



# City of Plymouth Planning Commission Sub-Committee Meeting Agenda

Thursday, August 28, 2025 – 7:00 p.m.  
City Hall Conference Room

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234

1. CALL TO ORDER
  - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
  - a. Approval of the July 28, 2025 meeting minutes
4. ZONING AUDIT DISCUSSION
5. ADJOURNMENT

*Citizen Comments* - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Meetings of the City of Plymouth are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, disability, or any other trait protected under applicable law. Any individual planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) should submit a request to the ADA Coordinator at 734-453-1234 ext. 234 at least two working days in advance of the meeting. The request may also be submitted via mail at 201 S. Main St. Plymouth, MI 48170, or email to [clerk@plymouthmi.gov](mailto:clerk@plymouthmi.gov).

**GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE**
**OBJECTIVES**

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35<sup>th</sup> District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

**GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION**
**OBJECTIVES**

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

**GOAL AREA THREE - COMMUNITY CONNECTIVITY**
**OBJECTIVES**

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

**GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY**
**OBJECTIVES**

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan

**2025 Planning Commission Goals**

1. Adopt the master plan
2. Complete “quick” zoning ordinance amendments (zoning audit)
3. Complete the multi-family/housing ordinance amendments (MSHDA Grant)
4. Work toward completing a residential compatibility ordinance

**Quick Zoning Ordinance Update**

Based on the Planning Commission workbooks and discussion, the items below from the Zoning Audit are included in a quick Zoning Ordinance update.

3

The items highlighted in yellow were addressed at the June 23, 2025 meeting.

The items highlighted in blue were addressed at the July 28, 2025 meeting.

The items highlighted in green to be discussed at the August 18, 2025 meeting.

Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum setback for the B-2 District. *Page 3.*

*Make the following changes to comply with state laws, federal laws, and case law:*

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing. *Page 6.*
2. Update Section 78-377 by changing item (c) to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten **adjacent** properties shall only require notice in a newspaper”, with the added text in bold, italicized font. *Page 6.*
3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper. *Page 6.*
4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts. *Page 16-17.*
5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act. *Page 17.*

*Change outdated references:*

6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan. *Page 7.*
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
8. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”; and “Community Development Director” instead of “Building Official”, in most instances. *Page 19.*
9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere. *Page 20.*

*Allow for modern uses:*

10. Allow for e-commerce options in the B-1, B-2, ARC and MU Zoning Districts. In those zoning districts, the principal use allowing similar uses has a restriction that, “All businesses establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.” The last sentence could be construed to not allow e-commerce to be part of the business. *Page 10.*

*Eliminate suburban standards:*

11. Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions. *Page 10-11.*

*Streamline and clarify processes:*

12. Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for special land use likely would not necessitate the level of detail required for a site plan application. *Page 17.*
13. List those special uses which require site plan review in Article XX. *Page 17.*
14. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 17.*
15. Pivot section 78-385 to a description of planning commission powers, duties and responsibilities, as enabled by state law. This section should include: the number of and process for appointing Planning Commission members, officers, bylaws, meetings, annual report, compliance with the Open Meetings Act, and preparation of a Master Plan. *Page 18.*
16. Include the Planning Commission's ability to investigate, require information, place conditions and the time limitation of their approval into regulations for site plan, special land use and nonconformance approvals. *Page 18.*

*Update definitions:*

17. Review all definitions for consistent usage, including "average grade" and "usable floor area." *Page 19.*
18. Review definitions such as "nuisance" to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 19.*
19. Update all definitions for modern understanding. For instance, "video rental establishments" could be consolidated into a service use or eliminated. *Page 19.*
20. Remove regulatory language from definitions where possible, such as removing the reference to "one-story" in the convenience grocery store definition and "separated from each other by a "firewall" from the townhome/rowhouse definition. *Page 19.*
21. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended). *Page 19-20.*
22. Use graphics to simplify definitions when possible. *Page 20.*

*Improve organization and navigability:*

23. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City's Fence Ordinance. *Page 20.*
24. Consolidate the "Vested Right" sections in Article I and Article XXVII. *Page 20.*
- ~~25. Examine and update setbacks for generator location requirements in Section 78-217 — Projections into setbacks, based on recent variance requests.~~
26. Update the Intent of the B-2 Zoning District to reflect the description of the Central Business District Future Land Use Category in the Master Plan. *Page 8.*



# **Plymouth Planning Commission Sub-Committee Meeting Minutes Monday, July 28, 2025 – 7:00 p.m. Plymouth City Hall 201 S. Main**

City of Plymouth  
Plymouth, Michigan 48170-1637

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
734-453-1234

## **1. CALL TO ORDER**

Vice-Chair Medaugh called the meeting to order at 7:04 p.m.

Present: Vice-Chair Medaugh, Commissioners Trish Horstman, Marni Schroeder, and Katie Rossie

Also present: Planning and Community Development Director Greta Bolhuis

## **2. CITIZENS COMMENTS**

There were no citizen comments

## **3. APPROVAL OF THE MINUTES**

a. Schroeder made a motion, seconded by Rossie, to approve the June 23, 2025 meeting minutes.

There was a voice vote

MOTION PASSED UNANIMOUSLY

## **4. ZONING AUDIT DISCUSSION**

The sub-committee discussed the following matters:

- The amendments for #7, #8 (except Building Official vs. Community Development Director), #23, and #24.
- The outstanding “quick zoning ordinance updates” including those assigned to the City Attorney.
- For #12 no significant improvements would be required. Desire to define plot plan and the details required.
- Bolhuis to draft amendments for #14, #17, and #18.
- Next meetings discussion will include #11 and #19.
- Homework is to review the definitions and identify those that are confusing, outdated, irrelevant, or hard to understand.

## **5. ADJOURNMENT**

Medaugh offered a motion, seconded by Horstman, to adjourn the meeting at 8:33 p.m.

There was a voice vote

MOTION PASSED UNANIMOUSLY

## Single Family Residential (R-1) District

### Sec. 78-42. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) Churches and other facilities normally incidental thereto subject to section 78-~~296~~300.
- (2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit.
- (3) Uses and buildings of the city (without storage yards).
- (4) Group day care home for children subject to section 78-294.
- (5) Adult foster care small group home subject to section 78-295.
- (6) Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:
  - a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.
  - b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
  - c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
  - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. All pools and accessory uses shall be constructed in accordance with the State Building Code.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
  - g. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - h. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.

~~(7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~

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

~~b. No building shall be closer than 80 feet to any property line.~~

(8) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation ~~major or collector thoroughfares as designated in the city's master plan~~ and shall further be subject to section 78-2847.

(9) Accessory ~~buildings and~~ uses customarily incident to any of the above special land uses.

(Ord. of 10-6-03)

## Two Family Residential (RT-1) District

### Sec. 78-52. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to section 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

(1) Churches and other facilities normally incidental thereto subject to section 78-~~296300~~.

(2) Parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit section.

(3) Uses and buildings of the city (without storage yards).

(4) Group day care home for children subject to section 78-294.

(5) Adult foster care small group home subject to section 78-295.

**(6)** Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs, all subject to the following conditions:

a. The proposed site, for any of the uses permitted herein, which would attract persons from or are intended to serve areas beyond the immediate neighborhood, shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan.

b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.

c. Off-street parking shall be provided so as to accommodate not less than ½ of the member families and/or individual members. The planning commission may recommend the modification of the off-street parking requirements to the zoning board of appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization and such other information of the organization as determined by the zoning board of appeals shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this chapter, such pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate and in accordance with the state building codes.
  - e. Buildings erected on the premises shall not exceed one-story or 14 feet in height.
  - f. All parking shall be surfaced as required in the general provisions for off-street parking requirements.
  - g. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the planning commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.
- ~~(7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:~~
- ~~a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.~~
  - ~~b. No building shall be closer than 80 feet to any property line.~~
- (8) Bed and breakfast operations shall be located only on major collector, minor arterial, or principal arterial – other as designated by the Michigan Department of Transportation ~~major or collector thoroughfares as designated in the city's master plan~~ and shall further be subject to section 78-287.
- (9) Accessory ~~buildings and~~ uses customarily incident to any of the above special land uses.

