approved site plan.
- (3) Driveways leading to parking spaces and lots shall meet all of the following standards:
- a. A driveway leading to an enclosed space may be widened to the width of the parking space if the driveway does not exceed 30 percent of the front open space; and
  - b. The width of a driveway serving a single or two-family dwelling shall be between eight and 24 feet. For uses other than single or two-family, the width of one-way driveways shall be between ten and 15 feet, and the width of two-way driveways shall be between 18 and 24 feet; and
  - c. Driveways providing access to property in nonresidential zones may not be located in residential zones.
- (4) No parking lot shall be located closer than ten feet to any building wherein a dwelling is located on the first floor.
- (5) Parking spaces required by this article shall be a minimum of 9.5 feet wide and 18 feet long. The length may be 16 feet if there is provided two feet of overhang and there is a minimum remaining width of four feet for the public or required sidewalks when parking against a curb. Spaces directly adjacent to a fence, wall or enclosure shall be increased by one foot in width. Spaces designated for disabled persons shall be provided as required in the state construction code.
- (6) Parking lots shall have adequate maneuvering area and access to permit use of all parking spaces without moving other vehicles. Parking spaces shall be clearly marked and the lots shall conform to the following stall and aisle standards:



Stall and Aisle Standards					
A	B <sup>1</sup>	C	D <sup>2</sup>	E	F
Angle of Parking	Stall Width	Curb Length per Stall	Stall Depth 90;deg; to Wall	Aisle Width	Module Width
0;deg;	9 ft.	18 ft.	9 ft.	12 ft.	N/A
45;deg;	9 ft.	12.7 ft.	16.5 ft.	15 ft. <sup>3</sup>	48 ft.
60;deg;	9 ft.	10.4 ft.	18 ft.	18 ft. <sup>3</sup>	54 ft.
90;deg;	9 ft.	9 ft.	18 ft.	26 ft.	62 ft.

<sup>1</sup> Stall width shall be increased by one foot for those spaces which are adjacent to a fence, wall or enclosure. Handicapped spaces shall be 12 feet wide.

<sup>2</sup> Stalls which allow for vehicle overhang (next to curb) can be reduced in depth by two feet.

<sup>3</sup> One-way aisle operation only.

—

- (7) Direct access from any parking space in a off-street parking facility:
  - a. To any street without the use of a maneuvering lane shall be prohibited.
  - b. To an alley without the use of a maneuvering lane may be granted by special permission from the planning commission if all of the following conditions are met:
    - 1. The spaces are designated for longterm or employee parking only and are so posted;
    - 2. The alley is designated a one-way alley; and
    - 3. The entire alley, from street to street, is paved with a hard surface.
- (8) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- (9) All maneuvering lane widths shall permit one-way traffic movements, except that the 90-degree pattern may permit two-way movement.
- (10) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property and any single-family residential district.
- (11) Parking lots constructed or site planned after September 28, 1993, shall be illuminated from one-half hour after sunset to one-half hour before sunrise. The lighting of parking lots shall be designed to provide proper illumination levels at all unobstructed points of the parking lots. Separate pedestrian lighting may be installed. This section shall not apply to parking lots for public parks.
- (12) Lighting for parking lots and spaces must be designed and maintained to prevent illumination, glares or reflections into any premises used for residential purposes, and so that it does not adversely affect the vision of motorists on public streets.
- (13) Parking lots shall be equipped with curbs or other barriers to confine vehicles to the parking lot. Driveways, parking lots and structures shall be constructed and maintained in a manner to prevent the formation of potholes and must be kept reasonably free of snow and ice.
- (14) The entire area designated for the parking of vehicles, including parking spaces and maneuvering lanes, shall be provided with asphaltic or concrete surfacing. Upon special approval of the planning commission, an alternative hard surfacing material may be utilized. No certificate of occupancy shall be issued for the business or businesses until the parking facility is properly surfaced. This section shall not apply to public parks.
- (15) The entire parking facility surface shall be drained so that surface water does not accumulate on the surfaced

area and does not drain onto adjacent property, roadways or structures.

(16) Dead-end maneuvering lanes for off-street parking facilities are prohibited, except upon special permission from the planning commission if:

- a. It is no greater than eight spaces deep, or not greater than ten spaces deep if a means to turn vehicles around is provided if all spaces are occupied; and
- b. There is no reasonable alternative as determined by the planning commission for the design of the parking facility.

(17) Parking facilities shall be landscaped according to the requirements of the approved site plan.

(Ord. No. 92-4, § 1(6.09), 9-28-1993)

Sec. 52-1004. - Storage of test or pool vehicles.

(a) Storage of test or pool vehicles shall be allowed by special permit only.

(b) Upon application, the special permit shall be issued and approved by the building inspector if all of the following conditions are met:

- (1) The requested spaces are in the excess of the minimum spaces required for the property use as indicated in section 52-1001(f);
- (2) The vehicles for which the storage is requested belong to the business occupying the property;
- (3) The storage location does not abut any residential zoned district; and
- (4) The vehicle storage area is not visible from the front street of the building.

