

ARTICLE VIII. - ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 50-70. - R-1 One-Family Residential District.

- (a) *Intent.* The R-1 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in such districts.
- (b) *Regulations (also see Schedule of Regulations).*

Lot	In Feet
Minimum lot size	6,000
Minimum lot width	50 feet
Maximum lot coverage	35 percent (The maximum lot coverage permitted for all buildings may be increased by one percent for every 100 square feet of lot area that the lot is less than 4,000 square feet. In no case shall the maximum amount of lot coverage for all buildings exceed 45 percent of the total area of the lot.)
Setbacks	
Front	25 (Where front yards of greater or less depth than above specified exist in front of dwellings on more than 50 percent of the lots of record on one side of a street in any block in such district, the minimum required front yard setback for any building thereafter erected or placed on any lot in such block shall be not less, but need not be greater than, the average depth of the front yards of existing buildings along said frontage in the block.)
Eight Mile, Gratiot and Kelly	102 feet from centerline
Nine and Ten Mile Roads	60 feet from centerline

Toepfer and Stephens Avenues	43 feet from centerline
Each side	Four, 13 (Total)
Rear	30
Parking setbacks	
Front	n/a
Each side	n/a
Rear	n/a
Building	
Height	30
Stories	Two
Minimum floor area	Minimum square footage/ground floor minimum square footage
One-story	880/880
One- and one-half story	880/800
Two-story	880/624

In the R-1 District, lots of 50 feet or greater in width shall have a minimum of 13 feet between single-family detached dwellings.

- (c) *Principal uses permitted.* In the R-1 One-Family Residential Districts, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings.
- (2) Family child care home, registered by the State Department of Human Services for the care and keeping of up to six minor children.
- (3) Foster family home, registered by the State Department of Human Services for the care and keeping of up to four minor children.
- (4) Adult foster care family home, registered by the State Department of Human Services for the care and keeping of up to six adults.
- (5) Foster family group home, registered by the State Department of Human Services for the care and keeping of more than four but less than seven minor children.
- (6) The private growing of vegetables, fruits, flowers, shrubs and trees, provided such use is not operated for commercial purposes. This shall not apply to bona fide farming operations.
- (7) Publicly owned and operated libraries, parks, parkways and recreational facilities.
- (8) Cemeteries which lawfully occupied land at the time of adoption of the ordinance.
- (9) Public and parochial or other private elementary schools offering courses in general education.
- (10) Home occupations, provided the following conditions are met:
 - a. They are conducted wholly and entirely within the principal dwelling. If the home occupation is to be conducted within a detached garage or accessory building, the use may be processed and reviewed as a special land use approval.
 - b. They are located either in the basement of the principal dwelling (subject to the building code), or when they are not located in the basement, they shall not occupy more than 25 percent of the floor area of the principal dwelling, excluding the basement.
 - c. They are conducted only by the inhabitants thereof as defined in this chapter, there being no other employees or assistants employed in connection with a home occupation.
 - d. No article shall be made or sold or offered for sale except such as may be produced or provided by the inhabitants.
 - e. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, or which will have a negative impact on adjacent residential property.
 - f. They do not change the character of the residential appearance, or the orientation of the dwelling unit as a residential use.
 - g. They will not require internal or external alterations or construction other than that which may be required to meet local or state safety or construction code standards, as authorized by the city.
 - h. No home occupation shall be carried on to an extent that will require parking in excess of that required for a residential building by this chapter.
 - i. They have no signs, advertising devices or other manifestation located on the exterior of the dwelling structure or within any yard area which suggests or implies the existence of a home occupation.
 - j. The home occupation does not include clinics, hospitals, barber or beauty shops, tearooms, tourist homes, kennels, millinery shops or any other use similar to the above use, or which does not meet the

above requirements. Further, such use shall not violate any state or federal law.