(Ord. of 10-6-03; Ord. No. 2012-04, § 5, 11-5-12)

## Multi-Family Residential (RM) District

### Sec. 78-62. Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article 23, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1)** General hospitals not to exceed four stories when the following conditions are met:
- a. All such hospitals shall be developed only on sites consisting of at least five acres in area, and shall not be permitted on a lot or lots of record.
  - b. The proposed site shall have at least one property line abutting a major thoroughfare.
  - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
  - d. Ambulance and delivery areas shall be provided with an obscuring screen in accordance with the provisions of section 78-206. Ingress and egress to the site shall be directly from a major thoroughfare.
  - e. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.



(2) Convalescent or nursing homes, not to exceed a height of two-stories, when the following conditions are met:

- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 800 square feet of open space. The 800 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 800 square-foot requirement is over and above the building coverage area.
- b. No building shall be closer than 40 feet from any property line.

(3) Adult dependent housing or assisted living facilities when the following conditions are met:

- a. Adult dependent housing provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.
- b. The following minimum requirements shall be provided for the elderly unit types permitted in subsection (3)a of this section:

1.	Density	Same as RM-1
2.	Minimum usable floor area, one- and two-bedroom	200 sq. ft. per person occupying each unit
3.	Building and height setbacks and percent coverage of site	Same as RM-1
4.	Off-street parking:	
	Residents	0.5 space/unit
	Guests	0.25 space/unit
5.	Maximum coverage:	
	Building	35%
	Parking	15%
	Open space (min.)	15%

6. Proposed housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.

7. All spacing shall meet the requirements of section 78-191, footnote (d).

- (4) Churches and other facilities subject to section 78-~~296~~300.
- (5) Parochial and private elementary, intermediate, or secondary schools offering courses in general education, not operated for profit.
- (6) Uses and buildings of the city or government.
- (7) Bed and breakfast operations subject to section 78-28~~47~~.
- (8) Adult foster care large group home.
- (9) Adult foster care congregate facility.

(Ord. of 10-6-03; Ord. No. 2012-04, § 6, 11-5-12; Ord. No. 21-03, 11-1-21)

## Mixed Use (MU) District

### Sec. 78-182. Uses permitted subject to special conditions.

- (a) The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:
- (1) Multiple-family dwellings.
  - (2) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
  - (3) Medical office or dental office, including clinics.
  - (4) Facilities for human care such as convalescent homes.
  - (5) Banks, credit unions, savings and loan associations, including drive-through facilities, and similar uses.
  - (6) Private clubs and lodge halls.
  - (7) Off-street parking lots.
  - (8) Business schools or private schools operated for profit.
  - (9) Clinics and veterinary facilities provided there are no outdoor animal runs or other outdoor facilities for animals.
  - (10) Meeting halls and related services.
  - (11) Other uses similar to the above uses.
  - (12) Accessory structures and uses customarily incident to the above permitted uses.
  - (13) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
  - (14) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops, banks and savings and loan offices. Any service establishment of an office-showroom or workshop nature 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: No more than five persons shall be employed at any time in the fabrication, repair and other processing of goods.
  - (15) Restaurants, or other places serving food, except those having the character of a drive-in.
  - (16) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
  - (17) Other uses similar to the above and 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.~~
  - b. All business, servicing or processing except off-street parking or loading, shall be conducted within completely enclosed buildings.
- (18) Accessory ~~structures, uses and signs~~ customarily incidental to the above permitted uses and subject to all requirements of this chapter.

(Ord. of 10-6-03)

### **Sec. 78-289. Commercial outdoor recreation space.**

Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, subject to the following:

- (1) Children's amusement park must be fenced on all sides with a four-foot, six-inch wall or fence.
- (2) Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot, six-inch wall or fence where adjacent to the use.

(Ord. of 10-6-03)

### **Sec. 78-296. Religious institutions.**

- (a) The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and any associated structures utilized for educational purposes:
  - (1) *Lot width.* The minimum lot width for religious institutions shall be 200 feet.
  - (2) *Lot area.* The minimum lot area for religious institutions shall be three acres.
  - (3) *Parking setback.* Off-street parking shall be prohibited in the front setback area and within 15 feet of the rear or side property line.
  - (4) *Building setback.* Religious institutions shall comply with the following building setback requirements:
    - Front yard:* 50 feet
    - Side Yards:* 30 feet
    - Rear yards:* 50 feet
  - (5) *Frontage and access.* Religious institutions shall be located on streets which have a paved road having an existing or proposed right-of-way at least 86 feet.
  - (6) *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in this chapter.
  - (7) ~~Sole use of site~~ Religious institutions and associated educational facilities shall be the sole use of the site and shall not be located in a multi-tenant building.

(Ord. of 10-6-03)

PART II - CODE OF ORDINANCES  
 Chapter 78 - ZONING  
 ARTICLE XX. SITE PLAN REVIEW

## ***ARTICLE XX. SITE PLAN REVIEW***

### **Sec. 78-240. Purpose.**

It is the intent of this article to require site plan review approval prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this chapter.

(Ord. of 10-6-03)

### **Sec. 78-241. General procedures.**

Site plan review shall be conducted by the planning commission with the assistance of the building official and administrative, consulting and technical personnel as may be deemed necessary to properly evaluate a proposed plan. A site plan shall be submitted for review in accordance with the provisions of this chapter and such other rules and procedures established by the city.

(Ord. of 10-6-03)

### **Sec. 78-242. Submitted for approval.**

A site plan shall be submitted to the city for approval of:

- (1) Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 78-271. In those instances where a change in use is proposed that does not require an increase in parking demand, such use shall only require the review of the building official provided, however, the building official may request the review of the planning commission.
- (2) Any use in an RM, OS, B, I or P district lying contiguous to, or across a street from, a single-family residential district.
- (3) Any use or change of use, except single-family or two-family residential.
- (4) All residentially related uses permitted in a single-family district such as, but not limited to, churches, schools and public facilities.
- (5) Site plans for all subdivisions, site condominiums, cluster housing and multiple-family developments involving more than one building.
- (6) Special land uses in all zoning districts.
- (7) Wireless communication towers.
- (8) Any proposal to build, expand, or decrease an off-street parking lot.
- (9) Any request to add a use on an existing site, including expansion in area, volume or intensity of an existing use.
- (10) Any other change in use or development that could affect compliance with the standards set forth in this chapter.

(11) All uses not otherwise included within a specific use district.

The building official shall not issue a building permit for construction of, addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced, or expanded nor shall the building official issue a certificate of occupancy for such use, until a final site plan has been approved and is in effect.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall be commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this article.

For changes of use and site alterations or building expansions, the Planning Commission shall determine the extent of improvement required in relation to the extent of change proposed. In particular the Planning Commission may require changes to improve public safety, closure or redesign of driveways, redesign or resurfacing of parking and loading areas, installation of curbing, replacement or additions to landscaping or screening, upgrades to lighting, relocation and enclosure of waste receptacles, and upgrades to the building exterior.

Site alterations shall rectify or eliminate existing nonconforming site features such as nonconforming landscaping, parking, lighting, drainage, etc. However, the elimination of nonconformities shall be restricted to those areas of the site proposed for alteration and not necessarily the entire site.

(Ord. of 10-6-03; Ord. No. 2012-02, § 3, 1-3-12; Ord. No. 2012-04, § 11, 11-5-12)

#### **Sec. 78-243. Uses exempt from site plan review.**

- (a) No permit shall be issued for any construction, reconstruction, erection, and/or expansion except in accordance with a site plan approved by the planning commission, except as hereafter provided. A site plan approved by the planning commission shall not be necessary for issuing permits in the following circumstances:
  - (1) Construction, reconstruction, erection and/or expansion of a single- or two- family dwelling on a parcel zoned solely for residential purposes.
  - (2) All developments regulated by the Subdivision Control Act of 1967, as amended (MCLA 560.101 et seq.) and the City of Plymouth Subdivision Control Ordinance.
  - (3) Construction solely on the building interior that does not increase usable floor area or increase on site parking requirements.
  - (4) Construction or erection of signs; retaining walls; fences; buffer walls; refuse storage stations; sidewalks; antennas; lights; poles; and cooling, heating, or other mechanical equipment when located on a building or occupying a ground area of less than 100 square feet.
- (b) Site plans not required to be reviewed by the planning commission shall be reviewed by the building official. The building official shall review such plans in accordance with the same procedures, requirements, and standards used by the planning commission.