(c) The application shall contain:

- (1) Name and address (including e-mail address) of the applicant;
- (2) Location of the requested storage area;
- (3) Number of spaces requested;
- (4) Information showing the requested spaces are in excess of the required minimum spaces required pursuant to section 52-1001(f);
- (5) Length of time requested.

(d) The permit shall be for a period of time not greater than one year and may be renewed annually.

(e) A permit fee, as established by council resolution, shall be paid prior to the issuance of the permit. The renewal fee shall be the same as the permit fee in effect at the time of the renewal.

(f) The permit issued pursuant to this section shall not be transferable.

(g) Any permit issued may be cancelled by the building inspector upon seven days' notice to the applicant if any of the terms of the permit are violated or if the parking spaces so used become necessary for the normal use of the property.

(Ord. No. 92-4, § 1(6.10), 9-28-1993)

Sec. 52-1005. - Off-street parking A.



Off-street parking A will be permitted in all residential districts including multiple residential districts upon approval of the planning commission. The planning commission shall, prior to granting approval, do the following:

- (1) Determine that commercial or industrial property in adjacent or adjoining area is unavailable or impractical for the development of an off-street parking facility; and
- (2) Determine that the off-street parking A shall be considered a conditional accessory use to adjoining business property and as such is to be used for customer vehicle parking of such adjoining business only; and
- (3) Determine that the penetration into the residential zone shall not exceed 125 feet measured at right angles from the residential property line adjoining such business district; and
- (4) That the planning commission shall hold a public hearing and shall give notice to all owners of record of property and residence within 300 feet of the premises in question.

(Ord. No. 92-4, § 1(6.11), 9-28-1993)

Sec. 52-1006. - Special parking district.

- (a) Properties abutting Park Avenue, between Southfield Road and Regina Avenue, having a building or property address of Park Avenue and all properties abutting and fronting Allen Road between Ecorse/Roosevelt Roads and Southfield Road, shall be considered a special parking district.
- (b) Each property located within this district shall be allocated a percentage of the public parking, both off-street and on-street, in the area. This percentage shall be determined by dividing the total public parking available by the gross square footage of the property.

Example	
	1,000 public parking spaces
	200 square feet for property
	20% of spaces are allocated for property

The building department shall maintain a list of the available number of parking spaces within the district.

- (c) Properties within the special parking districts may provide only 25 percent of the required off-street parking required by section 52-1001(f) if all of the following conditions are met:
  - (1) The allocable share of public parking provides 50 percent of the required parking pursuant to section 52-1001(f); and
  - (2) The owner or developer pays into the parking bank a fee, per parking space the site is deficient in meeting the parking requirement of section 52-1001(f). This fee shall be established by council resolution; and

(3) The maximum number of deficient parking spaces which may be purchased shall be 15 spaces.

(d) On-street public parking spaces within the district shall be allowed to be configured to include an overhang onto the public sidewalk provided there remains four feet of usable public sidewalk when the parking space is occupied.

(Ord. No. 92-4, § 1(6.12), 9-28-1993)

Sec. 52-1007. - Special parking permits.

- (a) Any business or use may seek a special parking permit to allow any requirement of this article to be modified or waived.
- (b) The planning commission shall issue a recommendation to the zoning board of appeals concerning each separate special parking permit requested by an applicant.
- (c) A special parking permit may be granted by the zoning board of appeals only if all of the following conditions exist:
  - (1) The requested variance does not eliminate more than 75 percent of the parking spaces required by section 52-1001(f);
  - (2) The requested variance will not cause an undue amount of parking on residential streets;
  - (3) The requested variance does not alter the size of parking stalls or maneuvering lanes by more than the following percentage of the size required by this article:
    - a. Parking stall size only by ten percent;
    - b. Maneuvering lane size only by ten percent; or
    - c. Parking stall and maneuvering lane size by no more than five percent each.
- (d) In granting a request pursuant to this section, the planning commission, in its recommendation, and the zoning board of appeals, may impose additional conditions not contained in this article to integrate the proposed altered parking facility into the community.
- (e) Unless a shorter time limit is imposed, all special parking permits issued pursuant to this article shall expire upon the termination of the use or business requesting the special parking permit.
- (f) A fee, as currently established or as hereafter adopted by resolution of the city council from time to time, shall be charged for all special parking permits.

(Ord. No. 92-4, § 1(6.13), 9-28-1993)

Sec. 52-1008. - Covenants.