- k. The home occupation complies with the licensing requirements of article II of chapter 12, pertaining to licensing, as amended, if required.
 - l. Home occupations shall be reviewed by the building department. The building department may forward the request to the planning commission for its review. When the building department or the planning commission has determined that the above conditions are met, the building department shall issue an occupancy permit with conditions enumerated thereon. Once established, no home occupation shall deviate from the above required conditions. No home occupation shall be continued when the same shall be found by the building department to be a nuisance or to be in violation of the above conditions due to noise, electrical interference, dust, smoke, odor, vibration, traffic congestion, reduction of parking, or reduction in the overall living environment of the dwelling or the surrounding area.
- (11) Accessory buildings and uses, customarily incidental to any of the above permitted uses referenced in subsection (c)(1) through (10) of this section and the requirements of section 50-160.
- (12) Keeping of chickens, provided the following conditions are met:
- a. Any person residing in the R-1 one-family residential districts, in a single-family detached structure, desiring to keep live chickens shall first obtain a license from the city and that person may keep not more than three hen chickens within the city for personal use only and not for any business or commercial use. Completed license applications shall be submitted to the building department along with the fee which shall be determined by city council resolution. Applications shall set forth the name and residence of the applicant, the purpose and number of hen chickens sought to be kept, and include any drawings or other information required by the building department. Applicants must be in compliance with all city codes and ordinances at the time of application. In addition, the keeping of hen chickens shall not be permitted unless consent, in writing, is obtained by the applicant from all adjoining property owners which consent shall be on a form provided by the building department. The building department shall conduct an inspection of the proposed chicken coop and shall issue a license where the application is in compliance with all requirements, regulations and ordinances of the city. Approved license holders shall also schedule an inspection by the animal control officer within 30 days of license issuance. Failure to schedule an inspection shall result in an automatic revocation of the license. If an inspection identifies noncompliance with any of the requirements set forth in subsection c of this section, the permit holder shall have 15 days to achieve compliance with the requirements or the building department may revoke the license or seek prosecution of the violation under section 50-30. Licenses shall be valid for up to two years, shall be non-transferable, site-specific and shall expire on December 31 of the second year of issuance. A person who wishes to continue keeping chickens shall obtain a new license prior to expiration of the previous license, provided the animal control officer makes an inspection and approves the request for a renewal. Application for a new license shall be pursuant to the procedures and requirements applicable at the time a person applies for a new license.
 - b. Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and covenant deeds.

c. A person residing in a R-1 one-family residential district, in a single-family detached structure, who keeps her comply with all of the following requirements:

1. Keep no more than three hen chickens at any time unless an additional amount is otherwise provided for by the ordinances of the city.
2. Roosters or male chickens and any other type of fowl or poultry are prohibited.
3. Slaughtering of any chickens at the property is prohibited.
4. Chickens shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. Fenced enclosures are subject to all fence provisions and restrictions in the City of Eastpointe Zoning Ordinance. An enclosed structure shall be constructed of permanent materials and shall be properly maintained in accordance with the property maintenance code adopted by the city in section 10-79, as amended.
5. Chickens shall not be kept in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
6. No enclosed structure shall be located within any side or rear yard setback area. An enclosed structure or fenced enclosure shall not be located closer than ten feet to any residential structure on adjacent property.
7. All structures and enclosures for the keeping of chickens shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.
8. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
9. Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to laying chickens, as amended, except as otherwise provided in this section.
10. Any contact of chickens pursuant to this section by children shall be under the supervision of an adult.
11. Any violation of any of these provisions may be prosecuted as provided in section 50-30.

(d) *Special land use approvals.* The following uses shall be permitted in the R-1 One-Family Residential District, subject to the conditions imposed for each use and subject further to the review and recommendation of approval of the planning commission to the city council as provided for in section 50-49:

(1) Churches and other facilities normally incidental thereto subject to the following conditions:

- a. Buildings of greater than the maximum height permitted in the R-1 Districts shall provide an additional setback from any property line one additional foot for every one foot the building or buildings that exceed the maximum building height limitations of the district.
- b. All access to the site shall be to an existing or planned major thoroughfare, freeway service drive, or collector street (as defined in the city's master plan or county thoroughfare plan). The planning

commission may approve alternative access configurations as outline in section 50-167.

- (2) Public, parochial and private intermediate or secondary schools offering courses in general education.
 - a. Access to the site shall be to an existing or planned major thoroughfare, freeway service drive, or collector street (as defined in the city's master land use plan or county thoroughfare plan). The planning commission may approve alternative access configurations as outline in section 50-167.
- (3) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
 - a. Public buildings and uses shall not include any outdoor storage of materials and/or vehicles and shall be consistent in appearance and perspective with the residential development around it to the greatest extent possible as determined by the planning commission.
- (4) Private non-profit recreational areas and community centers such as sports fields, community pools, and fitness centers subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein shall have at least one property line abutting a major thoroughfare as designated in the city's master land use plan or the county thoroughfare plan. The planning commission may permit such uses on property that does not abut a major thoroughfare upon finding the proposed use will be designed and operated in such a manner as to not adversely impact the surrounding neighborhood and roadways. The planning commission may also approve alternative access configurations as outline in section 50-167.
 - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. The planning commission may reduce the required setbacks upon a finding that the reduction will not impact the surrounding properties and neighborhood and that appropriate screening and buffering has been provided.
 - c. Whenever a swimming pool is constructed, the pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate in addition to all applicable requirements of the Michigan Building Code.
 - d. Off-street parking shall be at a rate of one space for every 300 square feet of usable floor area, provided, however, that the planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that a significant percentage of users will originate from the immediately adjacent areas, and will therefore be pedestrian.
 - e. Community center shall mean and include non-profit entities that provide recreational, leisure, educational, child care, social, religious, and cultural services to the community, but shall not include entities engaged in substance abuse counseling or reentry services for formerly institutionalized persons. No community center may incorporate sleeping facilities or otherwise provide for residential occupancy.
- (5) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:
 - a. Any use permitted herein shall be on a site of such size and so located that the proposed use will be compatible with the adjacent development.
 - b. All access to such site shall be to an existing or planned major thoroughfare, freeway service drive, or