(Ord. of 10-6-03)

#### **Sec. 78-244. Planned unit developments, site condominiums and condominium subdivisions.**

Site plans shall be required for planned unit developments, site condominiums and condominium subdivisions and shall be subject to the provisions of this article.

(Ord. of 10-6-03)

#### **Sec. 78-245. Application and review procedures for site plan approval.**

- (a) An application provided on a form provided by the city, along with the required fee and ~~14~~ copies of the site plan shall be submitted to the building official.
- (b) ~~Planning commission review.~~ The planning commission, city staff and consultants shall review the site plan and provide comments on its compliance with the site plan approval standards and other sections of this chapter.
- (c) Any applicants for site plan review may elect to submit a preliminary and final site plan concurrently in accordance with the requirements and procedures of this article.

(Ord. of 10-6-03)

#### **Sec. 78-246. Compliance required.**

Every site plan submitted to the city shall be in accordance with the requirements of this chapter and the city's rules and procedures for site plan submittal and review. No site plan shall be approved until same has been reviewed by the building official and administrative and technical personnel for compliance with the standards of this chapter and other requirements of the city.

(Ord. of 10-6-03)

#### **Sec. 78-247. ~~Exceptions~~Information required.**

When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required to review the application. This exception is allowed at the discretion of the community development director.

~~The following information shall be included on the site plan in addition to those items specified in the application for site plan review:~~

- ~~(1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.~~
- ~~(2) Date, north point and scale.~~
- ~~(3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.~~
- ~~(4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
- ~~(5) The location of all existing and proposed drives and parking areas.~~
- ~~(6) The location and right-of-way widths of all abutting streets and alleys.~~
- ~~(7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.~~
- ~~(8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.~~

(Supp. No. 67)

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(Ord. of 10-6-03)

### Sec. 78-248. Site plan review checklist.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

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- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review shall be complied with including the following site plan review checklist below.

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		YES	NO	N/A
1.	Correct scale	[ ]	[ ]	[ ]
2.	Name of person preparing plan*	[ ]	[ ]	[ ]
3.	Date, north point	[ ]	[ ]	[ ]
4.	Property line dimension	[ ]	[ ]	[ ]
5.	Street right-of-way widths	[ ]	[ ]	[ ]
6.	Existing utilities (sewer, water, gas, etc.)	[ ]	[ ]	[ ]
7.	Show adjacent property and buildings	[ ]	[ ]	[ ]
8.	Existing topography, trees and other features	[ ]	[ ]	[ ]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[ ]	[ ]	[ ]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[ ]	[ ]	[ ]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[ ]	[ ]	[ ]
12.	Number of dwelling units per building	[ ]	[ ]	[ ]
13.	Height of structure	[ ]	[ ]	[ ]
14.	Percent one room apartments (efficiencies)	[ ]	[ ]	[ ]
15.	Total number of rooms if multiple-family	[ ]	[ ]	[ ]
16.	Parking requirements met	[ ]	[ ]	[ ]
17.	Number of units and bedrooms each building	[ ]	[ ]	[ ]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[ ]	[ ]	[ ]

(Supp. No. 67)

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19.	Parking lot space dimensions	[ ]	[ ]	[ ]
20.	Loading and unloading space	[ ]	[ ]	[ ]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[ ]	[ ]	[ ]
22.	Utility connections (sanitary sewer, water, storm sewers)	[ ]	[ ]	[ ]
23.	On-site storm water retention	[ ]	[ ]	[ ]
24.	Fire hydrants (on- and off-site)	[ ]	[ ]	[ ]
25.	Sidewalks and elevations	[ ]	[ ]	[ ]
26.	Sedimentation and erosion control plan	[ ]	[ ]	[ ]
27.	Landscape plan showing plant materials to be used	[ ]	[ ]	[ ]
28.	Sign requirements met	[ ]	[ ]	[ ]
29.	Require walls and fences or greenbelts	[ ]	[ ]	[ ]
30.	Corner clearance	[ ]	[ ]	[ ]
31.	Service drive needed	[ ]	[ ]	[ ]
32.	Acceleration lanes and traffic pattern	[ ]	[ ]	[ ]
33.	Trash receptacle locations	[ ]	[ ]	[ ]
34.	Mail box locations	[ ]	[ ]	[ ]
35.	Air conditioner unit locations	[ ]	[ ]	[ ]
36.	Special site features (play areas, pools, etc.)	[ ]	[ ]	[ ]
37.	Handicapped facilities	[ ]	[ ]	[ ]
38.	Building elevation drawings	[ ]	[ ]	[ ]

\*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

(Ord. of 10-6-03)

#### **Sec. 78-249. Factors considered.**

In the process of reviewing the site plan, the following shall be considered:

- (1) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- (2) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
  - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
  - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- (3) The planning commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- (4) In those instances where an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may require marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may require that money be placed in escrow with the city so

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(Supp. No. 67)



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as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the city treasurer.

(Ord. of 10-6-03)

#### **Sec. 78-250. Duration of approval.**

All site plan approvals granted by the planning commission, pursuant to the requirements of this section, shall be for a period of one year from the date of approval. The building official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired.

(Ord. of 10-6-03)

#### **Sec. 78-251. Approval of minor site development plans.**

The city may approve minor site development plan applications when the change will have no effect on the movement of automobiles and persons to and from the property and will not require additional parking spaces, subject to concurrence of the city engineer, chairperson of the planning commission and the city planner. A minor site plan may be applied for any of the following site modifications:

- (1) The proposed addition constitutes less than 1,000 square feet or not more than 20 percent of the existing floor area.
- (2) The building modification or change of use does not require additional off-street parking.
- (3) The building or site modification does not encroach upon an existing parking lot or require the purchase of parking space credits.
- (4) The building or site modification is not adjacent to single-family (R-1) zoned properties.
- (5) A building or site modification will not have a significant impact upon adjoining land uses.

(Ord. of 10-6-03)

#### **Sec. 78-252. Grading.**

Upon request, the building official may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil, the layout of footings and the construction of foundation walls prior to site plan approval, provided:

- (1) A grading plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
- (2) A soil erosion permit, when required, has been secured.
- (3) Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.
- (4) A resolution absolving the city of any liability has been submitted by the applicant and approved by the city.

(Ord. of 10-6-03)

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**Sec. 78-253. Fees.**

Fees for review of expired site plan will be waived in those instances where no substantial change in conditions of the site plan or abutting uses has taken place or a change in zoning standards has been adopted since approval of the site plan. In those instances where conditions have changed, the fee for review of expired site plans or new site plans shall be the same as for the initial submittal.

(Ord. of 10-6-03)

**Secs. 78-254—78-259. Reserved.**

## ARTICLE XXX. – AMENDMENTS

### Sec. 78-424. In general.

- (a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

~~Notification for public hearings shall be in accordance with section 78-377.~~

(b) ~~Petitions/Applications~~ for zoning ordinance amendments ~~or conditional zoning amendments~~ shall be submitted to the ~~community development building~~ department on standard forms provided ~~by the third Tuesday of each month, before the next regularly scheduled planning commission meeting.~~ If the ~~planning commission or building-community development~~ department determines that the application is administratively complete, ~~the planning commission shall set a date for a public hearing shall be set~~ to receive public comment. ~~Notification for public hearings shall be in accordance with section 78-377. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department.~~ A fee ~~schedule~~, as provided by resolution of the city commission, shall be levied against each ~~application petition~~ to ~~covers cover~~ the costs of administering the application, advertising public hearings, consultant review, and other incidental costs ~~relative related~~ to said ~~application petition~~. ~~The building department shall transmit the application to the planning commission.~~

- (c) ~~Required signage.~~ An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more ~~adjacent~~ parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

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- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

#### Sec. 78-425. Rezoning and Map Amendments.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

#### Sec. 78-426. Conditional Rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by

which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

- (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:

- a. A scaled map or drawing of the property.
- b. Existing and proposed uses, buildings, and structures.
- c. Proposed parking arrangements and on-site circulation.
- d. Relationship of the site to adjoining parcels.
- e. Proposed landscape screens, walls, or buffers.
- f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.

- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

- (1) *Other required approvals by the City of Plymouth.*

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.

- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.
- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.
- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.
- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
  - (1) Be prepared in a form recordable with the county register of deeds;
  - (2) Contain a legal description of the land to which it pertains;
  - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
  - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
  - (5) Contain the notarized signatures of all the owners of the property preceded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
  - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and

development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
  - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
  - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

#### Sec. 78-427. Text Amendments.

Consideration of an amendment to this chapter may be initiated upon presentation of a an application ~~petition~~ for amendment by the owner or lessee of real estate affected. Such ~~petition~~ application shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing.

| A period of not less than six months is required between presentation of application petitions ~~for a change of~~ amendments applying to a specific piece of property, where such petition was denied in the first instance.



## Sec. 78-21. 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:

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

- (1) Garages, storage sheds, radio/television antennae.
- (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- (4) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (5) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (6) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (7) Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (8) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (9) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (10) Common household gardening in a residential district when located only in the rear yard and/or non-required side yard areas. For purposes of this chapter, common household gardening shall include the growing of fruits and vegetables for consumption solely by members of the family residing in the dwelling unit located on the same zoning lot.
- (11) Solar panels, private wind energy conversion systems, television reception antennas and air conditioning units, and satellite dish antennas.

*Acoustic music* means music that is solely or primarily uses instruments that produce sound through acoustic means, as opposed to electric or electronic means.

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

- (1) *Adult foster care small group home:* An owner-occupied facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and

board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

- (2) *Adult foster care large group home*: A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (3) *Adult foster care family home*: A private residence with the approved capacity to receive six or fewer adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week and for two or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Adult foster care congregate facility*: An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

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

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

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

*Apartment, efficiency*, is a dwelling unit consisting of not more than one room in addition to a kitchen and necessary sanitary facilities.

*Apartment, one-bedroom unit*, is a dwelling unit containing a minimum floor area of at least 450 square feet, consisting of not more than three rooms in addition to a kitchen and necessary sanitary facilities.

*Apartment, two-bedroom unit*, is a dwelling unit containing a minimum floor area of at least 600 square feet, consisting of not more than four rooms in addition to a kitchen and necessary sanitary facilities.

*Apartment, three-or-more bedroom unit*, is a dwelling unit wherein for each room in addition to the four rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum floor area of 600 square feet.

*Arcade* means a building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations, etc., automatic sport devices or tables or similar activities for hire, or for amusement.

*Architectural features* include, but shall not be limited to steps, window sills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves, pediments, and other similar features.

*Attic, finished* means the area between the roof framing and the ceiling of the rooms below which has been made occupiable through the use of permanent stairs. No finished attics may exceed  $\frac{1}{3}$  of the floor area of the story below.

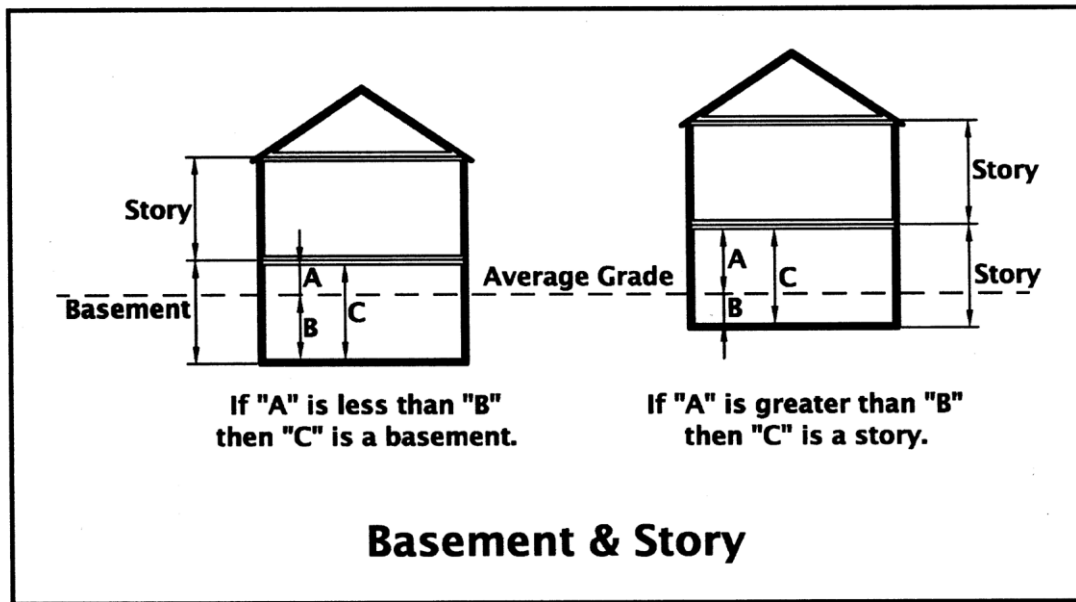
*Automobile convenience mart*. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to public on the premises or in combination with the retailing of items typically found in a convenience market, carry out restaurant or supermarket.

*Automobile repair, major*, means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and painting of automobiles.

*Automobile repair, minor*, means repairs other than major repair including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

*Average grade* means the average elevation of the ground level measured within the front, side, or rear yard, within which a deck patio or terrace is located.

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



*Bed and breakfast operations* provide overnight accommodations and a morning meal in a dwelling unit provided to transient guests for compensation. The bed and breakfast operation shall be subordinate to the single-family use of the dwelling by the owner or primary renter of the premises.

*Berm, obscuring*, means an earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

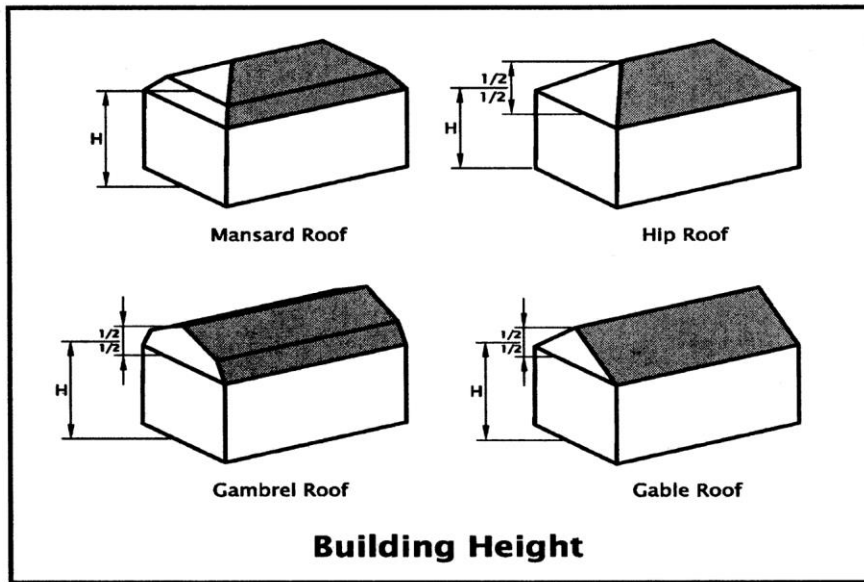
*Billboard shall mean:*

- ~~(1) A poster panel or painted bulletin and includes any structure panel, board or object designed exclusively to support such poster, panel, or a painted bulletin.~~
- ~~(2) A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use or premises wherein it is displayed or posted.~~

*Block* means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

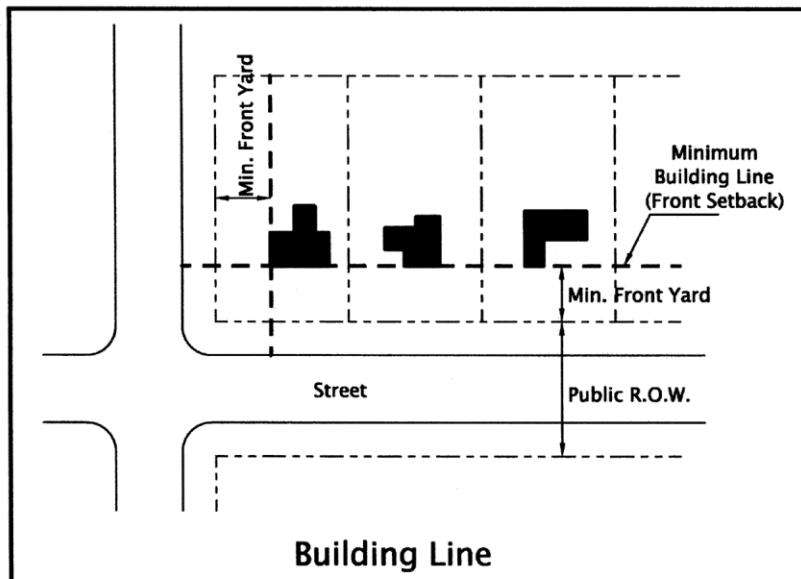
*Building* means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding play structures.