- (a) Whenever an applicant is requested to submit or obtain an agreement or covenant for parking, the applicant shall furnish to the building inspector an agreement or covenant, approved by the city attorney and in a recordable form that:
  - (1) Obligates the applicant to keep and maintain the required parking facility as long as the structure or improvement exists for which it was required;

- (2) Provides that no structure can be erected, built or located upon the property dedicated for the parking facility or covenant or agreement is released by the city council;
  - (3) Is executed by all property owners of record, the applicant and lessee;
  - (4) Runs to the benefit of the city;
  - (5) Recites that the title and right to use the property upon which the parking facility is located will be subservient to the title to the property upon which the structure or improvements is to be erected;
  - (6) Shall warrant that the property shall not and is not subject to any other covenant or contract, unless prior written approval is received from the planning commission and the city council.
- (b) The applicant shall, at its expense, provide any title insurance or title commitment as the planning commission or city attorney shall require to ensure compliance with the provisions for which the covenant was required.
  - (c) No certificate of occupancy shall be issued until such time that the required covenant has been recorded, as approved. It shall be the applicant's obligation to provide the completed document to the satisfaction of the city attorney, to the city for the recording of the covenant.
  - (d) The applicant shall pay, in advance, all costs associated with the recording of the covenant.
  - (e) The city council may release the covenant if the applicant, owners or lessee has obtained the required parking elsewhere and has entered into a similar covenant if required, or has removed the structure or use for which the covenant was required.

(Ord. No. 92-4, § 1(6.14), 9-28-1993)

Sec. 52-1009. - Prohibited uses in parking facilities.

The following uses or activities shall be prohibited in all parking facilities:

- (1) Overnight parking of vehicles, trailers, boats or equipment;
- (2) Storing of objects, debris, merchandise or construction material; except debris and/or construction material may be stored while the structure requiring the parking facility is under construction, but shall not be stored during construction for more than six months;
- (3) The advertisement for sale or lease of any vehicle, camper, boat, trailer or similar item, unless conducted in conjunction with a lawful business established for such purpose; and
- (4) The repair of any vehicle or trailer, except necessary emergency repairs to remove the vehicle or trailer.

(Ord. No. 92-4, § 1(6.15), 9-28-1993)

Sec. 52-1010. - Off-street loading requirements.

- (a) On the same premises as every building, structure or part thereof, erected, used or occupied in whole or part for manufacturing, storage, warehousing, hospitals, truck terminal, appliance/furniture stores, strip centers, malls, wholesale businesses, grocery stores, mortuaries or other uses similarly involving the receipt or distribution of

vehicles, materials, products or merchandise, there shall be provided and maintained on the same site, in a manner so as not to unduly interfere with the public's use of streets and alleys, space for standing, loading or unloading according to the following schedule:

Gross Square Feet of Floor Area	Required Spaces
0—2,000	Not required
2,000—5,000	1 space
5,000—20,000	1 space plus 1 per each 5,000 sq. ft. over 5,000
20,000—100,000	4 spaces plus 1 per each 20,000 sq. ft. over 20,000
100,000—500,000	5 spaces plus 1 per each 40,000 sq. ft. over 100,000
Over 500,000	15 spaces plus 1 per each 80,000 sq. ft. over 500,000

(b) All loading or unloading spaces shall be no less than an area 12 feet by 50 feet, with a 15-foot height clearance.

(Ord. No. 92-4, § 1(6.16), 9-28-1993)

Sec. 52-1011. - Off-street waiting requirements.

(a) On the same premises as every building structure or part thereof, erected, used or occupied in whole or part for the purpose of servicing customers in their vehicles by means of a service window, drive-through bay or similar arrangement, shall be provided off-street waiting spaces as follows:

Use	Number of Spaces Per Service Area
Bank/credit union	4
Oil change store	2
Food service	6
Laundromat	2

Auto wash		
	Automatic	15
	Self-service	4
Other retail		3

(b) An off-street vehicle waiting space shall be a space 9.5 feet wide by 18 feet in length.

(c) All auto wash facilities shall also provide a drying lane of 50 feet in length at the exit of each washing stall to prevent undue amounts of water from collecting on the public streets and creating traffic hazards.

(Ord. No. 92-4, § 1(6.17), 9-28-1993)

#### Sec. 52-1012. - Variance and exceptions.

The zoning board of appeals shall have authority to interpret this article and may in specific cases and after public notice and hearings in accordance with their powers grant variances and exceptions to these requirements, providing such variance, special parking permits or exception is in harmony with the general purpose and intent of the requirements of this article.

(Ord. No. 92-4, § 1(6.18), 9-28-1993)

#### Sec. 52-1013. - Nonconforming uses.

Nonconforming paved parking facilities and driveways lawfully constructed prior to September 1, 1993, may be maintained and continued as nonconforming uses. All new parking facilities or additions to existing parking facilities constructed after September 1, 1993, must meet the requirements of this article. Additions to existing parking facilities shall require the existing parking facility to meet the requirements of this article.

(Ord. No. 92-4, § 1(6.19), 9-28-1993)

#### Secs. 52-1014—52-1039. - Reserved.

### ARTICLE X. - PARKING AND STORAGE OF RECREATIONAL AND COMMERCIAL VEHICLES

#### Sec. 52-1040. - Definitions.

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

*Carport* means a shelter and screening for a recreation a recreational vehicle.