- collector street (as defined in the city's master plan or county thoroughfare plan). The planning commission may approve alternative access configurations as outline in section 50-167.
- c. Provide a building setback of not less than 25 feet from any property line. The building shall set back one additional foot (beyond the initial 25-foot requirement) for each foot it exceeds 25 feet in height.
- (6) Private pools when they are accessory to a principal permitted use and are located within the rear yard only, and provided further, that they meet the following requirements:
- a. Private pools shall not require planning commission review and approval.
- b. The outside edge of the pool shall be set back from any side or rear lot line a distance at least equal to the side yard setback as specified in section 50-150. In no instance shall this setback be less than ten feet from any side street or alley right-of-way.
- c. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- d. No swimming pool shall be located less than 35 feet from any front lot line.
- e. No swimming pool shall be located in an easement.
- f. All areas containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Fences of four to six feet in height may be permitted provided they meet the requirements of section 50-161 relating to fences. These requirements are in addition to all those applicable requirements of the Michigan Building Code.
- (7) Cemeteries provided that:
- a. Not more than 51 percent of the land in the residential unit in which the cemetery is to be located is in recorded plats; and
- b. All access to such site shall be to an existing or planned major thoroughfare, freeway service drive, or collector street (as defined in the city's master plan or county thoroughfare plan). The planning commission may approve alternative access configurations as outline in section 50-167.
- (8) Adult foster care small group home, registered by the state consumer and industry services and approved to house not more than 12 foster care occupants.
- (9) Halfway homes, facilities for substance abuse treatment and the like.
- (10) Accessory buildings and uses customarily incidental to any of the permitted uses.
- (11) Wind energy systems.
- a. *Purpose and intent.* The purpose of this section is to provide a safe, effective and efficient use of wind energy turbines in order to reduce the consumption of fossil fuels in producing electricity; to preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of wind energy turbines; and to establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of wind energy turbines shall be governed.
- b. *General regulations.* Small wind energy systems, medium wind energy systems and large wind energy

systems shall be permitted in all zoning districts as a special use and subject to the following:

1. Height and type.
 - i. Only monopole construction shall be permitted and said systems shall be attached to a monopole only.
 - ii. The total height of a wind energy system tower, including maximum extension of the top of the blade, shall not exceed the maximum height for structures permitted in the zoning district.
2. Setbacks. A wind energy system tower shall be set back a distance equal to its total height from:
 - i. Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road;
 - ii. Any overhead utility lines, unless written permission is granted by the affected utility;
 - iii. All property lines;
 - iv. And the minimum setback requirements for the zoning district in which the system shall be located, except support cables, if provided, shall be anchored to the ground no closer than ten feet to any property line.
3. Access.
 - i. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - ii. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
4. Speed controls. All systems shall be equipped with manual and automatic over speed controls.
5. Electric lines. All electrical wires associated with a wind energy systems, except those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.
6. Signal interference. No wind energy system shall be located in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
7. Noise.
 - i. Audible noise or the sound pressure level from the operation of the wind energy system shall not exceed a rating of 50 dBA, or the ambient sound pressure level plus five dBA, whichever is greater, for more than ten percent of any hour, measured at the property line of the subject property.
 - ii. Proof from the manufacturer that the system is capable of meeting these noise requirements shall be provided at the time a permit is requested.
8. Shadow flicker.
 - i. At the time a permit is requested, the applicant shall conduct a written analysis of potential shadow flicker regarding structures within 300 feet of the wind energy system.
 - ii. The analysis shall identify the location of shadow flicker that may be caused by the wind energy

system and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.

- iii. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems at the time a permit is requested.

9. System limit. Only one wind energy system whether small wind, medium wind or large wind energy system, shall be allowed per residential dwelling unit or commercial structure.

10. Abandonment.

- i. A wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.
- ii. If the wind energy system is determined to be abandoned, the owner shall remove the entire system at the owner's sole expense within 30 days of receipt of the notice of abandonment from the city.
- iii. If the wind energy system is not removed within 30 days after receipt of notice of abandonment, the city may remove or secure the removal of the system with its actual costs and reasonable administrative charges be drawn, collected and/or enforced from under any security or bond posted at the time of application or alternatively, be charged as a lien against the property.