*Building height*



### Building Height

### *Building line*



### Building Line

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

*CBD* means the central business district of the city.

*Change of use* means an alteration of a lot, parcel, or use which is an intensification of land use which requires additional parking or loading and the submittal of a site plan application.

*Child care center:* A state-licensed facility, other than a private residence, receiving one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.

*Children's amusement park* means an outdoor facility with devices for entertainment of small children including rides, games and items for sale.

*Church, synagogue, temple, mosque, or similar religious facility:* Any structure wherein persons regularly assemble for religious activity.

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

*Condominium* is a building or group of buildings in which individual portions thereof are owned by or offered for sale to separate entities, with common elements owned jointly as prescribed by Act No. 229 of the Public Acts of Michigan of 1963 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended.

*Convalescent or nursing home* means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility. Nursing home does not include one or more of the following: (a) A hospital; (b) A veteran's facility created under Act No. 152 of the Public Acts of 1885, being Sections 36.1 to 36.12 of the Michigan Compiled Laws; or (c) A hospice residence.

*Convenience grocery store.* A ~~one-story~~, retail store primarily designed and stocked to sell food, beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop and go traffic.

*Day care facilities.* The following definitions shall apply in the application of this chapter:

- (1) *Family day care home:* A state-licensed, owner-occupied private residence in which one but not more than six minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (2) *Group day care home:* A state-licensed, owner-occupied private residence in which seven but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

*Deck* means a structure for outdoor residential activities greater than 12 inches above the average grade, and constructed on an elevated foundation which may include joists, beams or posts.

~~*Delicatessen* means an establishment where food and beverage items are sold for both off-premises preparation consumption, carry-out and/or on-premises consumption.~~

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

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

*Drive-in* means an establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

*Drive-through* means an establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carrying out and consumption or use after the vehicle is removed from the premises.

*Duplex* means a building divided into two-self-contained dwelling units.

*Dwelling unit* means a building, or portion thereof, designed for occupancy by single-family for residential purposes and having cooking and sanitary facilities.

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

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

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

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

*Essential services* means the erection, construction, alteration, or maintenance of underground, surface, or overhead utilities (such as gas, electrical, steam, fuel, water, sewage, or communications) by public utilities or municipal departments. This shall include components of transmission, distribution, collection, supply, and disposal systems such as poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, and hydrants in connection herewith, but shall not include buildings which are not necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. Essential services shall not include wireless communication facilities.

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

*Extended-stay motel*. Any building containing six or more guest rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves and ovens.

*Family* means a single individual or a number of individuals domiciled together whose relationship is of a continuing domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for the anticipated, limited duration of school terms or other similar determinable period.

*Fence* means a manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon or as defined in the city Code.

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

*Floor area, gross*. (For purposes of computing parking only) Gross floor area shall be the total square footage, measured from the interior surfaces of the exterior walls. Gross floor area shall include all areas within the exterior walls.

*Floor area ratio (FAR)* means the ratio of the floor area of a building to its lot area. For example: when a floor area ratio of 0.4 is specified, the floor area of the building constructed on a lot of 6,000 square feet in area is limited to a maximum of 2,400 square feet (or  $6,000 \times 0.4$  or 2,400). The purpose of this ratio is to control the bulk of buildings based on the size of the lot. FAR for residential buildings is calculated using "residential floor area," as defined in this chapter.

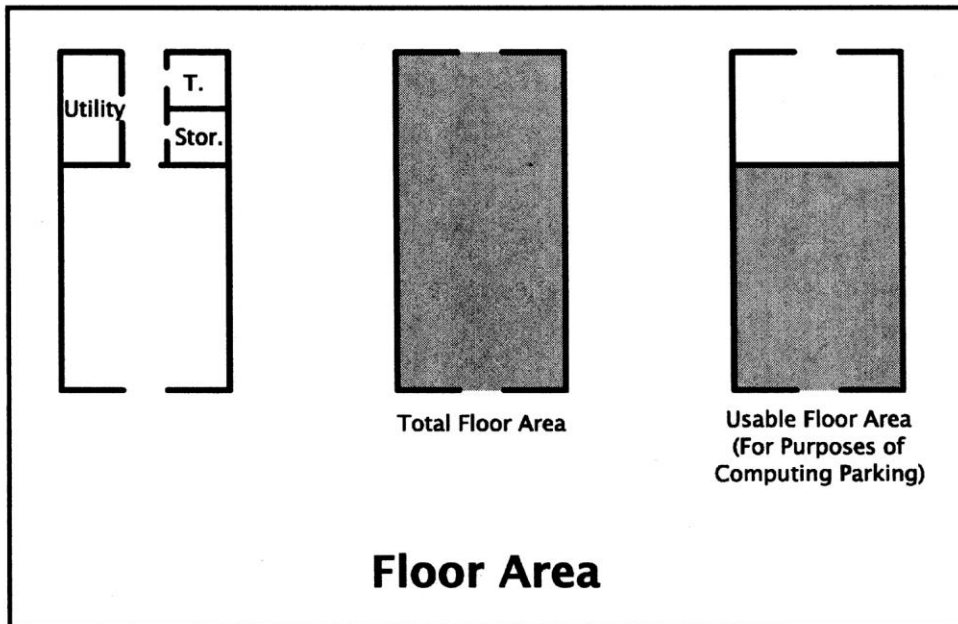
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*Floor area, residential*, means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement shall include any habitable space, bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas, and attached garage. Examples of architectural features that are included or excluded in the FAR calculation are shown in the following table:

## Examples of Architectural Elements Included/Excluded from FAR Calculation

	Architectural Feature	Conditions
	First Story	
<b>Include in FAR:</b>	Upper Story	<ul style="list-style-type: none"> <li>Connected by a fixed stairway to the first story, and               <ol style="list-style-type: none"> <li>With headroom of five (5) feet or more (between top of floor and bottom of rafter), or</li> <li>Which may be made usable for human habitation</li> </ol> </li> </ul>
	Attached Garages	
	Enclosed Porches	
	Accessory Structures (except Detached Garages)	
	Car Ports	
	Porte Cochere	
	Architectural Projections with Floor Area (See Sec. 78-217(2))	
<b>Exclude from FAR:</b>	Basements	
	Unfinished Attics	<ul style="list-style-type: none"> <li>With headroom of less than five (5) feet (between top of floor and bottom of rafter), and</li> <li>Which may NOT be made usable for human habitation</li> </ul>
	Unenclosed Breezeways	
	Unenclosed Porches	
	Detached Garages	

Floor area, usable,





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## Floor Area

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

*Garage sale* means any sale of personal effects, jewelry, household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative and/or agent.

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

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

*Grade* means a reference plane representing the ground level adjoining a building or structure.

*Grade, existing* means the elevation or surface of the ground or pavement as it exists prior to disturbance. This includes both the "natural" grade, where no man-made disturbances have impacted a building site, as well as the existing grade as established by existing buildings, structures and/or pavement.

*Grade, finished* means the final elevation of the ground surface after development.

*Grade plane* means a reference plane representing the average of the existing grades or ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

*Greenbelt* means a planting of trees and shrubs to serve as a screening device between abutting land uses.

*Guarantee* means a cash deposit, certified check, irrevocable bank letter of credit, surety bond or such other instrument acceptable to the city.

*Habitable space* means a space in a structure for living, sleeping, eating, or cooking.

*Home occupation* means an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes and in which no persons are employed at the dwelling other than the residents of the dwelling unit.

*Home improvement center.* A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies and cutlery.

*Hotel, motel* means a building containing primarily rooming units with the number of dwelling units being not greater than ten percent of the total number of rooming units, and, with the exception of the unit occupied by the management staff, used only for the accommodation of transients.

*Housing, dependent,* is a multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit shall not contain cooking facilities, but must contain sanitary facilities.

*Housing, independent,* is a multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.

*Improvements* means those features and actions associated with a project which are considered necessary by the city to protect natural resources or the health, safety and welfare of the residents of the city, and future

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users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is the subject of zoning approval.

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

*kennel, commercial*, means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded or bred and raised for remuneration.