*Commercial vehicle* means any motorized vehicle that requires a registration plate with the secretary of state motor vehicle division that either:

- (1) Bears signage advertising a business, service or product;
- (2) Has, in public view or outside of the confines of the vehicle, tools, equipment, supplies or any materials used in a commercial enterprise;
- (3) Exceeds the size of a standard, full-size pickup truck or van;
- (4) Is registered with the secretary of state motor vehicle division as a limousine; or
- (5) Construction and/or service equipment.

*Habitable truck cap* means a structure made to be carried upon or fit within the bed of a vehicle, designed to provide shelter or human habitation, such as a camper box.

*Motor home* means any motor vehicle designed for human habitation, with its own motive power, and with a passageway from the body of the home to the driver's and front passenger's seat. By way of illustration only, such shall include such vehicles as motor homes, buses or converted buses.

*Nonhabitable truck cap* means a structure made to be carried upon a or fit within the bed of a vehicle, designed to provide shelter for property, provide protective cover for a pick-up truck bed or shelter or transportation kennels for animals.

*Outdoor storage* does not include parking or storage of a regulated vehicle if done so within a carport as defined in this section.

*Personal recreational vehicle* means any recreational vehicle that is primary designed to hold, carry or transport not more than one or two persons. By way of illustration and not be limited to, all terrain vehicles (ATV), canoes, jet skis, snowmobiles and wave runners.

*Regulated vehicle* means any boat, personal recreational vehicle, motor home, trailer, habitable or nonhabitable truck cap or commercial vehicle, the parking or storage of such that is regulated pursuant to this chapter.

*Replacement vehicle* means a vehicle of the same type, style, dimensions and overall visibility from abutting properties as the original vehicle that was listed in the application for a special storage permit pursuant to section 52-1045(b)(5) and for which a permit was issued.

*Residential lot classification* means residential lots wherein the total square footage of any one parcel bearing one tax identification number shall be classified as follows:

- (1) Class 1 lot: no greater than 8,400 square feet.
- (2) Class 2 lot: greater than 8,400 square feet but less than 14,000 square feet.
- (3) Class 3 lot: 14,000 square feet or larger.

*Trailer* means a vehicle without motive power, designed for carrying persons or property on its own structure and to be drawn by a vehicle with motive power. By way of illustration only, such shall include trailer coaches, travel trailers, cargo trailers, utility trailers, flatbed trailers and empty boat trailers.

(b) Undefined terms means that any term not specifically defined herein shall be defined as by common usage.

(Ord. No. 2007-06, § 1(6A.02), 7-24-2007)

#### Sec. 52-1041. - Purpose.

Regulation of the parking and storage of boats, campers, commercial vehicles, personal recreational vehicles, recreational, recreational vehicle, trailers and truck caps in a manner that allows individuals to utilize their property while at the same time protecting the interests of abutting property owners.

(Ord. No. 2007-06, § 1(6A.01), 7-24-2007)

#### Sec. 52-1042. - Vehicle or trailer measurement.

For purposes of this section, the following system of measurement shall be used:

- (1) *Boats*. The official length of the boat as listed on the registration or title. If the boat does not have either a registration or title, it shall be the actual length of the boat, as measured from the most forward point of the boat, including any platform, to the most rear point, including any platform and/or motor assembly. If the boat is on a trailer, the trailer length shall not be included unless the trailer is not an appropriate size for the boat, in which case the length of the trailer shall be included. The height shall be measured from the surface of the parking or storage area to the highest point of the boat or any structure attached to the boat.
- (2) *Motor homes*. The official length of the vehicle listed on the registration or title. If the vehicle does not have either a registration or title, it shall be the actual length of the vehicle, as measured from the most forward point of the vehicle, including any platform, to the most rear point, including any platform.
- (3) *Trailer*. The official length of the vehicle listed on the registration or title. If the vehicle does not have either a registration or title, it shall be the actual length of the vehicle, as measured from the most forward point of the vehicle to the most rear point.

(Ord. No. 2007-06, § 1(6A.03), 7-24-2007)

#### Sec. 52-1043. - Trailered personal recreational vehicles.

A personal recreational vehicle that is parked or stored on a trailer shall be considered a part of the trailer upon which it is parked or stored and the regulations concerning trailers will be applicable. A personal recreational vehicle that is not parked or stored on a trailer is subject to the specific regulations contained within this chapter.

(Ord. No. 2007-06, § 1(6A.04), 7-24-2007)

#### Sec. 52-1044. - Carport standards.

- (a) The primary purpose of a carport under this article is to provide screening for a recreational vehicle that cannot be parked in the rear yard and is parked in the side yard next to an existing garage or house.
- (b) A carport used for the purpose of this article shall:
  - (1) Be enclosed on the side facing the side yard lot line;
  - (2) Be constructed of the same or complementary materials as the residential dwelling;
  - (3) Have the same roofing materials as the residential dwelling;
  - (4) Have a concrete floor;
  - (5) Not be constructed or placed in front of a garage;
  - (6) Not be constructed so that a driveway continues through and out of the back of the structure; and
  - (7) Be considered as part of lot coverage.
- (c) A regulated vehicle stored or parked within a carport constructed pursuant to this section shall not be considered outdoor storage or parking for the placement of the vehicle, but shall be considered outdoor storage or parking for the number of regulated vehicles that can be stored or parked on the property.