11. Permit requirements and procedures.

- i. A building permit shall be required for the installation of all wind energy systems.
- ii. A site plan drawing of the proposed system shall be required at the time an application for permit is made.
- iii. An applicant shall submit said application and the required fees with the building department and shall post a bond sufficient to cover the expense of the city for removing an abandoned wind energy system.
- iv. At the time an application is made or sought, the structural design of the system and tower shall be signed and sealed by a professional engineer registered in the state, certifying that the design complies with all the standards set forth for safety and stability in all applicable codes in effect in the state and all sections referred to herein.

(e) *Required conditions.* The following conditions where applicable shall apply to all uses permitted in the district:

- (1) No building or structure shall be permitted except in conjunction with a principal permitted use.
- (2) All single-family dwelling buildings shall comply with the applicable requirements of sections 50-168.
- (3) All single-family attached or detached dwelling buildings developed in clusters shall comply with the applicable requirements of section 50-151.
- (4) Except as otherwise regulated in this section, see section 50-151 limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unity density permitted, and building setbacks and development options.
- (5) Consult article XIX of this chapter regarding compliance with the requirements of off-street parking, loading

and layout standards as they may apply to various uses permitted in the district.

- (6) Consult article XX of this chapter regarding compliance with the requirements of screening and landscaping as they may apply to various uses permitted in the district.
- (7) Consult article XXI of this chapter regarding compliance with the requirements of nonconforming uses as they may apply to various uses permitted in the district.
- (8) Consult article XXII of this chapter regarding exceptions to certain regulations of this chapter as they may apply to various uses permitted in the district.
- (9) Consult article IV of this chapter regarding administration and enforcement.

(Ord. No. 1080, 4-16-2013; Ord. No. 1129, 3-1-2016; Ord. No. 1134, 3-28-2017)

Sec. 50-71. - R-2 Two-Family Residential District.

- (a) *Intent.* The R-2 Two-Family Residential District is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential, commercial, office, thoroughfare or other uses which would affect the residential character. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from one-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are reasonable.

- (b) *Regulations (also see Schedule of Regulations).*

Lot	In Feet
Minimum lot size	3,500
Minimum lot width	30 feet
Maximum lot coverage	35 percent (The maximum lot coverage permitted for all buildings may be increased by one percent for every 100 square feet of lot area that the lot is less than 4,000 square feet. In no case shall the maximum amount of lot coverage for all buildings exceed 45 percent of the total area of the lot.
Setbacks	
Front	25 feet

Eight Mile, Gratiot and Kelly	102 feet from centerline
Nine and Ten Mile Roads	60 feet from centerline
Toepfer and Stephens Avenues	43 feet from centerline
Each side	Ten/20 (Total)
Rear	30 feet
Parking setbacks	
Front	n/a
Each Side	n/a
Rear	n/a
Building	
Height	30
Stories	Two
Minimum floor area	Minimum square footage/ground floor minimum square footage
	800/800

(c) *Principal uses permitted.* In the R-2 Two-Family Residential District, no building or land shall be used, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the R-1 One-Family Residential District.
- (2) Two-family dwellings.
- (3) Accessory buildings and uses customarily incidental to any permitted uses.

(d) *Special land use approvals.* The following uses shall be permitted in the R-2 Two-Family Residential District,

subject to the conditions imposed for each use and subject further to the review and recommendation of approval of the planning commission to the city council as provided for in section 50-49:

(1) Wind energy systems (section 50-70(d)).

(e) *Required conditions.* The following conditions where applicable shall apply to all uses permitted in the district:

(1) No building or structure shall be permitted except in conjunction with a principal permitted use.

(2) All single-family and two-family dwellings shall comply with the applicable requirements of sections 50-168 and 50-169.

(3) All single-family attached dwelling developed in clusters shall comply with the applicable requirements of section 50-151.

(4) Except as otherwise regulated in this section, see section 50-150 limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unity density permitted, and building setbacks and development options.

(5) Consult article XIX of this chapter regarding compliance with the requirements of off-street parking, loading and layout standards.

(6) Consult article XX of this chapter regarding compliance with the requirements of screening and landscaping.

(7) Consult article XXI of this chapter regarding compliance with the requirements of nonconforming uses.

(8) Consult article XXII of this chapter regarding exceptions to certain regulations of this chapter.

(9) Consult article IV of this chapter regarding administration and enforcement.

(Ord. No. 1080, 4-16-2013)

Secs. 50-72—50-79. - Reserved.