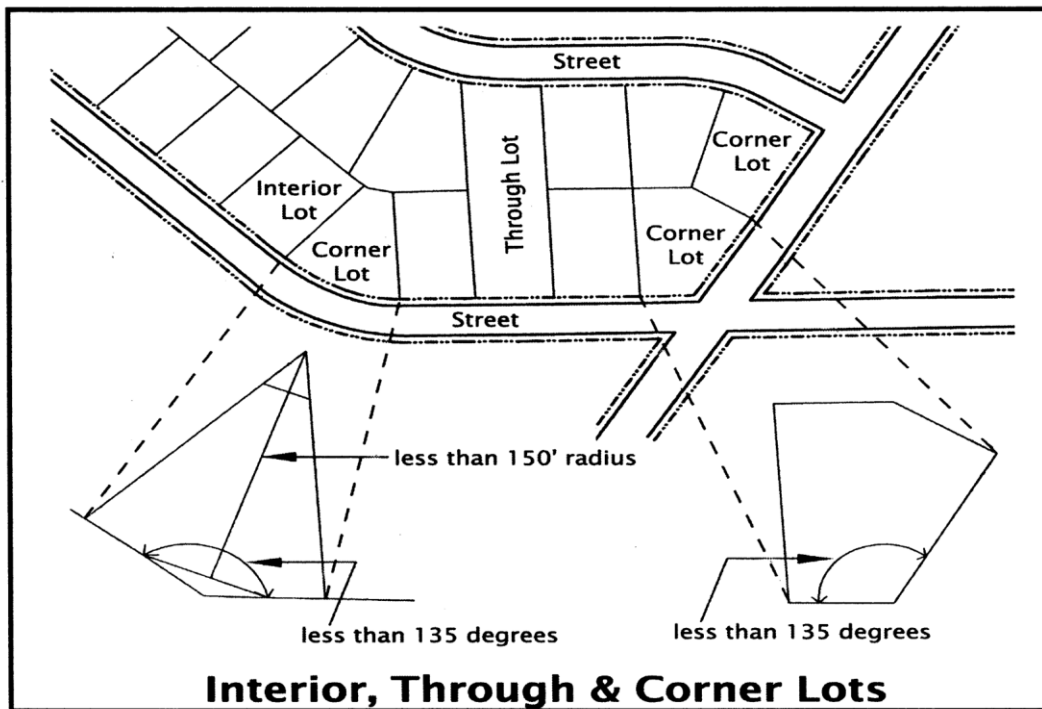
*Landscape area* means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch provided in combination with live plant material.

*Large box retail*. A singular retail or wholesale user, who occupies no less than 70,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale uses can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

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

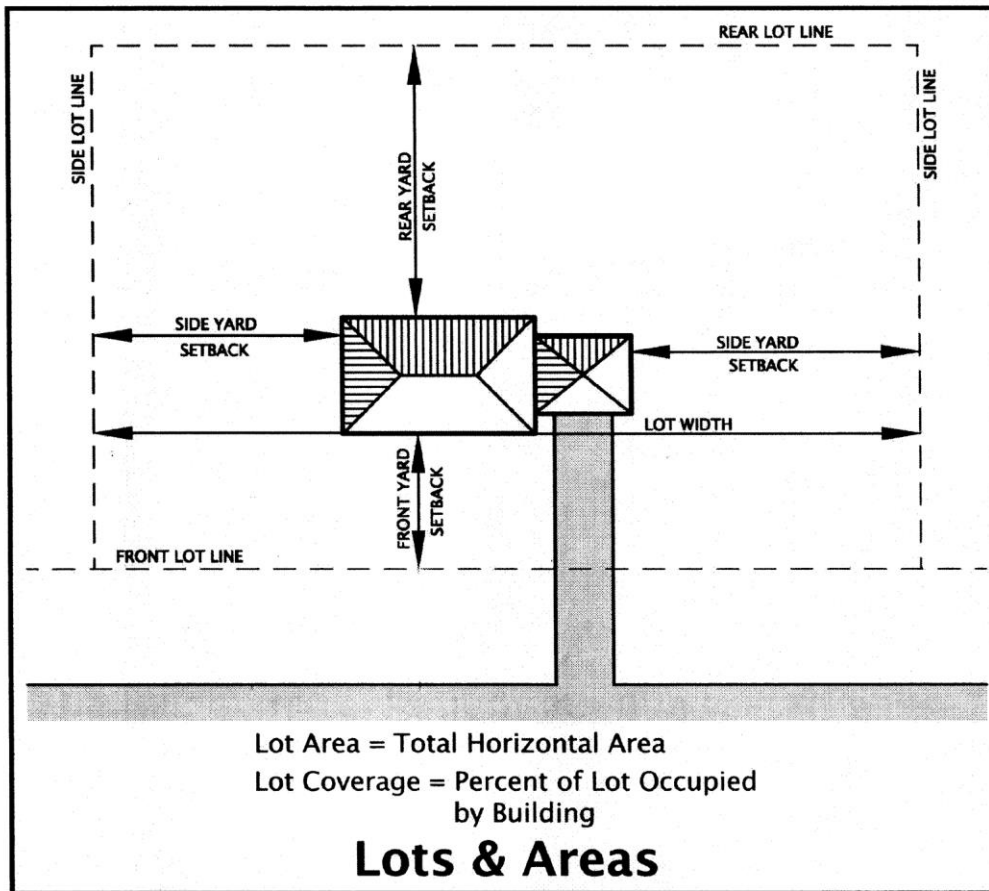
*Loft* means the space between the roof and the floor of the uppermost story. The floor area of a loft is not more than  $\frac{1}{3}$  of the floor area of the story below.

Lot



Interior, Through and Corner Lots

Lot area



### Lots and Areas

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

*Lot coverage* means the part or percent of the lot occupied by buildings including accessory buildings and including but not limited to decks, terraces, pools, outdoor enclosures and similar structures.

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

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

*Lot lines* means the lines bounding a lot as follows:

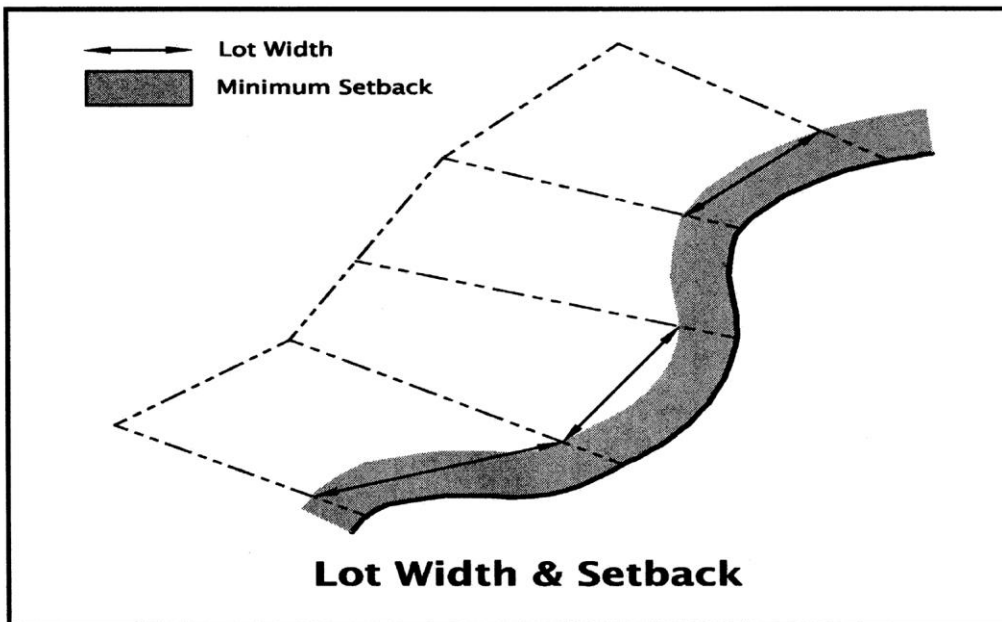
- (1) *Front lot line*, in the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating such lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

- (3) *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot of record* means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

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

#### *Lot width*



#### Lot width and Setback

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

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

*Main use* is the principal use to which the premises are devoted.

*Major thoroughfare* means an arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan as contained within the city master plan. These streets comprise the basic structure of the major thoroughfare plan.