(Ord. No. 2007-06, § 1(6A.05), 7-24-2007)

Sec. 52-1045. - Storage or parking—R-1A and R-1B single-family residential districts.

- (a) *Regulations.* There shall be no outdoor storage or parking of any regulated vehicle on any residential street or within any residentially zoned district, except as provided in this section.
- (b) *Recreational vehicles.* Only one of either a boat, motor home, trailer or habitable truck-cap or two nontrailered personal recreational vehicles may be stored or parked outdoors, subject to the following conditions:
  - (1) *Size.* The allowable size that may be parked or stored on a class 1 residential lot shall be:
    - a. Boats and trailers shall not exceed 21 feet in length and ten feet in height, unless an exception listed in subsection (b)(3) of this section applies.
    - b. Motor homes and truck caps, habitable and nonhabitable, shall not exceed 21 feet in length and 15 feet in height, unless an exception listed in subsection (b)(3) of this section applies.
    - c. There is no size limit on personal recreational vehicles.
  - (2) *Location.* The vehicle shall be parked or stored as follows:
    - a. In the rear yard (to the rear of the residential dwelling), unless an exception listed in subsection (b)(3) of this section applies;
    - b. Not within six feet of the residential dwelling on the property;
    - c. Not within eight feet of an abutting, neighboring residential dwelling; and
    - d. Not within six feet of any lot line, unless an exception listed in subsection (b)(3) of this section applies.
  - (3) *Exceptions.*
    - a. The distance from the lot line shall be decreased to within one foot if there is a standard nonwood, solid type, four-foot to six-foot high privacy fence along the lot line and no part of the vehicle is visible above the fence height.



- b. Parking or storage in the side yard shall be allowed if:
  - 1. The property frontage is greater than 60 feet;
  - 2. The front and the side of the side yard are screened by a standard nonwood, solid type, six foot high privacy fence;
  - 3. If the vehicle is visible above the privacy fencing, landscape plantings, of not less than eight-foot in height (a minimum of six-foot at time of planting), screen the vehicle from the side and front yard views;
  - 4. The vehicle is parked so that its smallest dimension is directed to the front yard; and
  - 5. The vehicle is parked no closer than ten feet from side yard lot line.

(4) *Surface.*

- a. Unless another provision in this article requires a different parking surface for a special storage location, the parking or storage surface shall be either:
  - 1. Hard surfaced, such as concrete or pavers;
  - 2. Gravel or decorative stone, in which case a minimum depth of three inches shall be maintained; or
  - 3. Mulch, in which case a minimum depth of three inches shall be maintained and new material shall be added as necessary to replace the material that has deteriorated or washed away.
- b. The surface so provided shall be maintained as necessary and shall be kept free of all weeds, grass, litter, junk and debris.
- c. No parking or storage shall be allowed on any grass or dirt.

(5) *Class 2 and 3 residential lots.*

- a. A person desiring to park or store a larger size vehicle, in terms of length only, on a class 2 and 3 residential lot may file a petition for a special storage permit. The petition shall contain a description of the vehicle and a diagram, with dimensions, of the proposed parking or storage area, including any existing or proposed screening materials;
- b. The maximum size increase in length allowable by the special storage permit shall be:
  - 1. Class 2 lot: 47 percent of the standard allowable size;
  - 2. Class 3 lot: 72 percent of the standard allowable size;
- c. The footage in subsection (b) shall be rounded up to the nearest even footage to eliminate fraction parts of one foot (i.e., 9.7 feet) shall be rounded up to ten feet;
- d. The special storage permit shall be processed in the same manner as a variance, with the same application fee, and shall be heard before the zoning board of appeals;
- e. The excess size requested beyond the standard allowable size shall be considered as part of the lot coverage for the property and the zoning board of appeals shall treat the application as such. For purposes of this determination, lot coverage shall include the dwelling, all accessory structures, swimming pools and hard surfaced areas, including, but not limited to, driveways, porches and patios;
- f. The permit shall specify the vehicle, the manner in which the vehicle shall be parked or stored, including the location on the lot and type and placement of screening;