*Master plan* means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

~~*Mechanical amusement device* means any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game, of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports type games, mechanical, electrical, or electronic card games, shooting games, laser tag, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.~~

*Mezzanine* means an intermediate floor in any story occupying not less  $\frac{1}{4}$  of the floor area of such story.

*Mini-storage units* means storage buildings for lease to the general public for the storage of personal and household effects and for dry storage of office or business effects not including the warehousing of products or supplies.

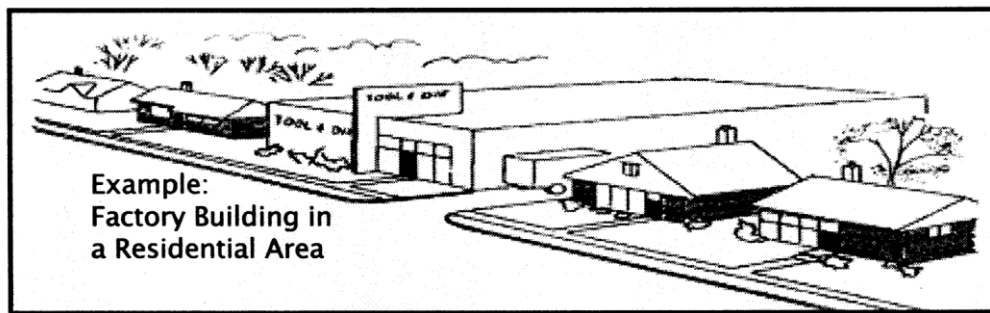
~~*Mobile home/manufactured home* means any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning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

~~*Mobile home park/manufactured home community* means any plot of ground upon which three or more mobile homes, occupied for dwelling or sleeping purposes, are located.~~

*Motel*, see *hotel*, *motel*.

*Nonconforming structure* means a structure, or portion thereof, lawfully existing at the effective date of this chapter (February 11, 1992), or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

*Nonconforming use*



Nonconforming Use

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

*Nursery school* means a facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the state.

*Nursing home* means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility. Nursing home does not include one or more of the following: (a) A hospital; (b) A veteran's facility created under Act No. 152 of the Public Acts of 1885, being Sections 36.1 to 36.12 of the Michigan Compiled Laws; or (c) A hospice residence..

*Nuisance factors* means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people; particularly at night;
- (14) Passenger traffic;
- (15) Invasion of non-abutting street frontage by traffic;
- (16) A burned structure,;
- (17) A condemned structure.

*Obscuring screen* means a barrier constructed for the purpose of controlling sound or view. Requirements for use of and permitted forms of obscuring screens are contained in section 78-206.

*Occupancy* means any act by an owner or lessee to initiate or continue the proposed and intended use of a structure.

*Occupiable space* means a space within a structure used for bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas.

*Off-street parking lot* means a facility providing off-street vehicular parking spaces and drives or aisles for the parking of vehicles.

*Open storage* means the storage of any materials or objects outside the confines of a building.

*Outdoor dining patio* means a temporary, street level, exterior area, adjacent to an existing restaurant, generally located in the right-of-way, that is used for seated consumption of food and/or beverages that is operated by the adjacent restaurant and is accessory to the restaurant use.

*Outdoor enclosure* means a permanent covered structure used for outdoor activities, such as a gazebo, porch, or screened enclosure.

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

*Patio* means a hard-surfaced area or structure not more than 12 inches above the average grade.

*Permeable pavement* means paving material that absorbs water or allows water to infiltrate through the paving material and then drains directly into the ground. This definition includes permeable pavers, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, porous asphalt, and other material with similar characteristics.

*Personal service establishment* means a facility used primarily for the provision of personal services to an individual which are related to care and appearance of the body, or the cleaning or repair of privately owned items normally worn or carried on the person.

*Porte cochere* means an unenclosed, roofed structure located on the same lot, which extends from the principal dwelling over an adjacent driveway that is designed to let vehicles pass under and used for the shelter of those getting in and out of vehicles.

*Principal use* means the main use to which the premises are devoted and the principal purpose for which the premises exist.

*Private surface parking lot* means private parking located at ground level.

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

*Quadplex* means a building divided into four self-contained dwelling units.

*Recreation/utility vehicle*: shall include the following:

- (1) *Boats and boat trailers*: "boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (2) *Folding tent trailer*: A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) *Motor home*: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) *Other equipment*: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, dump trailers plus the normal equipment to transport them on the highway.
- (5) *Pickup camper*: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) *Travel trailer*: A portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

*Restaurant*. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- (1) *Restaurant, carry-out*: A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (2) *Restaurant, drive-in*: A drive-in restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to or



permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

- (3) *Restaurant, fast-food:* A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) *Restaurant, standard:* A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (5) *Bar/lounge:* A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

*Retail establishment* means a commercial business facility that sells goods directly to consumers.

*Right-of-way.* A legal right of passage over real property, typically associated with roads and railroads.

*Rooftop dining* means a temporary, exterior area, located on the roof of an existing restaurant at least one story above grade, that is used for seated consumption of food and/or beverages and is operated by the underlying restaurant and is accessory to the restaurant use.

*Room* means, for the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room or bedroom, equal to minimum standards as required by the State of Michigan Building and Residential Codes. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

*Rooming unit* means any room or group of rooms forming a single habitable unit, used for living and sleeping, but which does not contain cooking or eating facilities.

~~*Rooming house* means a building other than a hotel-motel where, for compensation and by prearrangement for a definite period, lodging and meals are provided for more than two persons.~~

*Satellite dish* means a structure designed, intended or used to receive communications or other signals from geostationary, communications satellites or other extraterrestrial sources.

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

*Shopping center.* More than one commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

*Sign* means any display or object which is primarily used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location or otherwise, or any religious, political, social, ideological or other message, by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.

For purposes of this chapter, sign shall also include the following terms:

- (1) *Sign, abandoned* means a sign which, for 90 consecutive days, fails to direct a person to or advertises a bona fide business, tenant, owner, product or activity conducted, or product available on the premises where such sign is displayed.

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- (2) *Sign area per business site* means the allowable signage allocated to a building with one or more tenants who each have a separate means of ingress and egress. Multi-tenant buildings with a shared means of ingress and egress shall be considered one business site.
  - (3) *Sign, awning* means a sign which is applied to or attached flat against the surface of an awning or canopy.
  - (4) *Sign, banner* means a sign of lightweight fabric or similar material, but not including paper or cardboard, which can be easily folded or rolled.
  - (5) *Sign, bench* means an advertising sign placed upon a bench or other seating structure.
  - (6) *Sign, changeable copy (electronic)* means a sign or portion thereof that displays changeable, electronic alphanumeric characters, graphics, or symbols using light emitting displays, fiber optics, light bulbs or other illumination devices within the display area, and are generally manipulated by computer programmable, microprocessor controlled devices. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. A sign on which the only copy that changes is an electronic indication of time or temperature shall be considered a "time and temperature" portion of a sign and not an electronic changeable copy sign for purposes of this article.
  - (7) *Sign, changeable copy (manual)* means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by hand without altering the structural integrity of the sign.
  - (8) *Sign, channel letter* means individual channel letters that are mounted on a building so that the face of the letter is parallel to the building wall.
  - (9) *Sign, directional* means a sign which indicates the route or location of facilities, services, or activities which are of public interest, and signs denoting the direction of vehicular traffic.
  - (10) *Sign, directory* means a sign that displays the tenant names and locations for a building containing multiple tenants.
  - (11) *Sign, feather flag* means a portable sign of fabric or similar lightweight material that contains a harpoon-style pole or staff driven into the ground for support, supported by means of an individual stand, or attached to a building.
  - (12) *Sign, festoon* means banners, pennants, or other such temporary features which are hung or strung overhead and which are not an integral, physical part of the building or structure they are intended to serve.
  - (13) *Sign, flag* means any fabric or similar lightweight material attached at no more than two corners of the material so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. If any dimension of a flag is more than three times as long as any other dimension, it shall be regulated as a banner.
  - (14) *Sign, flashing, animated or moving* means a sign that has intermittently reflecting lights, or signs which have movement of any illumination such as intermittent, flashing, scintillating, or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources. This would include, but not be limited to, electronic or digital displays.
  - (15) *Sign, ground* means a sign which is attached to or part of one or two posts permanently mounted in or on the ground or mounted on a solid base that is on the ground and is not attached to any building or structure.
  - (16) *Sign, hanging* means a sign mounted on the first floor of a building perpendicular to the building facade wall, hung from a metal bracket in a manner that permits it to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides.