- g. The permit shall only be good for the vehicle described in the petition or a replacement vehicle;
  - h. The initial permit shall only be good for five years, commencing on the date of issuance by the zoning board of appeals;
  - i. One renewal permit may be obtained from the building department by the property owner upon submitting, to the building department, a notarized application indicating that the vehicle is still being stored or parked in compliance with all of the terms and conditions contained in the original permit; and
  - j. The original or renewal permit may be revoked by the zoning board of appeals for noncompliance with the terms of the permit. A petition for revocation shall be filed by the building official or ordinance warden or sua sponte, by the board itself, with a copy served by certified mail or personal delivery, to the permit holder. The permit holder shall be entitled to a hearing before the zoning board of appeals to show cause as to why the permit should not be revoked.
- (6) *Falsifying information on application.* Any person who shall falsify any information on the renewal application shall be guilty of a Class B misdemeanor.
- (7) *Loading or unloading time limits.*
- a. Any boat, trailer and motor home may be parked on any residential street or within a residentially zoned district for up to two nonconsecutive 24-hour periods of each calendar week for the sole purpose of loading or unloading.
  - b. The vehicle shall be parked in a manner so as not to obstruct vision or impede vehicular or pedestrian traffic. Additionally, it shall not be parked any closer than eight feet to an abutting dwelling and, if parked in the street, it shall be parked directly in front of or on the side of the owner's property.
  - c. The vehicle shall not be allowed to be parked on any city property, right-of-way or alley, other than a public street.
  - d. While it is so parked, it shall only be allowed to be connected to electrical service and potable freshwater supply. These connections must be guarded against trip and fall hazards and shall not impede vehicular or pedestrian traffic if they cross public property or sidewalks. The potable water connection shall be allowed only for such time as necessary to fill the vehicle's potable water container. Additionally, any water connection shall be protected at the water source by an approved back flow prevention device.
  - e. The emptying, flushing or discharge of gray water or sanitary holding tanks of the vehicle while so parked is prohibited.
- (8) *Use as shelter or storage.* No vehicle parked or stored pursuant to this article shall be used as a temporary or permanent shelter or dwelling or as a storage facility.
- (9) *Temporary parking permit.*
- a. The building department may issue a temporary permit or series of permits for up to a total of 20 days each calendar year per residence to allow a boat, recreational vehicle, trailer or truck cap that may not qualify to be parked at the site or parked in a manner inconsistent with the normal storage and/or parking requirements, to be parked on the property to allow repair work or season work to be performed on the

item. Such permit shall not be issued for more than 12 consecutive days and shall be conspicuously displayed on the property and be visible from the street. There shall be no carryover of unused days from prior years nor two consecutive permits that, when combined, would total a period of more than 12 days.

- b. While parked at the site the vehicle shall be parked in conformity with subsection (b)(6) of this section and shall not be parked on the street for more than three consecutive days. This section shall not be an exception to the trash day parking prohibition of city ordinances.
- c. Commercial vehicles.
  - 1. Only one commercial pickup or van style vehicle, with a load-bearing capacity of three-quarter-ton or less may be parked or stored within a residentially zoned district.
  - 2. The vehicle shall not have any exposed commercial equipment other than:
    - (i) One ladder;
    - (ii) Two pipe holders or containers;
    - (iii) One attached snow plow; and/or
    - (iv) One pickup bed-mounted salt spreader.
  - 3. No other commercial vehicles, including, but not limited to, limousines, dump trucks stake truck, backhoes, tractors, shall be parked or stored in residential zones.
  - 4. Except as provided in subsections (b)(1) through (3) of this section, no parking of any commercial vehicle shall be allowed on any residential street or within any residentially zoned district for more than two hours in any 24-hour period, except for any commercial vehicle performing a service call within the residential district at that location.

(Ord. No. 2007-06, § 1(6A.06), 7-24-2007)

Sec. 52-1046. - Same—R-2, RM, RMA multifamily districts.

There shall be no outdoor storage or parking of any regulated vehicle on any street or property within any R-2, RM or RMA multifamily residential districts.

(Ord. No. 2007-06, § 1(6A.07), 7-24-2007)

Sec. 52-1047. - Same—C-1 neighborhood business district.

- (a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided herein, on any:
  - (1) Street or alley within any C-1 neighborhood business district; or
  - (2) Lot or property within any C-1 neighborhood business district.
- (b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.
- (c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or

stored.

(Ord. No. 2007-06, § 1(6A.08), 7-24-2007)

Sec. 52-1048. - Same—C-2 general business district.

- (a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided herein, on any:
  - (1) Street or alley within any C-2 general business districts; or
  - (2) Lot or property within any C-2 general business districts.
- (b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.
- (c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.09), 7-24-2007)

Sec. 52-1049. - Same—C-3 commercial district.

- (a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided herein, on any:
  - (1) Street or alley within any C-3 commercial district; or
  - (2) Lot or property within any C-3 commercial district.
- (b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.
- (c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.10), 7-24-2007)

Sec. 52-1050. - Same—C-4 general business district.

- (a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle on any street or alley within any C-4 general business district.
- (b) *Regulated parking.* There shall be no outdoor storage or parking of any regulated vehicle on any lot or property within any C-4 general business district except as provided herein.
- (c) *Recreational vehicles.* A maximum of two boats, motor homes, trailers or habitable truck-caps or four nontrailered personal recreational vehicles may be stored or parked out doors, subject to the following conditions:
  - (1) *Size.* The allowable size that may be parked or stored shall be:

- a. Boats and trailers shall not exceed 31 feet in length and ten feet in height.
- b. Motor homes and truck caps, habitable and nonhabitable, shall not exceed 31 feet in length and 15 feet in height.
- c. There is no size limit on personal recreational vehicles.

(2) *Special storage permit.*

- a. A special storage permit shall be required to park or store the recreational vehicle. The petition shall contain a description of the vehicle and a diagram of the proposed parking or storage area, including any existing or proposed screening materials;
- b. The special storage permit shall be processed in the same manner as a variance, with the same application fee, and shall be heard before the zoning board of appeals;
- c. The permit shall specify the manner in which the vehicle shall be parked or stored, including the location on the lot and type and placement of screening;
- d. The permit shall only be good only for the vehicle described in the petition;
- e. The permit shall only be good for five years, commencing on the date of issuance by the zoning board of appeals; and
- f. The permit may be revoked by the zoning board of appeals for noncompliance with the terms of the permit. A petition for revocation shall be filed by the building official or ordinance warden or sua sponte, by the board itself, with a copy served by certified mail or personal delivery, to the permit holder. The permit holder shall be entitled to a hearing before the zoning board of appeals to show cause as to why the permit should not be revoked.

(3) *Surface.* Unless another provision in this article requires a different parking surface for a special storage location, the parking or storage surface shall be either hard surfaced, such as concrete or pavers, or a three inch gravel pad. The surface shall be maintained as necessary and shall be kept free of all weeds, grass, litter, junk and debris. No parking or storage shall be allowed on any grass or dirt.

(4) *Utility connections.* No recreational vehicle parked or stored shall be connected to electrical service, sewer line or potable (fresh) water supply and the emptying, flushing or discharge of gray water or sanitary holding tanks of the vehicle while so parked or stored is prohibited.

(5) *Use as shelter or storage.* No vehicle parked or stored pursuant to this Article shall be used as a temporary or permanent shelter or dwelling or as a storage facility.

(d) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.

(e) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.11), 7-24-2007)

Sec. 52-1051. - Same—C-5 central business district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided

herein, on any:

- (1) Street or alley within any C-5 central business district; or
- (2) Lot or property within any C-5 central business district.

(b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.

(c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.12), 7-24-2007)

Sec. 52-1052. - Same—C-6 regional shopping district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided herein, on any:

- (1) Street or alley within any C-6 regional shopping district; or
- (2) Lot or property within any C-6 regional shopping district.

(b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.

(c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.13), 7-24-2007)

Sec. 52-1053. - Same—RO-1 restricted office district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle, except as provided herein, on any:

- (1) Street or alley within any C-6 regional shopping district; or
- (2) Lot or property within any C-6 regional shopping district.

(b) *Commercial vehicles.* Only one commercial vehicle may be parked or stored from one hour prior to commencement of business hours to one hour after the business hours of the business located on the property. Parking or storage shall not be in the public alley and shall be on a hard surface.

(c) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any commercial vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.14), 7-24-2007)

Sec. 52-1054. - Same—RD research and development district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle on any street or alley

within any RD research and development district.

(b) *Regulated parking.* There shall be no outdoor storage or parking of any regulated vehicle on any lot or property within any RD research and development district zoned district, except as provided in section 52-508.

(c) *Outdoor repair or maintenance.* There shall be no outdoor repair or maintenance of any vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.15), 7-24-2007)

Sec. 52-1055. - Same—SD service district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle on any street or alley within any SD service district.

(b) *Regulated parking.* There shall be no outdoor storage or parking of any regulated vehicle on any lot or property within any SD service district, except as provided herein.

(c) *Recreational vehicles and commercial vehicles.*

(1) *Special storage permit.*

- a. A special storage permit shall be required to park or store a recreational or commercial vehicle. The petition shall contain a description of the vehicle or proposed storage yard and a diagram of the proposed parking or storage area, including any existing or proposed screening materials;
- b. The special storage permit shall be processed in the same manner as a variance, with the same application fee, and shall be heard before the zoning board of appeals;
- c. The permit shall specify the manner in which the vehicle or vehicles shall be parked or stored, including the location on the lot and type and placement of screening;
- d. The permit may be revoked by the zoning board of appeals for noncompliance with the terms of the permit. A petition for revocation shall be filed by the building official or ordinance warden or sua sponte, by the board itself, with a copy served by certified mail or personal delivery, to the permit holder. The permit holder shall be entitled to a hearing before the zoning board of appeals to show cause as to why the permit should not be revoked; and
- e. If the permit is for a specific vehicle and not a storage yard, then the following additional requirements shall apply:
  1. The permit shall only be good only for the vehicle described in the petition; and
  2. The permit shall only be good for five years, commencing on the date of issuance by the zoning board of appeals.