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- (17) *Sign, inflatable* means a sign, figure or object that is either expanded to its full dimensions or supported by gases or liquids contained within the sign, figure or object, or part, at a pressure greater than atmospheric pressure.
  - (18) *Sign, marquee* means a sign attached to or part of a permanent roof-like structure projecting above the entrance to a place of assembly, attached to and supported by the building and projecting beyond the wall of the building. These signs are typically manual changeable copy signs.
  - (19) *Sign, menu board or order board* means a sign which serves patrons using a drive-through facility.
  - (20) *Sign, neon* means an internally illuminated sign consisting of glass tubing, filled with neon or another gas, which glows when electric current is sent through it, including faux or simulated neon.
  - (21) *Sign, nonconforming* means any sign which was lawfully erected and maintained prior to the effective date of this ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.
  - (22) *Sign, off-premises* means a sign other than an on-premises sign.
  - (23) *Sign, on-premises* means a sign which advertises only goods, services, facilities, events, or attractions on the contiguous land in the same ownership or control which is not divided by a public street and is located on said land.
  - (24) *Sign, permanent* means any sign that is constructed or intended for long-term use and is permanently affixed to its location.
  - (25) *Sign, pole* means a sign mounted on a freestanding pole(s) or other support(s) with a clear space of eight feet or more between the bottom of the sign face and the grade below.
  - (26) *Sign, projecting* means a sign other than a wall sign that is perpendicularly attached to and projects from a structure or building wall not specifically designed to support the sign.
  - (27) *Sign, roof* means a sign which is erected, constructed, and maintained wholly upon or over the roof of any building, with its principal support on the roof structure. For purposes of this section, any architectural element which is used on the wall of a structure to give the appearance of a roof line similar to a mansard, gambrel or other roof type, shall be considered a roof. A vertical plane or fascia which is attached to and located below the angled plane of a slope roof and which is less than six inches in height shall be considered part of a roof.
  - (28) *Sign, sidewalk* means a sign that is freestanding, double-sided sign with lettering painted or applied to the surface, placed at the entrance to a building in a primarily pedestrian environment. This type of sign may include but isn't limited to "A"-frame signs.
  - (29) *Sign, temporary* means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or building.
  - (30) *Sign, vehicle business* means a sign applied or attached to a vehicle which is parked or placed upon premises primarily for purposes of advertising the business or product for sale on the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.
  - (31) *Sign, wall* means a sign which is applied or attached directly to the building wall.
  - (32) *Sign, window* means a sign that is applied, painted, posted, displayed, or etched onto a glazed surface, regardless of opacity or perforation, so that its primary purpose is to be observed from outside the building.

*Single housekeeping unit* means all of the associated rooms in a dwelling unit available to and occupied by all of the occupants with a single set of cooking facilities also available to and utilized by all of the occupants of the dwelling unit.

*Site condominium.* A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- (1) *Condominium Act:* Act 59, Public Acts of 1978, as amended.
- (2) *Condominium documents:* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) *Condominium lot:* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- (4) *Condominium unit:* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) *General common elements:* The common elements other than the limited common elements.
- (6) *Limited common elements:* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (7) *Master deed:* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

*Sixplex* means a building divided into six self-contained dwelling units.

*Stacked flat* means a building containing two or more dwelling units with at least one unit entirely or partially above another.

*Story* means that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. (See illustration for "story" following the definition for "basement" in this Section.)

*Story, half,* means an uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

*Street* means a dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

*Temporary use or building* means a use or building permitted by the zoning board of appeals to exist during a specified period of time.

*Terrace* means a hard surfaced area for outdoor residential activities raised over 12 inches or more above the average grade, and constructed with an earth embankment or a retaining wall.

*Townhome/rowhouse* means a building containing three or more dwelling units arranged side by side, ~~separated from each other by a firewall~~ and having separate direct means of egress and ingress to each unit from the outside.

*Transition* means a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

*Triplex* means a building divided into three self-contained dwelling units.

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

*Wall, obscuring*, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

*Wind energy conversion system (WECS)* shall mean any device such as a wind charger, windmill or wind turbine that converts wind energy to a form of usable energy.

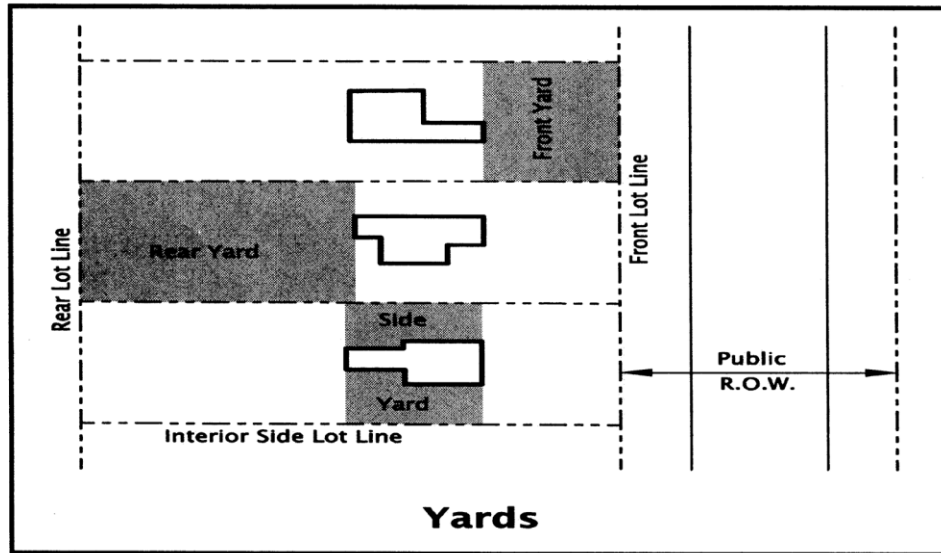
- (1) *Private WECS* shall mean any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS* shall mean any WECS that is designed and built to provide electricity primarily to the electric utility's power grid.

*Wireless communications facilities or facility* shall mean all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals or other wireless communications services, and include wireless communications equipment, wireless communications support structures, and wireless communications equipment compounds, as defined herein. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, shortwave receiving facilities, amateur (ham) radio facilities, private/stand-alone satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined:

- (1) *Attached wireless communications facilities* shall mean wireless communications equipment attached to an existing wireless communications support structure or in an existing wireless communications equipment compound.
- (2) *Substantial change in physical dimensions* means one or more modifications of the height, width, length, or area of a wireless communications facility at a location, the cumulative effect of which is to materially alter or change the appearance of the wireless communications facility.
- (3) *Wireless communications equipment* means the equipment and components, including antennas, transmitters, receivers, base stations, equipment shelters or cabinets, emergency generators and power supply, coaxial and fiber optic cables used in the provision of wireless communications services, but excluding wireless communication support structures.
- (4) *Wireless communications equipment compound* means a delineated area surrounding or adjacent to the base of a wireless communications support structure within which any wireless communications equipment related to that support structure is located.
- (5) *Wireless communications support structures or support structures* shall mean structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include but shall not be limited to monopoles, lattice towers, utility poles, wood poles, and guyed towers, buildings, or other structures with such design or capability.
- (6) *Collocation* shall mean the location by two (2) or more wireless communication providers of wireless communication equipment on a common wireless communication support structure.

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

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



(Ord. of 10-6-03; Ord. No. 06-03, § 1, 9-5-06; Ord. No. 2007-01, § 2, 5-21-07; Ord. No. 2010-02, §§ 2, 3, 4-5-10; Ord. No. 2012-02, § 2, 1-3-12; Ord. No. 2012-04, § 4, 11-5-12; Ord. No. 2014-03, §§ 2, 3, 2-17-14; Ord. No. 2014-05, § 2, 6-2-14; Ord. No. 16-02, § 2, 7-18-16; Ord. No. 16-06, § 1, 10-17-16; Ord. No. 2017-01, § 1, 1-3-17; Ord. No. 2017-01(A), § 1, 8-21-17; Ord. No. 2020-01, 3-2-20; Ord. No. 2020-04, 9-21-20; Ord. No. 21-03, 11-1-21; Ord. No. 22-04, 12-19-22; Ord. No. 23-01, 1-17-23)