(2) *Parking or storage surface.* Unless the special parking permit requires a different parking surface for the storage location, the parking or storage surface shall be a gravel pad of not less than a three inches. The surface shall be maintained as necessary and shall be kept free of all weeds, grass, litter, junk and debris. No parking or storage shall be allowed on any grass or dirt.

(3) *Utility connections.* No recreational vehicle parked or stored shall be connected to electrical service, sewer line or potable (fresh) water supply and the emptying, flushing or discharge of gray water or sanitary holding tanks of the vehicle while so parked or stored is prohibited.

(4) *Use as shelter or storage.* No vehicle parked or stored pursuant to this section shall be used as a temporary or permanent shelter or dwelling or as a storage facility.

(d) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.16), 7-24-2007)

Sec. 52-1056. - Same—GI general industrial district.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle on any street or alley within any GI general industrial district.

(b) *Regulated parking.* There shall be no outdoor storage or parking of any regulated vehicle on any lot or property within any GI general industrial district zoned district, except as provided herein.

(c) *Recreational vehicles and commercial vehicles.*

(1) *Special storage permit.*

- a. A special storage permit shall be required to park or store a recreational or commercial vehicle. The petition shall contain a description of the vehicle or proposed storage yard and a diagram of the proposed parking or storage area, including any existing or proposed screening materials;
- b. The special storage permit shall be processed in the same manner as a variance, with the same application fee, and shall be heard before the zoning board of appeals;
- c. The permit shall specify the manner in which the vehicle or vehicles shall be parked or stored, including the location on the lot and type and placement of screening;
- d. The permit may be revoked by the zoning board of appeals for noncompliance with the terms of the permit. A petition for revocation shall be filed by the building official or ordinance warden or sua sponte, by the board itself, with a copy served by certified mail or personal delivery, to the permit holder. The permit holder shall be entitled to a hearing before the zoning board of appeals to show cause as to why the permit should not be revoked; and
- e. If the permit is for a specific vehicle and not a storage yard, then the following additional requirements shall apply:
  1. The permit shall only be good only for the vehicle described in the petition; and
  2. The permit shall only be good for five years, commencing on the date of issuance by the zoning board of appeals.

(2) *Parking or storage surface.* Unless the special parking permit requires a different parking surface for the storage location, the parking or storage surface shall be a gravel pad of not less than a three inches. The surface shall be maintained as necessary and shall be kept free of all weeds, grass, litter, junk and debris. No parking or storage shall be allowed on any grass or dirt.

(3) *Utility connections.* No recreational vehicle parked or stored shall be connected to electrical service, sewer line or potable (fresh) water supply and the emptying, flushing or discharge of gray water or sanitary holding tanks of the vehicle while so parked or stored is prohibited.

(4) *Use as shelter or storage.* No vehicle parked or stored pursuant to this section shall be used as a temporary or



permanent shelter or dwelling or as a storage facility.

(d) *Repair or maintenance.* There shall be no outdoor repair or maintenance of any vehicle parked or stored.

(Ord. No. 2007-06, § 1(6A.17), 7-24-2007)

Sec. 52-1057. - Same—M-1, M-2, M-3 industrial districts.

(a) *Prohibited parking.* There shall be no outdoor storage or parking of any regulated vehicle on any street or alley within any M-1 light, M-2 medium and M-3 heavy industrial districts.

(b) *Regulated parking.* Outdoor storage or parking on any lot or property in the M-1 light, M-2 medium and M-3 heavy industrial districts shall be allowed only as a special approval use. Special approval use shall be processed pursuant to article VII of this chapter. The approval shall specify the type and quantity of the items to be parked or stored, the allowable duration, required screening, parking surface and such other items and conditions as appropriate and necessary for the facility and the protection of the surrounding properties.

(Ord. No. 2007-06, § 1(6A.18), 7-24-2007)

Sec. 52-1058. - Schedule of maximum vehicles allowed.

Zoning District Classification											
Unit	R-1A, R-1B	R-2, RM, RMA	C-1, C-3	C-2	C-4	C-5, C-6A, C-6B	RD	SD	RO-1	GI	M-1, M-2, M-3
Boat	1	0	0	0	2 <sup>a</sup>	0	0	a	0	a	a
Motor home	1	0	0	0	2 <sup>a</sup>	0	0	a	0	a	a
Personal recreation vehicles (two)	1 unit	0	0	0	2 units <sup>a</sup>	0	0	a	0	a	a
Trailer	1	0	0	0	2 <sup>a</sup>	0	0	a	0	a	a
Truck cap	1	0	0	0	2 <sup>a</sup>	0	0	a	0	a	a
Total no. of units allowed	1	0	0	0	2 <sup>a</sup>	0	0	a	0	a	a

Plus												
Commercial vehicle	1	1	1	0	1	1	0	a	0	a	a	

<sup>a</sup> By special permit approval only

(Ord. No. 2007-06, § 1(6A.19), 7-24-2007)